

1987, chapter 57
**AN ACT RESPECTING ELECTIONS AND
REFERENDUMS IN MUNICIPALITIES**

Bill 100

Introduced by Mr André Bourbeau, Minister of Municipal Affairs

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Acts amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Act respecting municipal contribution to railway crossing protection (R.S.Q., chapter A-15)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Cities and Towns Act (R.S.Q., chapter C-19)

Code of Civil Procedure (R.S.Q., chapter C-25)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting the Commission municipale (R.S.Q., chapter C-35)

Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)

Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)

Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)

Municipal Franchises Act (R.S.Q., chapter C-49)

Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

(Cont'd on next page)

Acts amended (Cont'd):

Act respecting municipal and school debts and loans (R.S.Q., chapter D-7)
Election Act (R.S.Q., chapter E-3.2)
Public Officers Act (R.S.Q., chapter E-6)
Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Education Act (R.S.Q., chapter I-14)
Electricity Municipalization Act (R.S.Q., chapter M-38)
Act to promote the regrouping of municipalities (R.S.Q., chapter R-19)
Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1)
Municipal Works Act (R.S.Q., chapter T-14)
Act respecting sales of municipal public utilities (R.S.Q., chapter V-4)
Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)
Mining Towns Act (R.S.Q., chapter V-7)
Temperance Act (R.S.Q., 1964, chapter 45)
Act respecting the Société de transport de la Ville de Laval (1984, chapter 42)
Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32)
Charter of the City of Québec (1929, chapter 95)
Charter of the City of Montréal (1959-60, chapter 102)

Acts repealed:

Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1)
Act respecting municipal bribery and corruption (R.S.Q., chapter F-6)



CHAPTER 57

An Act respecting elections and referendums in municipalities

[Assented to 23 June 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

MUNICIPAL ELECTIONS

CHAPTER I

SCOPE

Scope

1. This Title applies to all municipalities except regional county municipalities, northern village municipalities, Cree or Naskapi village municipalities or any municipality whose council, according to the Act establishing or governing the municipality, is not composed of persons elected by its citizens.

CHAPTER II

REGULAR ELECTIONS

Regular
election

2. An election shall be held every four years for all the offices on the council of a municipality.

Exception

Notwithstanding the foregoing, in a municipality where a by-law to that effect is in force on 31 December 1987, an election shall be

held every second year for the purpose of electing persons to one-half of the offices held by councillors, and every four years for the purpose of electing a person to the office of mayor, so as to allow each office to be open for nominations every four years.

General
election

The process by which persons are declared elected to the offices then open for nominations constitutes a regular election. The regular election at which all the offices on the council are open for nominations constitutes a general election.

First gen-
eral election

Where the by-law referred to in the second paragraph is repealed, the first general election shall be held in the calendar year in which the next regular election for the office of mayor is to be held.

Polling date

3. The polling date for a regular election is the first Sunday in November.

CHAPTER III

DIVISION OF TERRITORY FOR ELECTION PURPOSES

DIVISION I

MUNICIPALITIES REQUIRED TO DIVIDE THEIR TERRITORIES INTO ELECTORAL DISTRICTS

Electoral
districts

4. Every municipality having a population of 20 000 or over on 1 January of the calendar year preceding the year in which a general election is to be held must divide its territory into electoral districts.

Smaller mu-
nicipalities

The same rule applies to any other municipality that, on 31 December 1987, was required to divide or had divided its territory into electoral districts.

By-law

5. Any municipality that is not required to divide its territory into electoral districts may submit itself to that requirement by by-law of its council passed by a two-third majority of its members, which must, under pain of nullity, come into force during the second calendar year preceding that in which a general election must be held.

Copy to
Minister

As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Minister of Municipal Affairs and to the Commission de la représentation.

Permanent
requirement

6. A municipality that is required, by operation of law or after voluntarily submitting itself to the requirement, to divide its territory into electoral districts for the purposes of a general election shall be under the same requirement for the purposes of all subsequent general elections.

Exemption

7. The Minister of Municipal Affairs may, upon an application, exempt a municipality having a population of under 20 000 from the requirement of dividing its territory into electoral districts, on the terms and conditions he determines, and he may withdraw the exemption in the same manner.

Increase in
population

The exemption ceases to have effect where the municipality is again required to divide its territory into electoral districts because its population has reached 20 000 or because it has submitted itself to the requirement.

Publication
of notice

The Minister shall publish notice of the exemption, of its withdrawal or of the cessation of its effect in the *Gazette officielle du Québec* and transmit a copy thereof to the Commission de la représentation.

Districts
only

8. For election purposes, a municipality shall divide its territory into electoral districts only.

DIVISION II

NUMBER AND CHARACTERISTICS OF ELECTORAL DISTRICTS

Number of
districts

9. The number of electoral districts of a municipality shall be

- (1) not fewer than 6 nor more than 8 if its population is under 20 000;
- (2) not fewer than 8 nor more than 12 if its population is 20 000 or over but under 50 000;
- (3) not fewer than 10 nor more than 16 if its population is 50 000 or over but under 100 000;
- (4) not fewer than 14 nor more than 24 if its population is 100 000 or over but under 250 000;
- (5) not fewer than 18 nor more than 36 if its population is 250 000 or over but under 500 000;
- (6) not fewer than 30 nor more than 90 if its population is 500 000 or over.

Population The population of a municipality is its population on the date of passage, as provided in section 14, of the draft by-law dividing its territory into electoral districts.

Special authorization **10.** The Minister of Municipal Affairs may, upon an application, authorize a municipality to divide its territory into a smaller number of electoral districts than the minimum number or into a greater number than the maximum number.

Publication The Minister shall publish notice of the authorization in the *Gazette officielle du Québec* and transmit a copy thereof to the Commission de la représentation.

Delimitation of districts **11.** The electoral districts shall be delimited in such a manner as to ensure that each has the greatest possible socioeconomic homogeneity, taking into account criteria such as physical barriers, population trends, parish boundaries, size and distance.

Number of electors **12.** Each electoral district shall be delimited in such a manner that, according to the list of electors of the municipality, the number of electors in the district is not more than 15 % above or below the quotient obtained by dividing the total number of electors of the municipality by the number of districts. The percentage shall be 25 % in the case of a municipality having a population of under 20 000 on the date of passage of the draft by-law dividing its territory into electoral districts.

Approval of Commission A municipality may make exceptions to the first paragraph; the by-law dividing its territory into electoral districts shall then be submitted to the Commission de la représentation for approval.

DIVISION III

PROCEDURE OF DIVISION INTO ELECTORAL DISTRICTS

Interpretation **13.** For the purposes of this division, the population of a municipality is its population on the date of passage of the draft by-law dividing its territory into electoral districts, and an elector is a person whose name is entered on its list of electors.

Draft by-law **14.** The council of a municipality required to divide its territory into electoral districts shall, by resolution, after 1 January of the calendar year preceding that in which the general election for which the division is required must be held, pass a draft by-law effecting the division.

Copy to Commission As soon as practicable after passage of the draft by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission de la représentation.

Content **15.** The draft by-law shall describe the boundaries of the proposed electoral districts, using the names of thoroughfares wherever possible, and it shall indicate the number of electors included in each district.

Map The draft by-law shall also include a map or a sketch of the proposed districts.

**Publication
of notice** **16.** Within fifteen days of passage of the draft by-law, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

(1) the object of the draft by-law;

(2) the description of the boundaries of the proposed electoral districts;

(3) the number of electors included in each proposed electoral district;

(4) the place, days and hours for examining the draft by-law;

(5) every elector's right to inform the clerk or the secretary-treasurer in writing of his objection to the draft by-law within fifteen days of publication of the notice;

(6) the address to which objections must be sent;

(7) the number of objections required to oblige the council to hold a public meeting to hear the persons present in respect of the draft by-law.

Map In the case of a municipality having a population of 20 000 or over, the notice shall include a map or a sketch of the proposed electoral districts.

Objection **17.** Within fifteen days of publication of the notice, every elector may inform the clerk or the secretary-treasurer in writing of his objection to the draft by-law.

**Public
meeting** **18.** The council shall hold a public meeting to hear the persons present in respect of the draft by-law if the number of objections received within the prescribed time is equal to or exceeds

(1) 100 in the case of municipalities having a population of under 20 000;

(2) five times the total number of full blocks of 1 000 inhabitants in the case of municipalities having a population of 20 000 or over but under 100 000;

(3) 500 in the case of municipalities having a population of 100 000 or over.

Notice of
meeting

19. Not later than ten days before the public meeting, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice indicating the place, day, time and purpose of the meeting, and transmit a copy thereof to the Commission de la représentation.

Council
sitting

20. The public meeting does not constitute a sitting of the council.

Attendance

A majority of the members of the council and the clerk or the secretary-treasurer shall attend the meeting.

Conduct of
meeting

The meeting shall be presided over by the mayor or, where he is unable to act or where the office of mayor is vacant, by one of the council members present designated by them. The designated member may maintain order in the same manner as the chairman of a sitting of the council and has the same powers.

Representa-
tions

The persons present may make representations verbally or table documents. The documents shall be treated as if they had been tabled at a sitting of the council.

Minutes

The clerk or the secretary-treasurer shall draw up the minutes of the meeting.

Passage of
by-law

21. The council of the municipality shall pass a by-law dividing its territory into electoral districts after the expiry of the time in which electors may make objections to the draft by-law or after the day of the public meeting, as the case may be, but before 1 June of the calendar year preceding that in which the general election for which the division is required is to be held.

Copy to
Commission

As soon as practicable after passage of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission de la représentation.

Publication
of notice

22. Where the council is obliged to hold a public meeting in respect of the draft by-law, the clerk or the secretary-treasurer, within fifteen days after passage of the by-law, shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

- (1) the object of the by-law;
- (2) the description of the boundaries of the proposed electoral districts;
- (3) the number of electors included in each proposed electoral district;
- (4) the place, days and hours for examining the by-law;
- (5) every elector's right to inform the Commission de la représentation in writing of his objection to the by-law within fifteen days of publication of the notice;
- (6) the address to which objections must be sent;
- (7) the number of objections required to oblige the Commission to hold a public meeting to hear the persons present regarding the by-law.

Map In the case of a municipality having a population of 20 000 or over, the notice shall include a map or a sketch of the proposed electoral districts.

Copy to
Commission Within five days of publication of the notice, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission, with an attestation of its date of publication.

Objection **23.** Within fifteen days of publication of the notice, every elector may inform the Commission in writing of his objection to the by-law.

Transmis-
sion to
municipality **24.** The Commission shall inform the municipality in writing of any objection received within the prescribed time.

Public
meeting **25.** The Commission shall hold a public meeting to hear the persons present in respect of the by-law, if the number of objections received within the prescribed time is equal to or exceeds the number needed under section 18 to require the holding of a public meeting of the council in respect of the draft by-law.

Notice of
meeting **26.** Not later than ten days before the public meeting, the Commission shall publish, in a newspaper having general circulation in the municipality, a notice indicating the place, day, time and purpose of the meeting and transmit a copy thereof to the municipality.

Right to be
heard **27.** The municipality is entitled to be heard at the public meeting held by the Commission.

Representations	The persons present may make representations verbally or table documents.
Recommendations	28. The Commission shall, after the public meeting, transmit its recommendations to the municipality.
Publication	The municipality shall make the recommendations public in the manner determined by the Commission.
Order	The Commission may order the municipality to make, within such time as it may fix, any amendment to the by-law necessary to give effect to the recommendations it indicates.
New by-law	29. The council of the municipality shall, within the time fixed by the Commission, pass a new by-law incorporating the amendments indicated in the order and repealing the original by-law. The council is not required to pass a draft by-law if the new by-law incorporates no other amendments than those recommended.
Coming into force	30. The by-law dividing the territory of the municipality into electoral districts must come into force, in accordance with the Act governing the municipality, before 1 November of the calendar year preceding that in which the general election for which the division is required is to be held.
Copy to Commission	As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission.
Division by Commission	31. The Commission shall divide into electoral districts the territory of a municipality whose council has not passed a by-law to that effect within the time prescribed in section 21 or by the Commission, as the case may be.
By-law not in force	Where the council has passed the by-law but has not put it into force within the time prescribed in section 30, the Commission shall make the division or put the by-law into force.
Late passage	Notwithstanding the foregoing, the council may, even after the expiry of the prescribed time, pass the by-law or put it into force so long as the division made by the Commission has not come into force or the by-law has not been put into force by the Commission.
Public meeting	Before making a decision under this section, the Commission may hold a public meeting to hear the persons present in respect of the division into districts it proposes or the by-law of the municipality, as the case may be.

- Copy of decision** **32.** The Commission shall transmit to the municipality a certified copy of the decision whereby the division into electoral districts is effected or the by-law of the municipality is put into force.
- Publication of notice** **33.** The Commission shall publish a notice of its decision in a newspaper having general circulation in the municipality.
- Content** The notice shall set forth
- (1) the object of the decision whereby the division into electoral districts is effected by the Commission, or the object of the by-law of the municipality, as the case may be;
 - (2) the description of the boundaries of the electoral districts;
 - (3) the date on which the decision is made or the by-law is passed, as the case may be;
 - (4) the place, days and hours for examining the decision or the by-law, as the case may be.
- Map** In the case of a municipality having a population of 20 000 or over, the notice shall include a map or a sketch of the electoral districts.
- Coming into force** **34.** A division into electoral districts effected by the Commission or a by-law put into force by the Commission, as the case may be, comes into force on the day of publication of the notice.
- Costs** **35.** The costs relating to a division into electoral districts effected by the Commission shall be borne by the municipality.
- Applicability** **36.** The division into electoral districts applies for the purposes of the first general election following the coming into force of the by-law of the municipality or of the decision of the Commission, as the case may be. It also applies for the purposes of any subsequent by-election held before the second general election following the coming into force of the by-law or decision.
- No recourse** **37.** Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be taken nor any injunction granted against the Commission or any of its members or employees acting in the performance of their duties.
- Annulment** A judge of the Court of Appeal may, on motion, summarily annul any writ, order or injunction issued contrary to the first paragraph.

Access to
documents

38. The Commission or any of its members or employees may, in the performance of their duties, examine any document held by a municipality and obtain copy of it free of charge.

Duties of
chairman

39. The chairman of the Commission shall coordinate and distribute the work of the members of the Commission.

Delegation
of powers

Any member of the Commission designated by the chairman for that purpose may exercise any power or perform any duty indicated by the chairman.

Delegation
of powers

40. The Commission may, in respect of a municipality having a population of under 20 000, delegate the exercise of any power or the performance of any duty it indicates to any person it designates for that purpose.

Publication

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

DIVISION IV

MUNICIPALITIES WHOSE TERRITORY
IS DIVIDED INTO WARDSMunicipal
wards

41. A municipality that is not required to divide its territory into electoral districts may maintain the division into wards existing on 31 December 1987.

CHAPTER IV

COMPOSITION OF THE COUNCIL

Composition
of council

42. The council of a municipality whose territory is divided into electoral districts shall be composed of the mayor and one councillor for each electoral district.

Composition
of council

43. The council of a municipality whose territory is divided into wards shall be composed of the mayor and the number of councillors prescribed for each ward by the Act, letters patent, by-law or other juridical instrument governing the municipality in that respect.

Composition
of council

44. The council of a municipality whose territory is not divided for election purposes shall be composed of the mayor and six councillors.

Application
for excep-
tion

45. On the application of a municipality whose territory is not divided for election purposes, the Minister of Municipal Affairs may

fix, on the terms and conditions he determines, a number of councillors under or over six.

Ministerial
order

In similar manner, the Minister may order the number of councillors of the municipality again fixed at six.

Notice of
decision

The Minister shall publish a notice of his decision in the *Gazette officielle du Québec*.

Numbering
of seats

46. The council of a municipality whose territory is not divided for election purposes shall assign a number to the seat of each councillor.

Numbering
of seats

The council of a municipality whose territory is divided into wards shall assign a number to the seat of each councillor in each ward for which there is more than one councillor.

Temporary
numbering

Until the council numbers the seats, each seat shall be numbered according to the alphabetical order of the names of the councillors in office on 31 December 1987 and of the last persons who held the seats that are vacant on that date.

CHAPTER V

PARTIES TO AN ELECTION

DIVISION I

ELECTORS

Qualification
as elector

47. Every person of full age, being a Canadian citizen and being neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act (R.S.Q., chapter P-41), nor under the protection of the Public Curator, nor under any voting disqualification pursuant to section 53 is an elector of a municipality upon fulfilling one of the following three conditions for at least twelve months:

(1) he is domiciled in the territory of the municipality,

(2) he is the owner of an immovable situated in the territory, within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or

(3) he is the occupant of a place of business situated in the territory, within the meaning of the Act respecting municipal taxation.

Domicile

48. The domicile of a person is as provided in the Civil Code for all civil purposes.

Presumption Notwithstanding the foregoing, a person who has left his principal establishment in Québec for more than one year is deemed to have changed his domicile, except where he carries on duties outside Québec on behalf of the Government of Québec or of Canada.

Detained person **49.** A detained person retains his domicile notwithstanding his detention.

Temporary absence **50.** A person who leaves his domicile temporarily to work or study in the territory of another municipality may be considered as being domiciled either in the territory where his actual domicile is situated or in the territory where he resides for the purposes of his work or studies.

Hospital or reception centre A person staying in a hospital centre or reception centre may be considered as being domiciled either at his actual domicile or at the hospital centre or reception centre.

Deemed option A person is deemed to choose to be considered domiciled at the place where he resides rather than at his actual domicile where he makes an application to that effect during the revision of the list of electors or referendum list. The person's choice shall be valid until it is revoked and as long as the person resides at the same place.

Determination of owner **51.** The rules provided in the Civil Code concerning the setting up, against third persons, of acts transferring immovable real rights apply in determining whether a person is the owner of an immovable.

Exercise of vote **52.** To exercise his right to vote, an elector must, at the time of voting, be entered on the list of electors of the municipality and be neither interdicted nor under close treatment pursuant to the Mental Patients Protection Act, nor under the protection of the public curator, nor under any voting disqualification pursuant to section 53.

Disqualification **53.** A person is disqualified from voting in a municipal election if he pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act (R.S.Q., chapter E-3.2).

Duration The disqualification shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

List of electors **54.** Every person who is an elector on 1 September of the calendar year in which a regular election is to be held is entitled to have his name entered on the list of electors.

Co-owners,
Co-
occupants

Where an immovable belongs to undivided co-owners or where a place of business is occupied by co-occupants, only the co-owner or the co-occupant designated for that purpose is entitled to have his name entered on the list of electors as the owner of the immovable or as the occupant of the place of business.

Designation

55. Co-owners or co-occupants who are electors on 1 September of the calendar year in which a regular election must be held shall designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person not otherwise entitled under section 58 to be entered on the list of electors in a higher ranking capacity.

Power of
attorney

The power of attorney must be transmitted to the returning officer not later than thirty-five days before polling day. It takes effect upon receipt and remains valid until it is replaced.

Transmis-
sion

A power of attorney transmitted after the time prescribed in the second paragraph but before the filing office closes on the last day fixed pursuant to section 114 shall be considered an application to amend the list of electors unless the returning officer has taken it into account before the deposit of the list. The returning officer shall transmit any power of attorney received by him to the competent board of revisors.

Publication
of rules

56. Not later than 40 days before polling day, the returning officer shall give a public notice stating the rules governing the registration of co-owners and co-occupants and inviting those who wish to make a first designation or replace the existing designation to send him the power of attorney within the prescribed time.

One regis-
tration only

57. In no case may the name of a person appear more than once on the list of electors of the municipality.

Order of
preference

58. A person who, on 1 September of the calendar year in which a regular election is to be held, is an elector in several capacities shall be registered in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the sole owner of an immovable;
- (3) as the sole occupant of a place of business;
- (4) as an undivided co-owner of an immovable;
- (5) as a co-occupant of a place of business.

Highest
value of
immovable

Where several immovables are contemplated in subparagraph 2 or 4 of the first paragraph, the immovable with the highest real estate value shall be the immovable considered. Where several places of business are contemplated in subparagraph 3 or 5 of the said paragraph, the place of business with the highest rental value shall be the place of business considered.

Vote in
divided
municipality

59. Every elector whose name is entered on the list of electors of an electoral district or ward is entitled to vote for a candidate for each of the offices of mayor and of councillor of the district or ward.

Vote in
undivided
municipality

60. Every elector whose name is entered on the list of electors of a municipality whose territory is not divided for election purposes is entitled to vote for a candidate for each of the offices of mayor and of councillor of the municipality.

DIVISION II

CANDIDATES

Eligibility

61. A person is eligible for office as a member of the council of a municipality if he is entitled to have his name entered on the list of electors of the municipality and, where that right does not derive from his capacity as a domiciled person, if he has resided, continuously or not, in the territory of the municipality for at least twelve months on 1 September of the calendar year in which a regular election is to be held.

Ineligible
persons

62. The following persons are ineligible:

- (1) judges of the courts of justice;
- (2) the chief electoral officer and the other members of the Commission de la représentation;
- (3) ministers of the Government of Québec or of Canada;
- (4) public servants, other than employees within the meaning of the Labour Code (R.S.Q., chapter C-27), of the Ministère des Affaires municipales, or of any other department who are assigned to the Ministère des Affaires municipales on a permanent basis;
- (5) members and officers, other than employees within the meaning of the Labour Code, of the Commission municipale du Québec and of the Bureau de révision de l'évaluation foncière du Québec;
- (6) the Attorney General's substitutes having permanent tenure;

(7) cadets and members of the Sûreté du Québec.

Ineligible
persons

63. The following persons are also ineligible for office as members of the council of a municipality:

(1) the officers or employees of the municipality except those who provide their services to fight fires on an occasional basis and who are commonly called "volunteer firemen" and except persons who are considered only for the purposes of the law to be officers or employees of the municipality;

(2) the police cadets and officers of another municipality, of a regional or urban community or of an intermunicipal board of management which provides police services to the municipality or all or part of the territory of which is comprised in the same judicial district as that of the municipality;

(3) the election officers of the municipality;

(4) the official agents of parties holding an authorization that is valid in the municipality under Chapter XIII, their assistants and the official agents of independent candidates at the current election.

Failure to
report

64. Any person holding the office of leader of a party or any independent candidate at a previous election whose financial report or return of election expenses required under any of sections 408, 419, 479, 484, 485 or 492 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

Defunct
party

Where the party no longer exists, the person who is ineligible under the first paragraph is the last holder of the office of leader of the party.

"leader"

For the purposes of this section, the meaning of the word "leader" is the meaning given to that word in section 364.

Unpaid
debts

65. Any independent candidate at a previous election who has not paid in full the debts arising from his election expenses in accordance with section 474 is ineligible for four years from his default.

Cessation of
ineligibility

Notwithstanding the foregoing, the ineligibility affecting an elected independent candidate shall cease on the day of the transmission of the financial report establishing that the debts have been paid in full where the transmission occurs before the expiry of the four-year period.

Disqualifica-
tion

66. Every person disqualified to hold office as a member of the council of a municipality under any of sections 301 to 307 is ineligible for such an office.

Disqualifica-
tion

Every person who, following a judgment that has become a *res judicata*, is disqualified under any of sections 568, 569 and 573 of the Cities and Towns Act (R.S.Q., chapter C-19), sections 935, 1082 and 1094 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), section 12.8 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), section 6.3.8 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), section 6 of the Municipal Works Act (R.S.Q., chapter T-14), sections 204 and 358 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), section 289a of the Charter of the City of Québec (1929, chapter 95) and article 107 of the Charter of the city of Montréal (1959-60, chapter 102) is also ineligible.

Ineligibility

67. A person is ineligible for office as a member of the council of a municipality if he holds an office on the council that is not open for nominations or if he holds office as a member of the council of another municipality, or if he is a candidate for such an office or has been declared elected thereto for thirty days or less.

DIVISION III

ELECTION OFFICERS

Election
officers

68. The election officers of a municipality include the returning officer, the election clerk and, as the case may be, any assistant, deputy returning officer, poll clerk, officer in charge of information and order, enumerator, person acting in a filing office and every member, secretary and investigating assistant of a board of revisors and any other person whose services are temporarily required by the returning officer.

Disqualifica-
tion

69. A person is not qualified to hold office as an election officer of any municipality if he pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act.

Duration

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

Returning
officer

70. The clerk or the secretary-treasurer of the municipality is the returning officer of the municipality *ex officio*. He may refuse to act as such only with the authorization of the Commission municipale du Québec.

Vacancy

Where the clerk or the secretary-treasurer is unable or refuses to act or where the office of clerk or secretary-treasurer is vacant, his

assistant is the returning officer *ex officio*. Where he has no assistant, or the office of assistant is vacant or the assistant is unable to act, the Commission shall appoint the returning officer.

Election clerk The second paragraph does not apply where an election clerk is in office and he is not unable to act.

Dismissal The Commission may, for cause, dismiss the returning officer after giving him an opportunity to be heard, and designate his substitute.

Duties of returning officer **71.** The returning officer shall ensure that the election is properly conducted and, for that purpose, shall see to the training of the other election officers and direct their work.

Directives For that purpose, the returning officer may issue directives that are binding on all the persons to whom they apply.

Election clerk **72.** The returning officer shall appoint an election clerk before issuing the notice of election.

Notice of election Where the returning officer takes office after his predecessor has issued the notice of election, he shall appoint an election clerk as soon as practicable after taking office.

Duties of clerk **73.** The election clerk shall assist the returning officer in the performance of his duties and, for that purpose, he shall carry out the duties delegated to him by the returning officer.

Replacement The election clerk shall replace the returning officer if the latter is unable to act or if the office of returning officer is vacant for as long he is so unable or the office remains vacant.

Assistants **74.** The returning officer may appoint any assistant he considers necessary.

Duties **75.** The assistant shall perform the duties delegated to him by the returning officer.

Subdelegation The assistant may subdelegate all or part of his duties with the authorization of the returning officer.

Territory The person delegating or subdelegating duties may define the territory in which the delegation has effect.

Appointments by returning officer **76.** The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.

One polling
station

Where there is only one polling station, the returning officer himself may perform the duties of deputy returning officer and the election clerk may perform the duties of poll clerk.

Party
recommen-
dations

77. Where candidates of more than one party authorized under Chapter XIII were elected to the council of a municipality having a population of 100 000 or over at the last general election, the returning officer shall appoint as deputy returning officer and as poll clerk persons recommended by the party with the greatest number of elected candidates and by the party with the second greatest number of elected candidates, respectively.

Equality
between
parties

In case of equality between parties for the greatest or second greatest number of elected candidates, their rank for the purposes of the first paragraph is established according to the number of votes obtained by all the candidates of each party.

Time limit

78. The recommendation of a party is made by means of a writing signed by the leader of the party or by the person designated by him for that purpose and sent to the returning officer not later than 4:30 p.m. sixteen days before polling day.

"leader"

For the purposes of this section, the meaning of the word "leader" is the meaning given to that word in section 364.

Choice of
returning
officer

79. If the recommendation is not received within the prescribed time, if the person recommended is not qualified to hold the office, is unable or refuses to act as such, or if the party is no longer authorized, the returning officer shall appoint the person of his choice.

Duties of
deputy
returning
officer

80. The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station;
- (2) ensure that the polling is properly conducted and maintain order in his polling station;
- (3) facilitate the exercise of the right to vote and ensure the secrecy of the vote;
- (4) proceed with the counting of the votes;
- (5) transmit the results of the vote to the returning officer and remit the ballot box to him.

Duties of
poll clerk

81. The poll clerk shall, in particular, enter in the poll book the particulars relating to the conduct of the polling and assist the deputy returning officer.

Information
and order

82. The returning officer may appoint an officer in charge of information and order for each place where a polling station is situated.

Large poll-
ing places

He shall do so for every polling place where five or more polling stations are grouped, unless all the polling stations of the municipality are grouped at the same polling place.

Duties of
officer

83. The officer in charge of information and order shall, in particular,

(1) receive the electors when they enter the polling place and direct them to the polling station where they may exercise their right to vote;

(2) ensure access to the polling stations and maintain orderly movement in the polling place;

(3) see to it that only the number of electors allowed by law are admitted to a polling station at the same time;

(4) see to it that only the electors who are on the premises of a polling station at the time scheduled for closing and who have not been able to vote before that time are allowed to exercise their right to vote after that time;

(5) see to it that only the persons authorized are present on the premises of a polling station;

(6) inform the returning officer of any situation requiring his intervention.

Additional
staff

84. The returning officer may retain, on a temporary basis, the services of any other person he considers necessary for holding the election.

Oath

85. Before taking office, every election officer shall declare under oath that he will perform his duties according to law.

Exemption

The first paragraph does not apply to the returning officer if he is the clerk or the secretary-treasurer or his assistant.

Partisan
work

86. From the time an election officer, other than an officer or employee of the municipality, makes the oath, he shall not engage in partisan work.

Applicable provisions Every municipal officer or employee who is an election officer is, with regard to partisan work, subject to Division II of Chapter VII.

List of officers **87.** As soon as practicable after making the oath, each election officer shall be registered on a list posted up in the office of the municipality.

Striking from list The name of any election officer who ceases to hold office shall be struck from the list as soon as practicable.

Return of documents Every election officer who has ceased to hold office shall return to the returning officer all the documents and materials pertaining to his functions that he may have in his possession.

Remuneration **88.** Every election officer is entitled to receive remuneration or an expense allowance from the municipality for the duties he performs.

Determination by council The council of the municipality may establish a tariff of remuneration or allowances; it may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance lower than that fixed in the tariff established by the Minister of Municipal Affairs under Title III requires the approval of the Minister.

Determination by Minister An election officer of a municipality which has not established a tariff or which has not fixed the officer's remuneration or allowance in the tariff is entitled to the remuneration or allowance fixed in the tariff established by the Minister or, failing that, agreed upon with the returning officer.

DIVISION IV

CHIEF ELECTORAL OFFICER

Chief electoral officer **89.** The chief electoral officer may make recommendations to the returning officer regarding the performance of the latter's duties.

Assistance **90.** The chief electoral officer may, on request, provide the returning officer with any assistance he may need to perform his duties.

Delegation of powers **91.** The chief electoral officer may entrust the exercise of any or all of his powers to such person as he may designate.

DIVISION V

REPRESENTATIVES OF CANDIDATES AND POLL RUNNERS

Representative of party **92.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI may designate a person for each polling

station where a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to represent the candidate or all the candidates, as the case may be, before the deputy returning officer.

Representative of candidate

93. An independent candidate may designate a person for each polling station where a vote may be cast in his favour, and give him a power of attorney to represent him before the deputy returning officer.

Oath of secrecy

94. Every representative assigned to a polling station shall declare under oath that he will not disclose the name of the candidate for whom a person has voted in his presence.

Presence of candidate

95. A candidate may be present wherever his representative is authorized to act, assist him in performing his duties or replace him.

No representative

A candidate who has no representative may act where a representative could act.

Poll runner

96. An authorized party or a recognized ticket may designate a poll runner for each polling place where there is a polling station at which a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to periodically collect a list of the persons who have already exercised their right to vote.

Poll runner

An independent candidate may in the same manner designate a poll runner for each polling place where there is a polling station at which a vote may be cast in his favour.

Advance poll

The first two paragraphs do not apply to advance polls.

Disqualification

97. A person who pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act is disqualified from holding office as a representative or a poll runner.

Duration

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

Power of attorney

98. The power of attorney shall be signed by the leader of the party or of the ticket, by the independent candidate or by the person designated by the leader or the candidate for that purpose in a writing transmitted to the returning officer.

Presentation

The power of attorney shall be presented to the deputy returning officer.

Valid period The power of attorney of a representative is valid for the duration of the poll and of the counting of votes taking place at the polling station to which he is assigned. The power of attorney of a poll runner is valid for the whole duration of the poll.

“leader” For the purposes of this section, the meaning of the word “leader”, in the case of a party, is the meaning given to that word in section 364.

CHAPTER VI

ELECTION PROCEEDINGS

DIVISION I

NOTICE OF ELECTION

Notice of
election

99. Not later than fifty-eight days before polling day, the returning officer shall give a public notice setting forth the following particulars:

- (1) every office on the council that is open for nominations;
- (2) the place, days and hours for filing nomination papers;
- (3) the fact that where two or more candidates are nominated for the same office, an advance poll and a poll will be held to elect one of them;
- (4) the date of the advance poll and the opening and closing times of the polling station or stations on that day;
- (5) the date of polling day and the opening and closing times of the polling station or stations on that day;
- (6) the name of the election clerk;
- (7) the telephone number of the office of the returning officer.

DIVISION II

LIST OF ELECTORS

§ 1.—*Preparation*

Preparation
of list

100. The returning officer shall prepare the list of electors during the period beginning on 1 September in the calendar year in which a regular election is to be held and ending thirty days before polling day.

Districts or
wards

Where applicable, the returning officer shall prepare the list by electoral districts or by wards. The list of electors of the municipality shall then consist of all the lists for the districts or wards.

Enumera-
tors

101. The returning officer may appoint enumerators to assist him.

Order of
entries

102. The list shall be prepared according to the situation of the immovables, by thoroughfares, ranges or other sectors, following the numerical order of the immovables, including apartment or room numbers or, failing that, the numerical order of the cadastre.

Content

103. The list shall contain, opposite each number, the name, the address and, so far as it may be obtained, the date of birth of each elector entitled to be entered on the list.

Elector's
address

The address of an elector shall be, according to the capacity under which he is entitled to have his name entered on the list, the number of the immovable of his domicile, of the immovable of which he is the owner or of the place of business of which he is the occupant. The number of the immovable shall include the apartment or room number, if any. If the immovable has no number, the cadastral number shall be used.

Polling
subdivisions

104. The returning officer shall divide the list of electors into polling subdivisions.

Number of
electors

The polling subdivisions must have, as far as practicable, an equal number of electors close to 300.

Deposit of
list

105. After completing the list, the returning officer shall deposit it in the office of the municipality.

Copies for
candidates

106. Every candidate for the office of mayor is entitled to obtain, on request and free of charge, a maximum of five copies of the list of electors of the municipality.

Copies for
candidates

Every candidate for the office of councillor for an electoral district or a ward is entitled to obtain, on request and free of charge, a maximum of five copies of the list of electors of the district or ward.

Copies for
candidates

Every candidate for the office of councillor of a municipality whose territory is not divided for election purposes is entitled to obtain, on request and free of charge, not more than two copies of the list of electors of the municipality.

Refund **107.** If a candidate has already paid the charge for the issuance of copies of the list of electors, he shall be reimbursed the amount he has paid or the amount of the prescribed charge for the number of free copies he is entitled to, whichever is less.

Payable charge **108.** A person who withdraws his nomination after having obtained free copies of the list of electors shall pay to the municipality the amount of the prescribed charge for the issuance of those copies.

Copy for parties **109.** Not later than twenty-three days before polling day, the returning officer shall transmit, free of charge, one copy of the list of electors to each party authorized under Chapter XIII or ticket recognized under Division III of this chapter.

§ 2.—Revision

Revision of list **110.** Where a poll must be held, the list of electors of the municipality, electoral district or ward, as the case may be, shall be revised.

Decision of returning officer Where no poll is held, the list may be revised by decision of the returning officer.

Interruption Where the holding of a poll ceases to be necessary after the end of the period for filing nomination papers, the returning officer shall decide whether the revision shall be continued or interrupted.

Public notice **111.** Not later than twenty-two days before polling day, the returning officer shall give a public notice setting forth the following particulars:

- (1) the fact that the list of electors will be revised;
- (2) the requirements to be met to be an elector and be entitled to have his name entered on the list;
- (3) the places where the list may be examined and where applications for entry, striking off or correction may be filed and the days and hours when they will be open.

Revision not mandatory Where the notice is given before the end of the period for filing nomination papers, it may indicate that the list will not be revised unless the holding of a poll makes it mandatory.

Notice of interruption Where the returning officer decides to interrupt the revision, he shall, as soon as practicable, give public notice of the interruption.

Extract to
electors

112. At least five days before the last day on which the filing office is open as determined under section 114, the returning officer shall do any of the following:

(1) cause an extract of the list of electors subject to revision corresponding to a polling subdivision to be distributed to each domicile, immovable and place of business, other than a vacant lot, comprised in the subdivision, accompanied with the particulars contained in the public notice announcing the revision;

(2) forward to each person whose name is entered on the list of electors subject to revision a notice of the particulars concerning that person which appear on the list and those set forth in the public notice;

(3) post in the polling subdivision, at a place of convenient access to the public and protected from bad weather, the extract of the list of electors subject to revision corresponding to that subdivision accompanied with the particulars set forth in the public notice.

Posting of
list

In the case of a municipality governed by the Municipal Code of Québec, posting under subparagraph 3 of the first paragraph may be completed or replaced by posting the whole list of electors subject to revision at places where the public notices of the municipality are posted.

Date of
birth

No mention of the date of birth of electors shall be made on the list of electors or extract thereof distributed or posted in accordance with this section.

Filing
offices

113. The returning officer may establish filing offices where the list of electors may be examined and where applications for entry, striking off and correction may be filed.

Office of
municipality

The office of the municipality is a filing office.

Revision
period

114. The filing office shall be open on the days and during the hours fixed by the returning officer, for a period beginning on the day the public notice announcing the revision is published and ending fifteen days before polling day.

Hours

The filing office may be open in the morning, in the afternoon or in the evening, according as is decided by the returning officer; it must be open, at least, from 10 a.m. to 12:30 p.m., from 2:30 p.m. to 5:30 p.m. or from 7 p.m. to 10 p.m.

Evening

The filing office must be open in the evening at least once.

Examination
of list **115.** The returning officer shall deposit a copy of the list of electors in each filing office for examination.

Date of
birth No mention of the date of birth of electors shall be made on the copy referred to in the first paragraph.

Revision
personnel **116.** The returning officer may appoint the number of persons he considers necessary for each filing office to perform the following duties:

(1) receive and assist any person wishing to make an application for entry, striking off or correction;

(2) ascertain the nature of the application;

(3) receive the application and put it in writing;

(4) administer to the person filing the application the oath required by law;

(5) give a copy of the application to the applicant.

Proof The person appointed to act in a filing office may require proof from a person applying to have his name entered on the list that he meets the requirement as to domicile, ownership of an immovable or occupancy of a place of business, as the case may be, and proof of his designation by the co-owners or co-occupants, where that is the case.

Returning
officer The returning officer may perform the duties of a person appointed to act in a filing office.

Transmis-
sion to
returning
officer **117.** Every day, after the filing office is closed, the person designated for that purpose by the returning officer shall transmit to him every application received during that day.

Omission of
name **118.** Any person who finds that his name is not included on the list of electors when it should be or that it is included although it should not be, may present himself at a filing office to make an application for entry or striking off, as the case may be.

Wrong
domicile Any person who finds that his name is included on the list of electors in respect of the wrong domicile, immovable or place of business may present himself at a filing office to make, at the same time, an application for entry and an application for striking off.

Striking of
name **119.** An elector whose name is included in that part of the list of electors which corresponds to a polling subdivision and who finds

that the name of a person not entitled thereto has been included in that part may present himself at a filing office to make an application to have the name of that person struck off.

Oath The elector must declare under oath that, to the best of his knowledge, the person whose name he is requesting the striking off is not entitled to have his name entered on that part of the list.

Error **120.** An elector may present himself at a filing office to make an application to correct any error in the entry of his name, address or, where such is the case, date of birth.

Application by relative **121.** An application for entry, striking off or correction, except an application under section 119, may also be made by a relative or the spouse of the person entitled to make it.

Interpretation For the purposes of the first paragraph,

"spouse" (1) "spouse" means a person who is married to and cohabits with the person contemplated in the first paragraph or a person who is not married to but cohabits with that person and presents that person in public as his or her spouse;

"relative" (2) "relative" means a father, mother, grandfather, grandmother, father-in-law or step-father, mother-in-law or step-mother, brother, sister, brother-in-law, sister-in-law, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law or for the members of a group of persons living together and observing common rules under the direction of a superior, the superior or any delegate he may authorize for the purposes of the first paragraph.

Oath **122.** Every application must be made under oath.

Content of application The application must indicate the name and address of the applicant and of the person in whose respect it is made, the telephone number of the applicant and, except in the case of an application under section 119, the date of birth of the person in whose respect the application is made.

Board of revisors **123.** The returning officer shall establish a board of revisors.

Coordination The returning officer may establish several boards of revisors and apportion and coordinate their work.

Notice to parties The returning officer shall, as soon as practicable, notify his decision to each party authorized under Chapter XIII, or each ticket recognized

under Division III of this chapter and each independent candidate concerned.

Composition **124.** Each board of revisors shall be composed of three revisors appointed by the returning officer.

Composition The returning officer may be a member of the board of revisors; he shall then appoint two revisors.

Recommendation of parties **125.** In a municipality having a population of 100 000 or over, if the council is composed of candidates of more than one party authorized under Chapter XIII who were elected at the last general election, the returning officer shall appoint as revisors a person recommended by the party with the greatest number of elected candidates and another person recommended by the party with the second greatest number of elected candidates.

Equality between parties In case of equality between parties for the greatest or second greatest number of elected candidates, their rank for the purposes of the first paragraph is established according to the number of votes obtained by all the candidates of each party.

Writing **126.** The recommendation of a party is made by means of a writing signed by the leader of the party, or by the person designated by him for that purpose, and transmitted to the returning officer within the time prescribed by the returning officer.

"leader" For the purposes of this section, the meaning of the word "leader" is the meaning given to that word in section 364.

Choice of returning officer **127.** Where the recommendation has not been received within the prescribed time, where the person recommended is not qualified to hold the office or is unable or refuses to do so or where the party is no longer authorized, the returning officer shall appoint the person of his choice.

Chairman **128.** The returning officer shall appoint the chairman and the vice-chairman of the board of revisors from among its members.

Returning officer The returning officer shall be the chairman of the board of which he is a member.

Vice-chairman No member recommended by an authorized party may be appointed as chairman of the board. A member recommended by the authorized party with the greatest number of elected candidates at the last general election shall be appointed vice-chairman of the board.

- Secretary** **129.** The returning officer may appoint a secretary to the board of revisors, whose chief duties shall be to enter all decisions of the board in the register of the board, prepare notices convening the persons concerning whom an application for the striking off of their names has been filed and prepare the abstracts of changes made to the list of electors.
- Investigating assistant** **130.** The returning officer may appoint any investigating assistant he considers necessary, whose chief duties shall be to serve convening notices on persons in respect of whom applications to have their names struck off have been made and to compile, at the request of the board of revisors, any information relevant to the making of a decision.
- Sitting of board** **131.** The board of revisors shall sit at the place and on the day and time fixed by the returning officer, during the period beginning on the day the filing office opens and ending ten days before polling day.
- Notice to parties** The returning officer shall, as soon as practicable, notify his decision to each party authorized under Chapter XIII or each ticket recognized under Division III of this chapter and each independent candidate concerned.
- Quorum** **132.** Two revisors shall constitute a quorum of the board of revisors.
- Decisions** **133.** Every question submitted to the board of revisors shall be decided by a majority vote.
- Tie-vote** In the event of a tie-vote, the chairman or, in his absence, the vice-chairman shall have a casting vote.
- Transmission of applications** **134.** The returning officer shall transmit to the board of revisors every application for entry, striking off or correction that concerns it, as soon as practicable after receiving it from the filing office.
- Depositions** **135.** The board of revisors shall examine the applications and receive the depositions on oath of all persons present who wish to be heard and, if need be, of their witnesses.
- Entry in register** It shall maintain or reject the applications submitted and its decision shall be entered in the register of the board.
- Inquiry** **136.** The board of revisors or any of its members it authorizes for that purpose may make an inquiry to ensure that a person entered or applying for entry on the list of electors is entitled to be so entered. The person may be assisted by an advocate.

Witnesses For the purposes of the inquiry, the board of revisors may summon witnesses.

Application for striking off **137.** Before taking into consideration an application to have a name struck off, the board of revisors shall give a notice of one clear day to the person contemplated by the application.

Service of notice The notice shall be served at the address entered on the list of electors or, where the person contemplated by the application has an actual or elected domicile in the territory of the municipality, at the address of that domicile.

Initiative of board **138.** Where the decision of the board of revisors involves the striking off or the entry of a name for which no application was made, the board may on its own initiative strike off the name from or enter it on the list or, if the striking off or entry relates to a part of the list not revised by the board, give notice of the decision to the returning officer, who shall, as the case may be, transmit the notice to the competent board.

Notice The notice of one clear day must be given to the person whose name is to be struck off the list of electors. The board may not strike off the name of a person to whom it has failed to send the notice.

Obvious error **139.** The board of revisors may also, on its own initiative, correct the name or address of an elector when the error is obvious or when, after inquiry, it comes to the conclusion that the name or address is erroneous.

Abstract of changes **140.** The board of revisors shall, as soon as practicable after completing its work, prepare, for each polling subdivision, an abstract of each entry, striking off and correction it has made on the list of electors.

Certification of numbers The board of revisors shall also, for each polling subdivision, certify the number of names entered on the list of electors before revision, the number of names that have been added to, struck from or corrected on the list and the total number of names appearing on the revised list.

Applicability The second paragraph affects only that part of the list of electors to be revised by the board, where that is the case.

Transmission of abstract **141.** Not later than nine days before polling day, the board of revisors shall transmit the abstract of changes to the returning officer.

Copy for
parties

142. As soon as practicable after receiving the abstract of changes, the returning officer shall transmit a copy thereof, free of charge, to each party authorized under Chapter XIII or each ticket recognized under Division III of this chapter.

Applicable
provisions

The provisions relating to the free distribution of the list of electors to candidates apply to the abstract of changes, adapted as required. The returning officer shall transmit, free of charge, to the candidates who have already received, free of charge, a number of copies of the list of electors, the same number of copies of the abstract of changes made to that list without the candidates being required to file an application therefor.

Abstract

143. The abstract of changes forms part of the list of electors until the changes are incorporated into the list.

Incorporation
into list

No change may be incorporated into the list until a person is declared elected to the office of member of the council at the election for which the list is to be used.

§ 3.—*Coming into force*

Coming into
force

144. The list of electors comes into force upon completion or interruption of the revision or, where it is not revised, upon the expiry of the period prescribed in section 153 for filing nomination papers.

Indication
on list

The returning officer shall indicate at the end of the list of electors the day on which it comes into force.

Valid period

145. The list of electors shall remain in force until a new list which replaces it comes into force.

DIVISION III

NOMINATION

Nomination
paper

146. Every eligible person may be nominated as a candidate for one office on the council of a municipality at a time, by filing a nomination paper with the returning officer.

Authorized
parties

147. In the case of a municipality to which Chapter XIII applies, candidates may be grouped into authorized parties in accordance with that chapter.

Recognized
tickets

In the case of other municipalities, candidates may be grouped into tickets recognized by the returning officer.

Recognition requirement **148.** Any ticket which undertakes, through its leader, to present candidates for at least one-third or, in the case of a general election, two-thirds of the offices of councillors open for nominations at the next regular election may apply for recognition.

Application **149.** The leader of the ticket shall transmit to the returning officer a written application for recognition containing the following information:

- (1) the name of the ticket;
- (2) the address to which communications intended for the ticket must be sent;
- (3) the name, address and telephone number of the leader of the ticket.

Undertaking The application must also contain the undertaking which entitles the ticket to apply for recognition.

Names of candidates The application must be accompanied with the names, addresses and signatures, for at least one-third or, according to the undertaking made, two-thirds of the offices of councillors open for nominations, of the eligible persons declaring their intention to be candidates of that ticket for those offices.

Recognition by returning officer **150.** The returning officer shall grant the recognition to a ticket making an application therefor in accordance with sections 148 and 149.

Misleading name The returning officer shall refuse to recognize the ticket if the name of the ticket includes the word "independent" or is likely to mislead the electors as to which ticket they are voting for.

Duration of recognition The recognition has effect for the purposes of the next regular election and every by-election held before the regular election following the next one.

Change of ticket name **151.** A recognized ticket is not authorized to change its name except with the approval of the returning officer. The returning officer shall refuse to approve any change if the proposed new name includes the word "independent" or is likely to mislead the electors as to which ticket they are voting for.

Application An application for approval is made by means of a writing filed by the leader of the ticket.

Withdrawal
of recogni-
tion

152. The returning officer shall, unless the election procedures are recommenced pursuant to subdivision 2 of Division VII, withdraw the recognition of a ticket where, at the end of the period prescribed for filing nomination papers, it presents candidates for less than one-third or two-thirds, as the case may be, of the offices of councillors open for nominations at the regular election or where the number of candidates remaining after that period but before the end of the polling period is under the required minimum.

Misleading
name

The returning officer shall also withdraw the recognition of a ticket which has changed its name to include the word "independent" or if the new name is likely to mislead the electors as to which ticket they are voting for.

Filing of
nomination
paper

153. The nomination paper shall, under pain of rejection, be filed in the office of the returning officer during the days and hours the office is open in the period beginning fifty-eight days and ending twenty-three days before polling day.

Office hours

Twenty-three days before polling day, the office of the returning officer shall be open from 9:00 a.m. to 4:30 p.m.

Content of
nomination
paper

154. The nomination paper shall state the name of the candidate, his date of birth, his address, and the office for which he is a candidate, and shall include a sworn attestation of his eligibility.

Name of
candidate

155. A person may be a candidate under the name by which he is commonly known provided it is the name he always uses in his political, professional or social life and that he is acting in good faith.

Address of
candidate

156. The address of the candidate shall be, according to the capacity under which he is eligible, the street number of the immovable in which he has his domicile or of his residence in the territory of the municipality. The number of the immovable includes the apartment number, if any. If the immovable has no number, the cadastral number shall be used.

Designation
of office

157. The designation of the office of councillor shall specify the electoral district, the ward or the number assigned to the seat.

Indication of
party

158. The nomination paper of the candidate of an authorized party or recognized ticket shall state that he is the candidate for that party or ticket.

Signature

159. The nomination paper shall be signed by the candidate.

Supporting
signatures

160. The nomination paper shall include the supporting signatures of at least the following number of electors of the municipality:

- (1) 5 in the case of a municipality having a population of under 5 000;
- (2) 10 in the case of a municipality having a population of 5 000 or over but under 20 000;
- (3) 25 in other cases.

Addresses

Each elector shall enter his address opposite his signature as it must be entered on the list of electors.

Collection of
signatures

161. Only the person who intends to be a candidate or the person he designates for that purpose on the nomination paper is authorized to collect the supporting signatures.

Accompany-
ing docu-
ments

162. The nomination paper shall be accompanied with a proof of the candidate's identity and a statement signed by the person who collected the signatures in support of his nomination certifying that he knows the signatories, that they signed the nomination paper in his presence and that to the best of his knowledge they are electors of the municipality.

Proof of
identity

The proof of the identity of the candidate must be a document stating the name and date of birth of the candidate and be issued by the Government of Québec or Canada or any of their departments or agencies, or by a public body or by a public servant who is authorized to issue copies of or extracts from the acts of civil status.

True copy

After examining the proof of identity, the returning officer shall keep a true copy and return it to the person filing the nomination paper.

Letter from
leader

163. The nomination paper of the candidate of an authorized party or recognized ticket must be accompanied with a letter signed by the leader of the party or ticket certifying that the person is its official candidate for the office in question.

"leader"

For the purposes of this section, the meaning of the word "leader", in the case of a party, is the meaning given to that word in section 364.

Designation
of official
agent

164. In a municipality to which Chapter XIII applies, the nomination paper of an independent candidate must be accompanied with a writing signed by him in which he designates his official agent for the purposes of this chapter. The writing must include the consent of the official agent and be countersigned by him.

- Filing** **165.** The returning officer shall accept the filing of the nomination paper, without delay, if it is complete and if all the required documents are attached to it.
- Proof of nomination** The returning officer shall then give a receipt, which is proof of the nomination.
- Copy for candidates** **166.** Every candidate may, on request, obtain, free of charge, a copy of any nomination paper the filing of which has been accepted.
- Withdrawal of candidate** **167.** A candidate may withdraw his nomination by transmitting to the returning officer a writing to that effect signed by him.
- Election by acclamation** **168.** If, at the end of the period for filing nomination papers, the returning officer has accepted only one nomination paper for an office or if only one candidate for that office remains, he shall declare that candidate elected.
- Holding of poll** In other cases, a poll must be held to determine which candidate will be elected to such office.
- Election by acclamation** Notwithstanding the foregoing, where, as a result of a withdrawal after the end of the period contemplated in the first paragraph but before the end of the polling period, there remains only one candidate for an office, the returning officer shall declare that candidate elected.
- Applicability** The first and third paragraphs do not apply where election procedures must be recommenced pursuant to subdivision 2 of Division VII.
- Declaration of election** **169.** The declaration of election is made by means of a writing signed by the returning officer who shall indicate the date of declaration, the name and address of the elected candidate and the office to which he is elected.
- Reading aloud** Where applicable, the returning officer shall read the declaration to the persons present at the place where he signs it.
- Copy to elected candidate** **170.** Within three days of the day on which a candidate is declared elected, the returning officer shall transmit a copy of the declaration to the elected candidate.

DIVISION IV

POLL

§ 1.—*Notice of poll*Notice of
poll

171. Not later than ten days before polling day, the returning officer shall give a public notice setting forth the following particulars:

- (1) the designation of each office for which a poll must be held;
- (2) the names of the candidates for each office;
- (3) the address of each candidate;
- (4) for each candidate, his membership in an authorized party or recognized ticket;
- (5) the day and time when the polling station or stations will be open for the advance poll;
- (6) the day and time when the polling station or stations will be open for the poll;
- (7) the place where the polling station will be established for the advance poll and for the poll and, if there are several polling stations, the information for determining at which station a person whose name is entered on the list of electors may vote;
- (8) the day and time when the addition of votes will begin and the location where it will take place.

Exception

The particulars set forth in subparagraph 7 of the first paragraph need not be mentioned if the returning officer causes a reminder containing them to be distributed pursuant to section 173.

Consistency
with nomi-
nation paper

172. The particulars relating to the office, to the name and to the address must correspond to those appearing on the nomination paper.

Party or
ticket

The same applies to the indication of membership in an authorized party or recognized ticket unless, in the meantime, the party authorization or the ticket recognition has been withdrawn or the name of the party or ticket appearing on the nomination paper is inaccurate.

Reminder

173. The returning officer may cause a reminder to be distributed to every person whose name is entered on the list of electors and who is entitled to vote at the poll.

Mandatory distribution The returning officer is required to do so in the case of a municipality having a population of 20 000 or over.

Content The reminder shall contain all the particulars contained in the notice of poll or only those relating to the candidates for whom the addressee is entitled to vote and to the polling station where he may exercise his right.

§ 2.—*Advance poll*

Advance poll **174.** Whenever a poll is required, an advance poll must be held seven days before polling day.

Two days Notwithstanding the foregoing, the returning officer may decide that the advance poll shall be held for two consecutive days beginning seven days before polling day.

Advance voters **175.** Election officers, handicapped persons and persons who have reason to believe they will be absent from the polling subdivision or unable to vote at the place where they should do so on polling day may vote at the advance poll.

Applicable provisions **176.** The provisions of this Act relating to the holding of a poll, except the provision relating to the leave of absence of employees, pupils and students, apply, adapted as required, to the advance poll, so far as they are consistent with this subdivision.

Polling stations **177.** The returning officer may establish as many advance polling stations as he considers necessary.

Subdivisions If the returning officer establishes several advance polling stations, he shall determine which polling subdivision is attached to each station.

Notice The returning officer shall notify each authorized party or recognized ticket and each independent candidate concerned of his decision as soon as practicable.

Handi-capped persons **178.** Every advance polling station must be accessible to handicapped persons.

Hours **179.** Every advance polling station must be open from 12 noon to 8 p.m.

Entry in poll book **180.** On an elector's presenting himself to vote in an advance polling station, the poll clerk shall enter his name and address in the poll book, as they appear on the list of electors.

Signature **181.** An elector wishing to vote in the advance poll shall, before being admitted to vote, affix his signature opposite his name in the poll book and indicate the reason which qualifies him to vote in the advance poll.

Entries in
poll book **182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who have voted;

(2) the number of ballot papers cancelled and the number of unused ballot papers;

(3) the names of the persons who have performed duties as election officers or representatives.

Ballot
papers The deputy returning officer shall place, in separate envelopes, the ballot papers found in the ballot box, the cancelled ballot papers, the unused ballot papers, the forms, and the list of electors, and seal them. He shall then place the poll book and the envelopes, except the envelope containing the list of electors, in the ballot box, and seal it.

Initials The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes and of the ballot box.

Ballot box The deputy returning officer shall then remit the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.

Second day
of advance
poll **183.** Immediately before the time fixed for the opening of the polling station on the second day, where that is the case, the deputy returning officer, in the presence of the poll clerk and the representatives, shall open the ballot box, resume possession of the poll book and of the envelopes containing the unused ballot papers, the forms and the list of electors, and open the envelopes to resume possession of their contents. The envelopes containing the used and cancelled ballot papers shall remain in the ballot box.

Close of poll After the close of the polling station on the second day, the deputy returning officer and the poll clerk shall observe the same formalities as after the close of the polling station on the first day. The ballot papers used or cancelled on the second day shall be placed in envelopes separate from those containing the ballot papers used or cancelled on the first day.

Preparation
of list **184.** The poll clerk shall prepare the list of the electors who have voted in advance at his polling station and transmit it, as soon as

practicable, to the returning officer or to the person designated by the latter. The returning officer shall transmit a copy of the list to each authorized party or recognized ticket and to each independent candidate concerned not later than three days before polling day.

Counting of
votes

185. From 7 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes cast in an advance polling station, in the presence of those representatives who wish to attend.

Applicable
rules

The counting shall be effected at the place determined by the returning officer, in accordance with the rules applicable to the counting of the votes cast on polling day, adapted as required.

Appoint-
ment of
substitute

If the deputy returning officer or poll clerk who acted in the advance polling station is unable to act, the returning officer shall appoint a substitute for the purposes of this section. The substitute need not be recommended by an authorized party, if any.

§ 3.—Polling stations

Polling
stations

186. The returning officer shall establish a polling station for each polling subdivision.

Polling
stations

The returning officer may, notwithstanding the foregoing, establish several polling stations for the same subdivision and determine which electors of the subdivision are entitled to vote at each polling station.

Notice

The returning officer shall notify each authorized party or recognized ticket and each authorized independent candidate of his decision as soon as practicable.

Where to
vote

187. Every elector is entitled to vote at the polling station of the polling subdivision which includes him or, where there are several stations for such subdivision, at the polling station determined by the returning officer.

Convenient
access

188. The polling station shall be situated in a spacious place of convenient access to the public.

Grouping of
stations

The polling stations of the same electoral district or of the same ward must be grouped at the same polling place in the district or ward wherever possible.

Polling
subdivisions

Notwithstanding the foregoing, the returning officer may establish polling stations of the same district or ward in more than one polling

place or establish some of them in a neighbouring district or ward, but all the polling stations for the same polling subdivision must be at the same polling place.

Use of
school
premises

189. School boards and establishments to which the Act respecting health services and social services (R.S.Q., chapter S-5) applies must allow the use of their premises free of charge for the establishment of polling stations.

Arrange-
ment of
place

190. The returning officer shall be responsible for the arrangement and identification of the polling place where a polling station is situated.

Booths

191. A polling station shall have only one polling booth.

Undivided
territory

Where the territory of a municipality is not divided for election purposes, a polling station may have two polling booths.

§ 4.—*Materials required for the poll*

Ballot
papers

192. The returning officer shall cause ballot papers to be printed.

Exclusive
order

The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.

Reversing
process

193. The ballot papers shall be printed by reversing process so that, on the obverse, the indications and the circles provided for the affixing of the elector's mark appear in white or light colour surrounded by black or dark colour.

Colour

The ballot papers used for the election of the mayor may be of a colour other than that of the ballot papers used for the election of the councillors. In addition, the ballot papers used for the election of the councillors may vary for each numbered office.

Weight

194. The paper used to make the ballot papers must be of sufficient weight that writing does not appear through it.

Counterfoil
and stub

195. The ballot papers must have a counterfoil and a stub.

Numbering

The back of the stub and of the counterfoil must bear the same number. The ballot papers must be numbered consecutively.

Identifica-
tion of
candidates

196. The ballot papers must allow each candidate to be identified.

Content on
obverse

The ballot papers must contain, on the obverse,

(1) the name of each candidate, his given name preceding his surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs where such is the case;

(3) a circle for the elector's mark opposite the particulars pertaining to each candidate.

Same name Where several independent candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where such is the case, above the indication of his political affiliation.

Consistency with nomination papers The particulars relating to the candidates appearing on the ballot papers must correspond to those contained in the nomination papers, unless in the meantime the authorization of the party or the recognition of the ticket has been withdrawn or the name of the party or ticket appearing on the nomination paper is inaccurate.

Alphabetical order The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

Circles All circles must be of the same size.

Content on reverse **197.** The ballot papers shall contain, on the reverse,

(1) the number of the ballot paper appearing on the counterfoil and the stub;

(2) a space reserved for the initials of the deputy returning officer;

(3) the name of the municipality;

(4) the office concerned;

(5) the date of the poll;

(6) the name and address of the printer.

Consistency with nomination papers The indication of the office concerned shall correspond to that contained in the nomination papers.

Late withdrawal **198.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be

used, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

Information The deputy returning officer shall inform every elector to whom he gives such a ballot paper of the candidate's withdrawal.

Nullity of vote Any vote cast in favour of the candidate, before or after his withdrawal, is null.

Withdrawal of recognition **199.** Where the authorization of a party or the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the reference to the party or ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

Ballot boxes **200.** The returning officer shall obtain a ballot box for each polling station.

Construction of boxes **201.** Each ballot box must be made of durable material with a slit or narrow opening on the top so constructed that the ballot papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened.

Seizure **202.** The materials required for the poll may not be seized so long as they are required.

Contracts **203.** The returning officer, on behalf of the municipality, may enter into any contract to procure the materials required for the poll.

Delivery of materials **204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall deliver to the deputy returning officer, in a sealed ballot box, after affixing his initials or a printed mark bearing his initials to the seals,

(1) the copy of the list of electors used for the advance poll and comprising the electors who are entitled to vote at his polling station;

(2) a poll book;

(3) the required number of ballot papers which, for each office in respect of which a poll is held at that station, shall not be greater than the number of electors entitled to vote at the station, plus 25;

(4) the forms and other documents necessary for the poll and the counting of the votes.

Other materials The returning officer shall also deliver to the deputy returning officer any other materials required for the poll.

§ 5.—*Formalities prior to the opening of polling stations*

Arrival of officers **205.** The deputy returning officer and the poll clerk shall be present at the polling place in which the polling station to which they are assigned is situated one hour before the opening of the poll, or earlier if so directed by the returning officer.

Arrival of officers The officer in charge of information and order, if any, and any other election officer assigned to the polling place shall be present one hour before the opening of the polling station, or earlier if so directed by the returning officer.

Representatives **206.** The representatives assigned to a polling station may be present at the polling place in which the polling station is situated one hour before the opening of the polling stations.

Attendance The representatives may attend any of the activities taking place at the polling place.

Examination of documents **207.** During the hour preceding the opening of the polling station, the deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found in it and the other materials required for the poll.

Identification **208.** The election officers must be identified as such.

Examination of ballot box **209.** Immediately before the time fixed for the opening of the polling station, the deputy returning officer and the poll clerk shall ascertain that the ballot box is empty.

Sealing of box The ballot box shall then be sealed and placed on the table of the polling station in full view of the election officers.

§ 6.—*Polling proceedings*

Polling hours **210.** The polling period shall begin at the opening of the polling stations, at 9 a.m., and shall end at the closing of the stations, at 7 p.m., subject to any extension of the polling period provided for in section 211.

Delay **211.** In the case of a delay or interruption, the returning officer may extend the polling period, to the extent he sees fit, for the polling station affected by the delay or interruption.

Extension The extension must not exceed the extent of the delay or interruption.

Late voting **212.** Any electors on the premises of a polling station at the end of the polling period who have not been able to vote may nevertheless exercise their right to vote.

Close of poll The deputy returning officer shall declare the polling closed after they have voted.

Waiting line For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the end of the polling period.

Employees' leave **213.** During the polling period, every employer shall grant to those of his employees whose names are entered on the list of electors sufficient leave to allow at least four consecutive hours to vote, not counting the time normally allowed for meals. No deduction of wages nor any penalty may be imposed on any employee by reason of this leave.

Students' leave On polling day, every educational institution shall give leave to those of its pupils or students whose names are entered on the list of electors.

Government This section is binding upon the Government and its departments and agencies.

Admission to station **214.** Only one elector may be admitted to the polling station at a time.

Two booths Notwithstanding the first paragraph, two electors may be admitted at the same time to a polling station that is provided with two polling booths.

Authorized persons Only the deputy returning officer, the poll clerk and the representatives assigned to the polling station may be present at the station, together with the returning officer, the election clerk and the assistant returning officer. The officer in charge of information and order may be present at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.

215. The elector shall give his name and address to the deputy returning officer and the poll clerk. He shall also give them his date of birth, if so requested.

The address of the elector is the address that must be entered on the list of electors.

216. The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is entered on the list of electors used at the polling station and if his name, address and, where such is the case, date of birth correspond to those appearing on that list.

Any elector whose name, address or, where such is the case, date of birth differs slightly from that entered on the list of electors shall nevertheless be admitted to vote, after declaring under oath that the erroneous entry was intended to refer to him. An indication thereof shall be entered in the poll book.

217. Before admitting a person to vote, the deputy returning officer, the poll clerk or a representative assigned to the polling station may, for reasons he shall specify, require the person to declare under oath that he has the right to vote.

The poll clerk shall note in the poll book the name of the person who requires that the voter be sworn together with the reasons therefor and, where that is the case, the fact that the oath was made.

218. An elector under whose name another person has already voted shall nevertheless be admitted to vote, after declaring under oath that he truly is the elector registered on the list and that he has not already voted. An indication thereof shall be entered in the poll book.

219. An elector whose name does not appear on the copy of the list of electors used at the polling station but appears on the original may obtain an authorization to vote from the returning officer.

An elector who has obtained an authorization under this section shall present it to the deputy returning officer and must be admitted to vote after declaring under oath that he is the person who obtained it. An indication thereof shall be entered in the poll book.

220. In no case may the returning officer admit to vote any person who refuses to make the oath that is required of him. An indication thereof shall be entered in the poll book.

Ballot paper **221.** The deputy returning officer shall give the elector who is admitted to vote every ballot paper to which he is entitled, after writing his initials in the space reserved for that purpose and detaching the counterfoil.

Marking of ballot **222.** The elector shall enter the polling booth and mark the ballot paper at once by making a cross, an "X", a check mark or a line in the circle placed opposite the indications pertaining to the candidate for whom he intends to vote, using a pen, a ball-point pen or a pencil.

Folding The elector shall then fold the ballot paper he has marked.

Procedure after marking **223.** After marking and folding every ballot paper given to him, the elector shall leave the polling booth.

Initials He shall allow the initials of the deputy returning officer to be examined by the latter, by the poll clerk and by any representative assigned to the polling station who wishes to do so.

Stub Then, in full view of the persons present, the elector shall detach the stub and hand it to the deputy returning officer, who shall destroy it.

Insertion in box Lastly, the elector himself shall place the ballot paper in the ballot box.

Cancellation of ballot paper **224.** The deputy returning officer shall cancel any ballot paper bearing initials that are not his own or not bearing any initials and prevent it from being placed in the ballot box. An indication thereof shall be entered in the poll book.

Exceptions Notwithstanding the foregoing, the deputy returning officer shall not cancel a ballot paper which does not bear any initials where all of the following conditions are met:

(1) the number of ballot papers presented by the elector corresponds to the number given to him by the deputy returning officer;

(2) the ballot paper presented by the elector is, on its face and without being unfolded, the ballot paper given to him by the deputy returning officer;

(3) the deputy returning officer signs a written declaration supported by his oath attesting that he inadvertently omitted or forgot to affix his initials to the ballot paper.

Affixing of initials The deputy returning officer shall then, in full view of the persons present, affix his initials to the reverse of the ballot paper and allow

it to be placed in the ballot box. An indication thereof shall be entered in the poll book.

Spoiled
ballot

225. The deputy returning officer shall cancel any ballot paper inadvertently marked or spoiled by an elector and shall give another ballot paper to that elector.

Secrecy

The deputy returning officer shall not attempt to learn for whom the elector has voted, where that is the case.

Assistance

226. An elector who declares under oath that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted either

(1) by the deputy returning officer or the poll clerk, in the presence of the representatives assigned to the polling station, or

(2) by another elector, in the presence of the deputy returning officer or the poll clerk.

Oath

Where an elector chooses to be assisted by another elector, the latter shall declare under oath that he has not assisted another elector during the poll and that he will not disclose the name of the candidate for whom the elector votes in his presence.

Sign
language

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

Indication in
poll book

An indication that an elector has availed himself of this section shall be entered in the poll book.

Visual
handicap

227. The deputy returning officer shall provide a visually handicapped person who so requests a template to enable him to vote without assistance.

Template

The deputy returning officer shall adjust the template and the ballot paper, give them to the elector and indicate to him the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.

Assistance

The deputy returning officer shall, upon request, assist the elector in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.

Several
ballot
papers

Where the elector is entitled to more than one ballot paper, the deputy returning officer shall wait until the ballot paper given to the elector is placed in the ballot box before giving him another in accordance with the second paragraph.

Marking of
list

228. As soon as an elector has voted, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

Exception

The first paragraph does not apply where the elector has voted pursuant to an authorization where his name was not entered on the copy of the list of electors used at the polling station.

DIVISION V

COUNTING AND ADDITION OF VOTES

Counting of
votes

229. After the closing of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed to the counting of the votes.

Representa-
tives

The representatives assigned to the polling station may attend.

Closing of
stations

Where several polling stations are situated at the same polling place, the counting of votes shall begin only after the poll is closed at all the polling stations.

Entries in
poll book

230. Before the ballot box is opened, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who have voted;

(2) the number of cancelled ballot papers and the number of unused ballot papers;

(3) the names of the persons who have performed duties as election officers or representatives assigned to the polling station.

Compiling
sheet

231. The deputy returning officer, the poll clerk and the representatives shall use the compiling sheet provided by the returning officer for the counting of votes.

Procedure

232. The deputy returning officer shall open the ballot box, count the votes by taking, one by one, the ballot papers placed in the ballot box and allow each person present to examine the ballot papers without touching them.

Rejected
ballot
papers

233. The deputy returning officer shall reject every ballot paper which

- (1) has not been furnished by the deputy returning officer;
- (2) has not been marked or has not been marked properly;
- (3) has been marked in favour of more than one candidate;
- (4) has been marked in favour of a person who is not a candidate;
- (5) bears fanciful or injurious entries;
- (6) bears a mark by which the elector can be identified.

No initials

234. Every ballot paper that does not bear the initials of the deputy returning officer must be rejected.

Exceptions

Notwithstanding the foregoing, no ballot paper contemplated in the first paragraph may be rejected where all of the following conditions are met:

- (1) the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors and the poll book, as the case may be, were placed in it;
- (2) the ballot papers found in the ballot box which bear no initials are, on their face, those furnished by the deputy returning officer;
- (3) the deputy returning officer signs a written declaration supported by his oath attesting that he inadvertently omitted or forgot to affix his initials to a specified number of ballot papers.

Affixing of
initials

The deputy returning officer shall, in full view of the persons present, then affix his initials to the reverse of every ballot paper that does not bear them, and shall enter, on each ballot, following his initials a note indicating that they were affixed as a correction. An indication thereof shall be entered in the poll book.

Attached
stub

235. No ballot paper may be rejected for the sole reason that the stub has not been detached.

Destruction

In that case, the deputy returning officer shall detach the stub and destroy it.

Valid marking	236. No ballot paper may be rejected for the sole reason that the mark made in one of the circles extends beyond the circumference of the circle.
Objections	237. The deputy returning officer shall consider every objection raised by a representative assigned to the polling station in respect of the validity of a ballot paper and make a decision immediately. He may reserve his decision as to an objection based on the absence of his initials until all the ballot papers placed in the ballot box are examined.
Decision	The objection and the decision of the deputy returning officer shall be entered in the poll book.
Statement of poll	238. After examining all the ballot papers placed in the ballot box, the deputy returning officer shall draw up a statement of the poll indicating <ol style="list-style-type: none">(1) the number of ballot papers received from the returning officer;(2) the number of ballot papers given in favour of each candidate;(3) the number of ballot papers rejected in the counting of votes;(4) the number of ballot papers cancelled and not placed in the ballot box;(5) the number of unused ballot papers.
Separate statements	The statement must be drawn up separately for each office for which a poll was held at the polling station.
Copies	The returning officer may require the deputy returning officer to draw up several copies of the statement of the poll.
Statement of votes	239. On the basis of the statement of the poll, the deputy returning officer shall draw up a statement of votes indicating the number of votes given in favour of each candidate and the number of ballot papers rejected in the counting of votes.
Separate statements	The statement of votes must be drawn up separately in respect of each office for which a poll was held at the polling station.
Dispensation	The deputy returning officer is dispensed from drawing up a statement of votes if he has drawn up a sufficient number of copies of the statement of the poll to provide, in addition to his copy, a copy for the returning officer and for each representative assigned to the polling station. In that case, the statement of the poll also constitutes a statement of votes.

Copy for
representa-
tives

240. The deputy returning officer shall give a copy of the statement of votes to each representative assigned to the polling station.

Other copies

The deputy returning officer shall keep a copy of the statement for himself and a copy intended for the returning officer under section 244.

Placing in
envelopes

241. After drawing up the statement of the poll and the statement of votes, the deputy returning officer shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes, the ballot papers cancelled and not placed in the ballot box, the unused ballot papers and the statement of the poll in separate envelopes.

Separate
application

The first paragraph applies separately in respect of each office for which a poll was held at the polling station.

Statement
of poll

If the returning officer has required that several copies of the statement of the poll be drawn up, two copies must be placed in envelopes.

Sealing

242. The deputy returning officer shall then seal the envelopes.

Affixing of
initials

The deputy returning officer, the poll clerk and those representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

Placing in
ballot box

243. The deputy returning officer shall place the envelopes, the poll book and the list of electors in the ballot box.

Sealing

He shall then seal the ballot box.

Affixing of
initials

The deputy returning officer, the poll clerk and those representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

Placing in
ballot box

If two copies of the statement of the poll have been placed in envelopes, only one of the envelopes shall be placed in the ballot box.

Delivery of
box

244. The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

Statement
of votes

The deputy returning officer shall at the same time deliver a copy of the statement of votes to the returning officer or designated person.

- Envelope** He shall also deliver with the ballot box the envelope containing a copy of the statement of votes that was not placed in the ballot box, where such is the case.
- Time of addition of votes** **245.** The addition of the votes shall begin, at the discretion of the returning officer,
- (1) at the time he fixes, during the evening, on polling day;
 - (2) at 9 a.m. on the day after polling day;
 - (3) or at the time and on the day he determines, that day being any of the four days following polling day.
- Notice** If the returning officer chooses to begin the addition of the votes after polling day, he shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.
- Place** **246.** The addition of the votes shall be conducted at the place determined by the returning officer.
- Attendance** Any person may attend.
- Procedure** **247.** The returning officer shall proceed to the addition of the votes by using the statements of the poll contained in the ballot boxes and compiling the votes cast in favour of each candidate.
- Procedure** Notwithstanding the foregoing, the returning officer may, where such is the case, use the statements of the poll delivered with the ballot boxes, unless a candidate or an elector concerned presents to him a written declaration, supported by an oath attesting that there is reason to believe that a statement the returning officer proposes to use is erroneous or fraudulent and does not correspond to the statement placed in the ballot box, and that the results may be different if the statement placed in the ballot box is used in conducting the addition of the votes.
- Adjournment** **248.** If a statement of the poll is missing, the returning officer shall adjourn the addition of the votes until he obtains it.
- Missing statement** If it appears impossible to obtain the statement of the poll, the returning officer shall use the statement of votes that was remitted to him or, failing that, the statement of the deputy returning officer or of a representative.

Placing in envelope **249.** After consulting the statement of the poll or the statement of votes, as the case may be, the returning officer shall place it in an envelope.

Placing in ballot box He shall then place the envelope in the ballot box.

Summary counting of votes **250.** If it appears impossible to obtain the statement of the poll and the statement of votes, the returning officer shall cause a summary counting of the votes to be made by the deputy returning officer and the poll clerk on the date, at the time and at the place determined by him.

Procedure At the summary counting of the votes, the deputy returning officer shall open the ballot box and the envelopes it contains in the presence of the poll clerk. With the poll clerk's assistance, the deputy returning officer shall count, without questioning whether the ballot papers are valid, rejected or cancelled, the ballot papers cast in favour of each candidate, the ballot papers rejected at the time of the counting of votes, the ballot papers that were cancelled and the unused ballot papers. The formalities applicable after any counting of votes shall then apply.

Failure to act If the deputy returning officer or if the poll clerk is unable or refuses to act, the other shall proceed alone to a summary counting of the votes. If both are unable or refuse to act, the returning officer shall himself proceed thereto.

Notice The returning officer shall give advance notice of the summary counting of the votes to each authorized party, recognized ticket and independent candidate concerned. The representatives assigned to the polling station may attend.

Missing documents **251.** Where it appears impossible to obtain the statement of the poll, the statement of votes and the ballot papers, the returning officer shall inform the Minister of Municipal Affairs in accordance with Division III of Chapter XI.

Announcement **252.** Immediately upon completion of the addition of the votes, the returning officer shall announce the results to the persons present.

Results of addition **253.** After making the announcement, the returning officer shall communicate the results of the addition of the votes to every person who requests it.

Tie **254.** In case of a tie for first place, the returning officer shall apply for a recount of the votes in accordance with Division VII.

DIVISION VI

DECLARATION OF ELECTION
AND SUBSEQUENT PROCEEDINGSDeclaration
of election

255. If no application for a recount or re-addition of the votes is made within the time prescribed in section 264, or if an application is made and is dismissed, the returning officer shall declare elected the candidate who obtained the greatest number of votes according to his announcement.

Declaration
of election

256. Where a recount or re-addition is made, the returning officer shall declare elected the candidate who obtained the greatest number of votes according to the results certified by a judge in accordance with section 273.

Tie

Where the certified results show a tie for first place, a drawing of lots shall determine which candidate shall be declared elected.

Notice

257. Where a drawing of lots is required, the returning officer shall give one clear day's advance notice of it to each candidate concerned.

Drawing of
lots

At the time and place indicated in the notice, the returning officer shall carry out a public drawing of lots.

Declaration
of election

He shall declare elected the candidate who is favoured by the drawing of lots.

Writing

258. The declaration of election shall be made by means of a writing signed by the returning officer, indicating the date of the declaration, the name and address of the elected candidate and the office to which he is elected.

Reading
aloud

Where such is the case, the returning officer shall read the declaration to the persons present at the place where he signs it.

Copy

259. Within three days after the declaration of election of a candidate, the returning officer shall transmit a copy of the writing to the candidate.

Public
notice

260. As soon as the returning officer has been informed of the complete results of the election, he shall give public notice thereof, indicating the candidate elected to each office.

Transmis-
sion of
notice

The returning officer shall transmit a copy of the notice to the regional county municipality or to the urban or regional community whose territory comprises that of the municipality.

Prohibition

261. In no case may the person responsible for access to documents held by the municipality deliver any copy of any used ballot paper.

Prohibition

He shall allow no one to examine the ballot papers, unless he is required to do so by order of the court or a judge.

DIVISION VII

RECOMMENCEMENT OF PROCEEDINGS

§ 1.—*Recount or re-addition of votes*

Application
for recount

262. Any person who has reasonable grounds to believe that a deputy returning officer, a poll clerk or the returning officer has improperly counted or rejected votes or has drawn up an incorrect statement of the number of votes cast in favour of a candidate may apply for a recount of the votes. The application may be limited to one or certain polling subdivisions but the judge is not bound by that limitation.

Application
for
re-addition

Any person who has reasonable grounds to believe that the returning officer improperly compiled the votes cast in favour of a candidate may apply for a re-addition of the votes.

Tie

The first paragraph does not apply where the returning officer applies for a recount of the votes in the case of a tie.

Provincial
Court

263. The application for a recount or re-addition is made by way of a motion to a judge of the Provincial Court of the judicial district in which all or part of the territory of the municipality is situated, filed in the office of that court.

Respondent

The respondent is the candidate having the greatest number of votes according to the announcement made by the returning officer.

Procedure

Subject to any inconsistent provision of this subdivision, proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure, but the motion shall be heard and decided by preference.

Service

264. The motion must, on pain of dismissal, be served on the returning officer and presented within four days after the end of the addition of the votes.

- Tie** The first paragraph does not apply to an application for a recount of the votes in the case of a tie.
- No appeal** **265.** No appeal lies from the decision on the motion.
- Judge** **266.** The recount or re-addition shall be made by the judge who granted the motion or by any other judge of the Provincial Court designated by the chief judge or the senior associate chief judge, as the case may be.
- Time limit** It shall begin within four days after the decision granting the motion and be carried out as soon as practicable.
- Notice** **267.** The judge shall give one clear day's advance notice to the candidates concerned of the date, time and place at which he will proceed to the recount or re-addition of the votes.
- Summons of returning officer** The judge shall summon the returning officer and order him to bring the ballot boxes used in the poll for the office concerned with their contents and the statements of votes. Where the recount is limited to one or certain polling subdivisions, the judge shall order only the ballot boxes and statements he will need.
- Recount** **268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a recount, examine the ballot papers and the other documents contained in the ballot boxes and, in the case of a re-addition, the statement of the poll and the statement of votes.
- Examination of ballots** The candidates concerned or their mandataries and the returning officer may, at that time, examine the ballot papers and other documents examined by the judge.
- Applicable provisions** **269.** The rules provided in Division V to establish the validity of a ballot paper apply at a recount.
- Appropriate measures** The judge may, for that purpose, take any measure he considers appropriate.
- Missing box** **270.** If a ballot box or required documents are missing, the judge shall take any appropriate measure to ascertain the results of the vote.
- Powers and immunity** For the purposes of this section, the judge is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

Witnesses Every person testifying in an inquiry before the judge has the same privileges and immunity as a witness before the Superior Court. Articles 307 to 309 of the Code of Civil Procedure apply, adapted as required.

Custody of ballot boxes **271.** While the recount or re-addition is in progress, the judge has the custody of the ballot boxes and their contents, and of all the other documents that have been remitted to him.

Re-addition **272.** Immediately upon completion of the recount, the judge shall verify or rectify the statement of the poll and statement of votes and make a re-addition of the votes.

Certification of results **273.** After completing the re-addition of the votes, the judge shall certify the results of the poll.

Remittance of ballot boxes The judge shall remit the ballot boxes, their contents and all the other documents used for the recount or re-addition to the returning officer.

Awarding of costs **274.** The judge shall award and fix the amount of the costs according to the tariff established by government regulation.

Unchanged results Where, according to the results of the poll certified by the judge, the candidate who received the greatest number of votes is the same as according to the announcement made by the returning officer, the costs of that candidate shall be assumed by the appellant.

Tie Where the recount is applied for following a tie, there shall be no costs.

Recovery of costs **275.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Provincial Court.

*§ 2.—New election on account of the lack, death
or withdrawal of candidates or the rejection of the ballot papers*

New election **276.** The returning officer shall recommence election proceedings to fill an office on the council, subject to section 277, where

(1) no person is nominated as a candidate for the office before the end of the period prescribed for filing nomination papers or all the persons nominated have withdrawn or died before the end of the period;

(2) every candidate for the office withdraws after the end of the period contemplated in paragraph 1 but before the end of the polling period;

(3) a candidate, in the case of the office of councillor, dies after the end of the period contemplated in paragraph 1 but before the end of the polling period;

(4) a candidate, in the case of the office of mayor, dies or withdraws for medical reasons which, in the opinion of at least two physicians, prevent him from remaining a candidate, less than twenty-seven days before polling day but before the end of the polling period;

(5) all the ballot papers placed in the ballot box in favour of the candidates for the office have been rejected during the counting of the votes or, as the case may be, during the recount.

Date of new
election

277. Within 30 days of ascertaining a situation justifying the recommencement, the returning officer shall fix the date of the poll on a Sunday in any of the four following months. Where that is the case, he shall notify the council as soon as practicable of the date fixed for the poll.

Notice

Notice of the election must be given not later than 37 days before the day fixed for the poll.

List of
electors

The persons entitled to have their names entered on the list of electors or to be candidates are the same as in the original election.

Deposit and
revision

The list of electors in force shall be used and no new list need be prepared. The list shall be deposited as soon as possible after publication of the notice of election. No revision of the list is required if the revision was completed for the purposes of the original election.

Undivided
co-owners

The public notice prescribed in section 56 concerning undivided co-owners of immovables and co-occupants of places of business is not required.

One recom-
mencement
only

278. Election proceedings may be recommenced only once.

Appoint-
ment by
Minister

Where a situation arises justifying the recommencement of the proceedings a second time, the returning officer shall notify the Minister of Municipal Affairs, who may then appoint an eligible person to the office concerned or order that the proceedings be recommenced according to the rules he determines. The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

CHAPTER VII

ELECTORAL CODE OF ETHICS

DIVISION I

SECRECY OF VOTING

Secrecy **279.** Voting is secret.

Prohibition **280.** No elector may, on the premises of a polling station, indicate publicly, in any manner, in favour of which candidate he proposes to vote or has voted.

Prohibition No candidate, representative or election officer may, on those premises, attempt to learn in favour of which candidate an elector proposes to vote or has voted.

Premises of
polling
station The building in which the polling station is located and any neighbouring place where the indications of the elector or the actions of the candidate, representative or election officer may be heard or seen by the electors waiting in line are considered to be the premises of a polling station.

Prohibition **281.** No candidate or representative, nor any election officer or elector who has given assistance to another elector may disclose for which candidate the elector has voted.

Forced
disclosure **282.** No person may be compelled to disclose for which candidate he has voted.

DIVISION II

PARTISAN PUBLICITY AND PARTISAN WORK OF OFFICERS
AND EMPLOYEES OF THE MUNICIPALITY

Prohibited
publicity **283.** No person may, on the premises of a polling station, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

Premises of
polling
station The building in which the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are considered to be the premises of the polling station.

**Partisan
work**

284. No officer or employee of a municipality, other than an officer or employee not ineligible under paragraph 1 of section 63, may engage in partisan work connected with an election to an office on the council of the municipality.

Applicability

The prohibition contemplated in the first paragraph includes any association representing the interests of officers or employees contemplated in the first paragraph.

Exceptions

285. Attending a political meeting, making a contribution to a party or an authorized independent candidate, being a member of a party or affixing a signature in support of a nomination paper or an application for authorization does not constitute partisan work.

Applicability

The first paragraph does not apply to the clerk or the secretary-treasurer of the municipality or his assistant, to any other officer or employee of the municipality while he is an election officer, or to the treasurer, within the meaning of section 364, of a municipality, subject to Divisions II to IX of Chapter XIII.

CHAPTER VIII

CONTESTATION OF ELECTIONS

**Contestation
of election**

286. Every person entitled to vote at the election of a member of the council of a municipality may contest the election on the grounds that the person declared elected was ineligible, that he did not obtain the greatest number of the valid votes, that a corrupt electoral practice was used which caused the election to be null, or that the proper formalities were not observed.

**Defeated
candidate**

Every candidate defeated by the person declared elected may also avail himself of the first paragraph.

**Superior
Court**

287. An election is contested by way of a motion to the Superior Court of the judicial district in which all or part of the territory of the municipality is situated.

Respondent

The respondent is the person declared elected. The returning officer must be impleaded.

Time limit

288. The motion must, on pain of dismissal, be presented within 30 days after the respondent is declared elected, or within 30 days after the corrupt electoral practice was used where the motion alleges that such a practice was used after the declaration.

- Time limit** Where the alleged corrupt electoral practice consists in incurring election expenses in excess of the maximum fixed in Chapter XIII, the motion must, on pain of dismissal, be presented within 90 days from the transmission of the return of election expenses.
- Content of motion** **289.** The applicant may demand that the election be declared null, or that the election be declared null and the candidate he identifies be declared elected.
- Procedure** **290.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure, but the motion is heard and decided by preference.
- Rules of proof** **291.** The rules of proof are those applicable in civil matters.
- Decision** **292.** The court shall decide that the member of the council whose election is contested was duly elected, that his election is null or that his election is null and another person designated by the court was duly elected.
- Corrupt electoral practice** **293.** The court shall declare the election of the respondent null where the hearing establishes that a corrupt electoral practice within the meaning of section 645 was used by him or, with his knowledge or consent, by another person.
- Corrupt electoral practice** The court shall declare the election of the respondent null where the hearing establishes that, without his knowledge and consent, his representative, mandatary or official agent or that of his party used a corrupt electoral practice, unless it is established that the practice could not have had a determining effect on the election of the respondent.
- Inobservance of formalities** **294.** The court shall declare the election of the respondent null where the hearing establishes that he failed to observe the proper formalities and that the inobservance may have had a determining effect on the election of the respondent.
- Appeal** **295.** An appeal lies to the Court of Appeal from the judgment rendered on the motion.
- Time limit** The appeal must, on pain of dismissal, be brought within 30 days from the judgment.
- Interlocutory judgment** No appeal lies from any interlocutory judgment.
- Procedure** **296.** The ordinary rules of the Code of Civil Procedure apply to the proceedings but the appeal is heard by preference.

Provisional
execution of
judgment

297. The provisional execution of the judgment declaring the election of the respondent null does not result in the termination of his term or, as the case may be, his replacement by the candidate declared elected in his place.

Attendance
at sittings

Notwithstanding the foregoing, during the provisional execution, the respondent is not entitled to attend, as a member, the sittings of the council of the municipality, of its committees and commissions, or of the council, committees and commissions of the regional county municipality, the urban or regional community or any intermunicipal board of management, or of any other board, committee, commission or public body of which the respondent is a member by reason of the fact that he is a member of the council of the municipality, the regional county municipality, the community or the board.

Remunera-
tion

The respondent shall consequently lose the right to receive the remuneration or allowance prescribed for each sitting he is not entitled to attend. Where his remuneration or allowance is not established for each sitting, an amount equal to 1% of the annual amount of the remuneration or allowance is subtracted for each sitting he is not entitled to attend. The sums shall be repaid to the respondent where the judgment having become a *res judicata*, overturning the judgment under provisional execution, orders it.

Service of
judgment

298. The appellant shall serve upon the clerk or the secretary-treasurer of the municipality a certified copy of the judgment having become a *res judicata* and granting his motion.

Appealed
judgment

Where the judgment granting his motion is appealed but is under a provisional order of execution, the appellant shall serve a certified copy of the appealed judgment and, if such is the case, of the order on the clerk or the secretary-treasurer.

Notice to
municipal
authority

The clerk or secretary-treasurer shall immediately notify the council, the regional county municipality, the urban or regional community, the intermunicipal board of management or any other body whose sittings the respondent is no longer entitled to attend. He shall also notify them as soon as possible where the respondent recovers the right to attend.

Declaration
of election

299. The person declared elected by the court in the place of another person is deemed to have been declared elected on the day the judgment having become a *res judicata* is served on the clerk or the secretary-treasurer of the municipality.

CHAPTER IX

DISQUALIFICATIONS

DIVISION I

GROUNDS FOR DISQUALIFICATION

Disqualifica-
tion

300. A person holding office as a member of the council is disqualified from holding office as such

- (1) for the whole term of office if he was elected while ineligible;
- (2) upon ceasing after 1 September of the calendar year in which the election was held, to meet the eligibility requirements prescribed in section 61, until he again meets those requirements;
- (3) upon becoming ineligible under section 62 or 63 after his election, and as long as he remains ineligible;
- (4) if he was a member of the Parliament of Québec or of Canada when he was elected to the council and did not cease to hold that office thirty-one days after taking his oath of office as a member of the council, as long as the plurality continues;
- (5) if he begins to hold office as a Member of the Parliament of Québec or of Canada after his election, as long as the plurality continues.

Corrupt
electoral
practice

301. A person who pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act is disqualified from holding office as a member of the council of a municipality.

Duration of
disqualifica-
tion

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

Conviction

302. A person who pleads guilty to or is convicted, under any Act, of an offence which pursuant to an Act of the Parliament of Québec or of Canada is an offence punishable by imprisonment for a term of two years or more and for which he is sentenced to imprisonment for thirty days or more, whether or not he serves the sentence, is disqualified from holding office as a member of the council of a municipality.

Duration of
disqualifica-
tion

The disqualification shall last for a period equal to twice the term of imprisonment, starting from the day on which the judgment convicting the person becomes a *res judicata* or the day the final sentence is pronounced, whichever is later.

Disqualifica-
tion

303. Every person who

(1) makes a written declaration of his pecuniary interests under section 357 or 358 with the knowledge that it is incomplete or contains a false statement or information, or who

(2) in contravention of section 361 as to a matter that is to be taken up for consideration by a council, committee or commission of which he is a member and in which he knows he has, directly or indirectly, a personal pecuniary interest,

(a) fails to disclose the general nature of that interest before the discussions on that matter are begun where he is present, at the sitting at which it is to be taken up for consideration or, if he is not present, at the next sitting of the council, committee or commission he attends;

(b) fails to abstain from taking part in the discussions and from voting or attempting to influence the vote on the matter;

(c) fails to leave the sitting after having disclosed the general nature of his interest, while the matter is being discussed and voted on, where the sitting is not public,

is disqualified from holding office as a member of the council of a municipality.

Duration

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*.

Conflict of
interest

304. A person who knowingly, during his term as member of the council of a municipality or as member of a municipal body, has an interest, directly or indirectly, in a contract with the municipality or body is disqualified from holding office as a member of the council of a municipality.

Duration of
disqualifica-
tion

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*.

Applicability
of s. 304

305. Section 304 does not apply

(1) where the person acquires his interest by succession or gift and renounces or divests himself of it as soon as practicable;

(2) where the interest of the person consists in holding shares of a company which he does not control, of which he is neither a director nor an officer and of which he possesses less than 10% of the voting shares issued;

(3) where the object of the contract is a remuneration, an allowance, the reimbursement of expenses, social benefits, goods or services to which the person is entitled as a condition of employment attached to his duties with the municipality or municipal body;

(4) where the object of the contract is the appointment of the person to a position as an officer or employee, provided that the position is not one that makes its holder ineligible;

(5) where the object of the contract is the furnishing of services offered to the public by the municipality or the municipal body;

(6) where the contract consists of bonds, notes or other securities offered to the public by the municipality or the municipal body or in the acquisition of such bonds, notes or securities on non-preferential terms;

(7) where the object of the contract is the furnishing of goods or services that the person has an obligation to furnish to the municipality or municipal body pursuant to a legislative or regulatory provision;

(8) where the object of the contract is the furnishing of goods by the municipality or municipal body and where the contract was entered into before the person held office as a member of the municipality or body and before he became a candidate at the election in which he was elected;

(9) in a case of irresistible force, where the general interest of the municipality or municipal body requires that the contract be entered into in preference to any other contract.

Misappropriation,
breach of
trust

306. A person who knowingly, during his term as a member of the council of a municipality or member of a municipal body, uses his position to misappropriate moneys or commit a breach of trust or other misconduct is disqualified from holding office as a member of the council of a municipality.

Duration of
disqualification

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*, unless the judgment fixes a shorter period.

"municipal
body"

307. For the purposes of sections 304 to 306, "municipal body" means the council or any committee or commission of

(1) a body declared by law to be a mandatory or agent of a municipality;

(2) a body whose board of directors is composed for the greater part of members of the council of a municipality, whose budget is adopted by the municipality or more than one-half of whose funding is provided by the municipality;

(3) a public body whose board of directors is composed for the greater part of council members from several municipalities;

(4) any other body determined by the Minister of Municipal Affairs.

DIVISION II

ACTION FOR DECLARATION OF DISQUALIFICATION

Action for
declaration
of disqualifi-
cation

308. Any elector of a municipality in which a person is a member or former member of the municipal council or is a candidate for that office may bring an action for the declaration of disqualification of that person.

Attorney
General

The Attorney General and the municipality may also bring the action.

Superior
Court

309. The action is brought before the Superior Court of the judicial district which includes all or part of the territory of the municipality.

Time limit

The action must, on pain of dismissal, be brought before the expiry of five years after the end of the term of office of the respondent during which the disqualification is alleged to have existed.

Procedure

310. The action is governed by the Code of Civil Procedure but is heard and decided by preference.

Appeal

An appeal lies from the judgment of the Superior Court in accordance with the Code of Civil Procedure.

Provisional
execution of
judgment

311. The provisional execution of the judgment declaring the disqualification of a person who is a member of the council of a municipality has the same effect as the provisional execution, provided for in section 297, of a judgment declaring his election null, with the necessary adjustments.

Ouster from
office

The first paragraph applies also where the judgment grants a demand for ouster from office brought in accordance with the Code of Civil Procedure.

Service of
judgment

312. The applicant must serve on the clerk or the secretary-treasurer of the municipality a certified copy of the judgment having become a *res judicata* and declaring the member of the council disqualified or ousted from office.

Appealed
judgment

Where the judgment is appealed but is under a provisional order of execution, the appellant must serve a certified copy of the appealed judgment and, where such is the case, of the order of execution on the clerk or the secretary-treasurer.

Notice to
municipal
authority

The clerk or the secretary-treasurer shall, as soon as possible, notify the council, the regional county municipality, the urban or regional community, the intermunicipal board of management and every public body whose sittings the respondent is no longer entitled to attend. He shall also notify them as soon as practicable where the respondent recovers the right to attend.

Applicability

The first two paragraphs do not apply where the appellant is the municipality.

CHAPTER X

TERM OF OFFICE OF COUNCIL MEMBERS

Oath of
office

313. Within 30 days after having been declared elected, the person elected shall make the oath to perform his duties of office according to law.

Beginning
of term

His term of office as council member begins when he makes the oath.

Expiry of
mayor's
term

314. The term of the mayor expires when the candidate elected to the office of mayor at the regular election makes the oath or, if he fails to do so, at the expiry of the time prescribed therefor.

Expiry of
councillor's
term

The term of the councillors expires at 4:30 p.m. twenty-three days before the day fixed for the regular election at which their offices are open for nominations.

Death,
resignation,
etc.

315. The term of a member of the council ends prematurely upon his death or, in accordance with this chapter, upon his resignation, failure

to attend council sittings, disqualification, the annulment of his election or his ouster from office.

Mayor by co-optation The term of a councillor elected mayor by co-optation under section 336 ends prematurely when his term as mayor begins.

Resignation **316.** A member of the council may resign from office by transmitting a writing to that effect signed by him to the clerk or the secretary-treasurer of the municipality.

End of term The term of the member ends on the date of transmission of the writing or on any later date specified therein.

Tabling of writing The clerk or the secretary-treasurer shall table the writing before the council at the first sitting after it is transmitted.

Failure to attend sittings **317.** The term of a member of the council who fails to attend council sittings for ninety consecutive days ends at the close of the first sitting after the expiry of the ninety days unless the member attends that sitting.

Days of grace The council may, at the first sitting after the ninety days, grant thirty days of grace to the member if he was in fact unable to attend the sittings. In such case, the term of the member ends thirty-one days later, unless he attends a sitting of the council during the period of grace.

Exception The council may also in due time order that a member's failure to attend sittings of the council for serious reasons beyond his control and causing no prejudice to the citizens of the municipality or of the electoral district or ward, as the case may be, shall not entail the end of his term.

Provisional execution of judgment The first three paragraphs do not apply where the member is prevented from attending the sittings by reason of the provisional execution of a judgment declaring the nullity of his election or his disqualification or ouster from office.

Applicability This section applies only to the member's attendance in his capacity as member.

End of term **318.** The term of a member of the council who is disqualified or was disqualified during his term of office ends on the date on which the judgment declaring the member disqualified becomes a *res judicata*.

End of term Where the disqualification of a member results from the fact that, after his election, he became ineligible pursuant to section 62 or 63 or he became a Member of the Parliament of Québec or Canada, his

term ends on the day he begins to hold the office referred to in that section or becomes a Member of Parliament.

End of term Where the disqualification of a member results from the fact that he has pleaded guilty to or been convicted of an offence described in section 301, his term ends on the day the judgment convicting him becomes a *res judicata*. Where the disqualification of a member results from the fact that he has pleaded guilty to or been convicted of an offence described in section 302 and has been imposed a sentence contemplated therein, his term ends, except in the case of an immediate pardon, on the date the judgment convicting him becomes a *res judicata* or on the day the final sentence is pronounced, whichever is later.

Applicable provisions The second and third paragraphs apply subject to sections 321 to 328.

Nullity of election **319.** The term of a member of the council ends on the date the judgment declaring the nullity of his election or ousting him from office becomes a *res judicata*.

Notice to C.M.Q. **320.** The clerk or secretary-treasurer who ascertains that the term of a member of the council has ended by reason of his failure to attend sittings of the council, his disqualification, the nullity of his election or his ouster from office, shall notify in writing the Commission municipale du Québec as soon as possible.

Decision The Commission shall, after inquiry, ascertain whether or not the term of office has ended. It shall transmit, at the same time, a copy of its decision to the municipality and to the member concerned.

Notice Where the Commission ascertains that the term has ended pursuant to the second or third paragraph of section 318, it shall attach a notice reproducing sections 321 to 328 to the copy of its decision.

Contestation **321.** The member of the council may contest the Commission's decision where the latter ascertains that the term of the member has ended pursuant to the second or third paragraph of section 318.

Time limit The contestation must, under pain of nullity, be made by means of a writing signed by the member and transmitted to the clerk or the secretary-treasurer and the Commission within 10 days after the transmission of the copy of the Commission's decision.

Notice to municipality The Commission shall notify the municipality in writing of the date on which it received the writing in contestation.

Application
for judicial
confirmation

322. In case of contestation, the Commission may apply for judicial confirmation of the date of the end of the term of the council member.

Attorney
General

The municipality, an elector of the municipality or the Attorney General may also make the application.

Superior
Court

323. An application for judicial confirmation of the date on which the member's term ends is made by a motion to a judge of the Superior Court of the judicial district in which all or part of the territory of the municipality is situated, filed in the office of the Court.

Respondent

The respondent is the council member whose end of term is the subject of the application for judicial confirmation.

Procedure

Subject to sections 326 to 328, the procedure shall be according to the ordinary rules of the Code of Civil Procedure but the motion shall be heard and decided by preference.

Time limit

324. The motion must, on pain of dismissal, be made within 30 days after the Commission receives the writing in contestation.

Service

A motion by the Commission, an elector or the Attorney General shall be served on the municipality before being brought.

Absence of
motion

325. If no motion is brought within the prescribed time, the term of the council member shall continue.

Notice

The clerk or the secretary-treasurer shall then notify the member as soon as practicable and the council at its next sitting.

Writing

The member shall be notified in writing.

Decision

326. The judge to whom the motion is validly made may either grant it or dismiss it on the ground that the disqualification of the member of the council is not manifest and that the end of his term must be established, where such is the case, under the first paragraph of section 318 rather than under the second or third paragraph.

No appeal

327. No appeal lies from the decision of the judge.

Dismissal of
motion

328. If the motion is dismissed, the term of the council member shall continue.

Notice

The clerk or secretary-treasurer shall then notify the member as soon as practicable and the council at its next sitting.

Writing

The member shall be notified in writing.

Use of
decision

The judge's decision cannot be pleaded as grounds for the inadmissibility of or as a plea of *res judicata* against an action for declaration of disqualification or a motion in contestation of an election or for ouster from office.

Applicability
of
ss. 318-328

329. Sections 318 to 328 apply to an elected candidate whose term has not begun and, except sections 325 and 328, prevent it from beginning.

CHAPTER XI

VACANCIES AND PROCEDURE FOR FILLING VACANCIES ON THE COUNCIL

DIVISION I

VACANCIES

Failure to
make oath

330. The office of a member of the council of a municipality becomes vacant on the day the person elected to that office is in default to make the oath that he will perform his duties according to law.

End of term

331. The office becomes vacant on the day of the premature end of the term of its holder.

Designation

The office does not become vacant where the premature end of the term is the result of a judgment which designates another holder.

End of term
under s. 318

In the case where the premature end of the term occurs in circumstances described in the second or in the third paragraph of section 318, the office becomes vacant upon the expiry of the time prescribed for the transmission of the writing in contestation of the end of the term, if it is not contested, or, on the day on which the judge grants the motion to confirm the end of the term, if it is contested.

Term not
begun

332. The office becomes vacant on the day fixed as the end of the term under sections 318 to 328 where the term of the person elected to the office cannot begin.

Incumbent
in office

Where the incumbent office holder is still in office on that date, the office becomes vacant on the day his term expires.

Notice to
council

333. The clerk or the secretary-treasurer, on ascertaining that an office has become vacant, shall notify the council at the next sitting.

Applicability **334.** This chapter does not apply to vacancies resulting from the expiry of the term of office of councillors and occurring 23 days before the day fixed for the regular election in which such offices are open for nominations.

DIVISION II

BY-ELECTION AND CO-OPTATION

Mandatory by-election **335.** Any vacancy occurring more than 12 months before the day fixed for the next regular election in which the office is to be open for nominations must be filled by a by-election.

Possible by-election Where the vacancy occurs 12 months or less before that day, the council may, within 15 days after notice of the vacancy, order a by-election to fill it.

Co-optation **336.** Where a vacancy occurs in the office of mayor 12 months or less before the day fixed for the next regular election in which the office is to be open for nominations and the council has not ordered a by-election to fill it, the councillors shall elect one of their number to the office within 30 days after notice of the vacancy.

Secret ballot The election shall be held by secret ballot at a sitting of the council.

Procedure The clerk or secretary-treasurer shall determine the nomination and voting procedure. He shall declare the person who obtains the greatest number of votes elected.

Tie-vote If there is an equality of votes, the person presiding at the sitting shall cast a vote in favour of one of the persons who have received an equal number of votes.

Oath The person elected shall, within the following 30 days, make the oath to perform his duties as mayor according to law.

Office of councillor **337.** Where a vacancy occurs in the office of a councillor 12 months or less before the day fixed for the next regular election in which the office is to be open for nominations and the council has not ordered a by-election to fill it, it shall not be filled until that regular election.

Reservation The first paragraph applies with the reservation that the Minister of Municipal Affairs may order a by-election or make an appointment to fill the vacancy in accordance with Division III.

Applicable provisions **338.** Chapters V to X, adapted as required and to the extent that they are consistent with this division, apply to a by-election.

Polling day **339.** The returning officer, within 30 days after the notice of vacancy or after the council orders a by-election to fill the vacancy, as the case may be, shall fix, as polling day, a Sunday in the four months following the notice or decision.

Exception The Minister of Municipal Affairs, at the request of the returning officer, may grant him an extension or allow him to change the Sunday fixed as polling day and, consequently, to give a new notice of election. In the second case, the Minister shall prescribe the adaptations to be made to the rules applicable to the by-election.

Notice to council The returning officer shall notify the council as soon as practicable of the day fixed as polling day.

Notice of election **340.** The notice of election shall be given not later than 37 days before polling day in cases where the preparation of a list of electors is not required.

Nomination papers If the notice of election is given later than 58 days before the day fixed for polling day, no nomination paper may be filed before the day of publication of the notice.

Copy to chief electoral officer In the case of a municipality subject to Divisions II to IX of Chapter XIII, the returning officer shall transmit a certified true copy of the notice of election to the chief electoral officer.

Replacement of date **341.** With regard to the right to be entered on the list of electors for the by-election, the eligibility for that election and the disqualification resulting from the loss of eligibility, the date of 1 September of the calendar year in which a regular election is to take place shall be replaced by the date of publication of the notice of election.

Ineligibility **342.** A person who holds another office on the same council is not eligible.

List of electors **343.** It shall not be necessary to prepare a list of electors of the municipality or, as the case may be, of the electoral district or ward, where the date fixed as polling day occurs 12 months or less after the last revision of the list of electors in force is completed.

Deposit of list Where the returning officer does not draw up a new list, he shall deposit the list of electors in force as soon as practicable after publication of the notice of election and it shall not be necessary to give the public notice prescribed in section 56 concerning undivided co-owners of immovables and co-occupants of places of business.

New list of
electors

344. Where it is necessary to prepare a list of electors of the municipality or, as the case may be, of the electoral district or ward, the returning officer shall draw up the list in the period beginning on the day of publication of the notice of election and ending 30 days before polling day.

DIVISION III

INTERVENTION OF THE MINISTER OF MUNICIPAL AFFAIRS

Notice to
Minister

345. The clerk or the secretary treasurer shall notify the Minister of Municipal Affairs in writing if any of the following events occurs and subdivision 2 of Division VII of Chapter VI is not applicable:

- (1) an election required to be held has not been held;
- (2) an election has not been completed;
- (3) an election has not resulted in the election of candidates to all the offices open for nominations;
- (4) the council lacks a quorum by reason of vacancies.

By-election
or appoint-
ment

346. Where an event described in section 345 occurs, the Minister may order the holding of a by-election or appoint an eligible person to fill the vacancy.

Applicable
provisions

The by-election is governed by Division II, except that the Minister shall designate the returning officer and fix the polling day.

Deemed
election

The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

CHAPTER XII

RELATED RIGHTS AND OBLIGATIONS

DIVISION I

LEAVE WITHOUT PAY

Candidate's
leave

347. Every employer shall, upon written request, grant leave without pay to his employee who is a candidate at a municipal election.

Request

The request may be made at any time after the date of publication of the notice of election, even before the employee becomes a candidate.

Council
member's
leave

348. Every employer shall, upon written request, grant leave without pay to his employee who is a member of the council of a municipality.

Request

The request may be made at any time after the date the employee is declared elected, even before he becomes a member of the council.

Maximum
period

Notwithstanding the foregoing, no employer may be required pursuant to the first paragraph to grant leave without pay to his employee for a total period of more than eight years or two terms, whichever is longer.

Official
agent's
leave

349. Every employer shall, upon written request, grant leave without pay to his employee who is the official agent of an authorized party or of an independent candidate or the deputy of an official agent.

Request

The request may be made at any time after the date of publication of the notice of election, even before the employee becomes an official agent or the deputy of an official agent.

Beginning
of leave

350. The leave begins on the day the employee becomes a candidate, a member of the council, an official agent or the deputy of an official agent, as the case may be, or on the first day for which he requested the leave, whichever is later.

Termination
of leave

The leave of a candidate terminates on the day of the declaration of election to the office concerned, that granted to a member of the council terminates on the expiry of his term and that granted to an official agent or deputy terminates on the expiry of the time prescribed for the transmission of returns of election expenses.

Notice to
employer

An employee may terminate his leave at any time by means of a thirty-day advance notice to the employer in the case of a council member or five days, in other cases.

Nature of
leave

351. The leave may be full time or part time, according to the employee's request.

Part time
leave

Where an employee requests part time leave, he shall specify the days or hours of his leave.

Benefits

352. Notwithstanding any agreement or Act inconsistent herewith, the employee, throughout his leave as a candidate, official agent or deputy, is entitled to all the benefits attached to his employment, except his remuneration.

- Contribution to plans** **353.** The employee who makes a written request to that effect at the beginning of his leave may, while on leave, continue to contribute to all the plans in which he participates provided he pays the totality of the premiums, including the employer's contribution.
- Reinstatement** **354.** At the expiry of the leave, the employer shall reinstate the employee, on the conditions of employment prevailing before the beginning of the leave or conditions more favourable for the employee, in accordance with the provisions of the collective agreement or, failing that, the agreement between the employer and the employee, taking into account the benefits to which he continued to be entitled during his leave.
- Prohibition** **355.** No employer may, by reason of the leave, dismiss, lay off, suspend, demote or transfer the employee or give him less favourable conditions of employment than he is entitled to or diminish any benefit attached to his employment and to which he is entitled.
- Vacation period** The employer shall not substract the leave granted to an employee who is a candidate, an official agent or a deputy from the period of vacation of the employee.
- Complaint** **356.** An employee believing himself the victim of a contravention of this division may file a complaint with the labour commissioner general appointed under the Labour Code. Sections 15 to 20, 49 to 51, 118 to 137, 139 to 140.1 and 150 to 152 of the Labour Code then apply, adapted as required.
- Arbitration** An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of filing a complaint with the labour commissioner general. Sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code then apply, adapted as required.
- Concurrent procedures** Where a complaint is filed with the labour commissioner general at the same time the grievance settlement and arbitration procedure is invoked, the arbitrator must refuse to hear the grievance.

DIVISION II

DISCLOSURE OF PECUNIARY INTERESTS OF COUNCIL MEMBERS

- Statement of pecuniary interests** **357.** Within 60 days of the declaration of his election, every member of the council of a municipality must file with the council a written statement of his pecuniary interests in immovables located in the territory of the municipality and in the territory of the regional county

municipality or of the regional or urban community of which the municipality is part and in legal persons, partnerships and enterprises likely to make transactions with the municipality or any municipal body of which he is a member.

Content The statement must include a list of the employments and administrative positions held by the member of the council and of the loans he has obtained from a person or body other than a financial institution on which the balance in principal and interest is over \$2 000.

Exceptions The statement does not indicate the value of the interests listed or the extent of the interests of the council member in legal persons, partnerships or enterprises. No mention shall be made of any sum of money deposited with a financial institution or of any bonds issued by a government, a municipality or any other public body that may be held by the council member.

Yearly update **358.** Every year, within 60 days after the anniversary of the declaration of his election, each member of the council shall file an updated statement with the council.

Loss of right **359.** A member of the council who fails to file the statement within the prescribed time loses, from the tenth day following the expiry of the prescribed time and until the statement is filed, the right to attend in that capacity the sittings of the council of the municipality or of the committees and commissions thereof, of the councils, committees and commissions of the regional county municipality, the urban or regional community, or any intermunicipal board of management or of any other board, committee, commission or public body of which he is a member by reason of the fact that he is a member of the council of the municipality, regional county municipality, community or board.

Notice to member As soon as practicable after the expiry of the time prescribed for filing the statement, the clerk or the secretary-treasurer shall notify the member who has not filed the statement of his failure and of the effects thereof.

Notice to municipal bodies As soon as practicable after the member has lost the right to attend sittings, the clerk or the secretary-treasurer shall notify the council, the regional county municipality, the urban or regional community, the intermunicipal board of management and every other public body the sittings of which he is no longer entitled to attend. He shall also notify them as soon as practicable where the member files the statement and recovers the right to attend sittings.

Loss of remuneration **360.** Every member who has lost the right to attend sittings loses, as a consequence, the right to receive the remuneration or allowance prescribed for each sitting he is not entitled to attend.

Computation Where the remuneration or allowance of the member is not established for each sitting, an amount equal to 1 % of the annual amount of the remuneration or allowance shall be deducted for each sitting he is not entitled to attend.

Conflicting
interests **361.** Every member of the council of a municipality who is present at a sitting when a matter in which he has a direct or indirect pecuniary interest is taken up for consideration shall disclose the general nature of his interest before discussions on the matter are begun and abstain from participating in the discussions and from voting or attempting to influence the vote on that matter.

Applicability The first paragraph also applies to a sitting of any board, committee or commission of the municipality or of a municipal body of which the council member is a member.

In camera
sitting Where a sitting is not public, the member, in addition to complying with the requirements of the first paragraph, shall, after disclosing the general nature of his interest, leave the sitting while the matter is being discussed and voted on.

Absence of
member Where the matter is taken up for consideration at a sitting not attended by the member, he shall disclose the general nature of his interest at the next sitting he attends.

Exception **362.** Section 361 does not apply where the member's interest consists of remuneration, allowances, reimbursements of expenses, social benefits or other conditions of employment attached to his duties with the municipality or the municipal body.

Exception Nor does section 361 apply where the interest is so minor that the member could not reasonably be influenced by it.

"municipal
body" **363.** For the purposes of this division, the words "municipal body" have the meaning assigned to those words in section 307.

CHAPTER XIII

FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES AND CONTROL OF ELECTION EXPENSES

DIVISION I

DEFINITIONS AND APPLICATION

Interpreta-
tion **364.** In this chapter,

"election period" "election period" means the period beginning fifty-eight days before polling day or, as the case may be, on the day following the publication of the notice of election and ending on polling day at the time of closing of the polling stations;

"electoral district" "electoral district" means, in addition to its ordinary meaning, a ward or, if none, the whole territory of the municipality if the municipality is not yet divided into electoral districts or if the divisions do not yet apply;

"financial institution" "financial institution" means a chartered bank, a bank governed by the Quebec Savings Banks Act (R.S.C., 1970, chapter B-4), a trust company or a savings and credit union within the meaning of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

"fiscal year" "fiscal year" means the calendar year;

"leader" "leader" means the person designated by the party to perform the duties of leader provided for in this chapter;

"treasurer" "treasurer" means the treasurer, the secretary-treasurer or the head of the finance department of the municipality.

Applicability of Div. II-IX **365.** Divisions II to IX apply to every municipality having a population of 20 000 or over.

Decrease in population Where Divisions II to IX have begun to apply to a municipality, they continue to apply even if its population falls below 20 000.

Minister's order **366.** The Minister of Municipal Affairs may, upon request, order that Divisions II to IX cease to apply to a municipality having a population of under 20 000, on the terms and conditions he determines and render them again applicable to it in the same manner.

Increase in population Divisions II to IX shall become again applicable to the municipality once its population again reaches 20 000.

Publication of notice The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to end the application of Divisions II to IX to a municipality or to render them again applicable to it. He shall transmit a copy of the notice to the chief electoral officer.

DIVISION II

PERSONS ENTRUSTED WITH A FUNCTION RELATING TO THE
FINANCING OF MUNICIPAL POLITICAL PARTIES AND
INDEPENDENT CANDIDATES AND THE CONTROL OF
ELECTION EXPENSES§ 1.—*Chief electoral officer*Chief
electoral
officer

367. The chief electoral officer shall see to the carrying out of this chapter.

Studies

He may conduct studies on the financing of municipal political parties and independent candidates and their election expenses.

Duties

368. The chief electoral officer shall, in particular,

- (1) authorize parties and independent candidates;
- (2) verify that the parties and candidates are complying with this chapter;
- (3) give directives on the carrying out of this chapter;
- (4) receive and examine the reports and returns transmitted to him;
- (5) inquire into the legality of the expenses and loans of authorized parties and independent candidates, and election contributions and expenses.

Information
of public

369. In respect of information of the public, the chief electoral officer may, in particular,

- (1) provide any person applying therefor with advice and information regarding the carrying out of this chapter;
- (2) give public access to the information, reports, returns or documents relating to this chapter;
- (3) maintain an information centre on this chapter;
- (4) regularly hold information meetings and conferences for the benefit of the parties, the candidates, the municipalities and the public;
- (5) at the request of a party or an independent candidate, furnish the information required for the training of its or his official representative or official agent;
- (6) make any publicity he considers necessary.

Inquiries **370.** The chief electoral officer, on his own initiative or at the request of another person, may inquire into the application of this chapter.

Frivolous request **371.** The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

Substantiated refusal **372.** Where the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he must inform that person of his refusal and give the reasons therefor in writing.

Powers and immunity **373.** For his inquiries, the chief electoral officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions. He has no power, however, to impose a penalty for contempt of court.

Applicable provisions Articles 307 to 309 of the Code of Civil Procedure apply to witnesses heard at an inquiry.

Delegation of powers **374.** The chief electoral officer may delegate to one of his assistants the exercise of any power or the performance of any function he indicates.

Publication The instrument of delegation must be published in the *Gazette officielle du Québec*.

Delegation of powers **375.** The chief electoral officer may also delegate to the returning officer of the municipality the exercise of any power or the performance of any function he indicates in respect of the authorization of an independent candidate.

§ 2.—*Treasurer*

Treasurer **376.** For the purposes of the carrying out of this chapter, the treasurer is under the authority of the chief electoral officer.

Remuneration **377.** The treasurer is entitled to receive a remuneration or an expense allowance from the municipality for the functions he performs.

Tariff The council of the municipality may establish a remuneration or allowance tariff; the council may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance that is lower than that fixed by the tariff established by the Minister of Municipal Affairs under Title III shall be submitted for approval to the Minister.

Minister's
tariff The treasurer of a municipality that has not established a tariff is entitled to the remuneration or allowance fixed by the tariff established by the Minister.

§ 3.—*Leader of the party*

Party leader **378.** Every party seeking or holding an authorization must have a leader.

Vacancy **379.** Any vacancy in the office of leader of an authorized party or a party whose application for authorization is pending must be filled within thirty days.

§ 4.—*Official representative and official agent*

Official
representa-
tive **380.** Every party or independent candidate seeking or holding an authorization must have an official representative.

Delegate An authorized party may also have a delegate of its official representative for each electoral district. For the purposes of the designation of the delegate, the municipal by-laws or the decision of the Commission de la représentation establishing the electoral districts may be taken into account upon coming into force.

Official
agent **381.** Every authorized party must have an official agent and it may also have deputy official agents.

Official
agent Every independent candidate must have an official agent.

Plurality **382.** The official representative and the official agent of a party shall be the same person unless the leader decides otherwise.

Vacancy Where the offices of official representative and official agent are not held by the same person or where the office of official agent is vacant, the holder of the office of official representative is deemed to hold the office of official agent until the vacancy is filled.

Plurality The official representative and the official agent of an authorized independent candidate shall be the same person.

Disqualifica-
tion **383.** In no case may an official representative, his delegate, an official agent or his deputy be a person who

(1) is not an elector of the municipality;

(2) is a candidate for the office of member of the council of the municipality;

(3) is the leader of a party carrying on its activities in the territory of the municipality;

(4) is an election officer of the municipality or an employee of such an election officer;

(5) is an officer or employee of the municipality;

(6) is the chief electoral officer or a member of his personnel;

(7) pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act.

Duration Disqualification under subparagraph 7 of the first paragraph shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

Designation **384.** The leader of a party shall designate, in writing, the official representative of the party and, where such is the case, his delegate or delegates and the official agent of the party.

Designation An independent candidate shall designate his official representative and official agent in the writing he files with his nomination paper.

Consent The writing must include the designated person's consent and be countersigned by him.

Deputies **385.** The official agent of an authorized party may, with the approval of the leader of the party, appoint a sufficient number of deputies and authorize each of them to incur or authorize election expenses up to the amount fixed by him in each deed of appointment. The deed of appointment shall include the consent of the deputy and be countersigned by him.

Amount of expenses The amount fixed in the deed of appointment may, before the filing of the return of election expenses, be changed in writing by the official agent. However, the official agent may not reduce the amount of expenses to less than the amount of election expenses already incurred or authorized according to law by the deputy.

Resignation **386.** Any person referred to in this subdivision may resign by transmitting a writing to that effect, signed by him, to the person who appointed him.

Copy to chief electoral officer He shall transmit a copy of the writing to the chief electoral officer.

Vacancy **387.** Any vacancy in the office of official representative or official agent of an authorized party or of an independent candidate must be filled as soon as practicable.

Exception Notwithstanding the foregoing, where the offices of official representative and official agent of the party are held by two persons, a vacancy in the office of official agent need not be filled if the leader of the party decides that both offices will in the future be held by the same person.

§ 5.—*Auditor of the party*

Auditor **388.** The leader of an authorized party shall, not later than 30 days after the day the authorization is granted, appoint an auditor from among the persons duly entitled to practise public auditing in Québec.

**Disqualifica-
tion** **389.** The following persons shall not act as auditor:

- (1) the chief electoral officer;
- (2) the officers or employees of the municipality;
- (3) members of the Parliament of Québec or of the Parliament of Canada;
- (4) the leader of the party or other executive officer of the party;
- (5) official agents or representatives of parties carrying on their activities in the territory of the municipality and those of independent candidates for office as a member of the council of the municipality;
- (6) candidates for office as member of the council of the municipality at the last general election, any subsequent by-election or the current election;
- (7) the auditor of the municipality;
- (8) the election officers of the municipality;
- (9) a person who pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act.

Duration Disqualification under subparagraph 9 of the first paragraph shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

Associates The associates and the employees of the persons contemplated in subparagraphs 1 to 8 of the first paragraph are also disqualified from holding office as auditor.

Resignation **390.** The auditor may resign by transmitting a writing to that effect signed by him to the party leader.

Copy to
chief
electoral
officer He shall transmit a copy of that writing to the chief electoral officer.

Vacancy **391.** Any vacancy in the office of auditor of an authorized party must be filled as soon as practicable.

§ 6.—*Transmission of information*

Transmis-
sion of
information **392.** Every authorized party or party whose application for authorization is pending shall, as soon as possible, notify the treasurer and the chief electoral officer in writing of every appointment made under any of subdivisions 3 to 5, whether as actual holder of the office or as interim, of any vacancy in the office of official agent and of the decision of the leader of the party not to fill the vacancy in the office of official agent.

Leader or
official
representa-
tive The notice shall be given by the leader of the party, by the official representative or by any other person designated for that purpose by the leader of the party.

Application
for authori-
zation The application for authorization constitutes a notice to the chief electoral officer of the appointment of the initial holders of the offices of leader and official representative.

Transmis-
sion of
information **393.** Every independent candidate shall, as soon as practicable, notify the treasurer and the chief electoral officer in writing of the appointment of his official representative or official agent whether as first holder of the office or as interim and of any vacancy in that office.

Application
for authori-
zation The writing accompanying the nomination paper and the application for authorization constitute a notice to the treasurer and chief electoral officer, respectively, of the appointment of the initial holders of the offices of official representative and official agent.

Notice to
treasurer The returning officer shall notify the treasurer of the appointment, as soon as practicable.

List of
official
agents **394.** At the beginning of the election period, the treasurer shall post the list of the official agents of the parties and of the independent candidates in the office of the municipality.

Updating He shall keep the list up-to-date during that period.

DIVISION III

AUTHORIZATION OF PARTIES AND INDEPENDENT CANDIDATES

§ 1.—*Authorization required*

Required
authoriza-
tion

395. Every party or independent candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall obtain an authorization from the chief electoral officer in accordance with this division.

§ 2.—*Authorization of a party*

Undertaking

396. A party may apply for authorization if it undertakes, through its leader, to present candidates for at least one-third of the offices of councillor at any future general election.

Written
application

397. The leader of the party shall transmit to the chief electoral officer a written application for authorization containing the following information:

- (1) the name of the party;
- (2) the address to which communications intended for the party must be sent;
- (3) the address where the books and accounts pertaining to the funds of the party, the expenses it will incur and the loans it will contract are to be kept;
- (4) the name, domiciliary address and telephone number of the leader of the party;
- (5) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (6) the name of the party's auditor, if any;
- (7) the address of the permanent office of the party, if any;
- (8) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates;
- (9) the amount of the funds at the disposal of the party.

Undertaking The application must also contain the undertaking entitling the party to apply for authorization.

Supporting signatures The application must be accompanied with the names, addresses and signatures, for at least one-third of the electoral districts, of ten electors from each such electoral districts who affirm that they are members or sympathizers of the party and that they support the application for authorization. The address of the elector must be the address entered on the list of electors of the district.

Granting of authorization **398.** The chief electoral officer shall grant the authorization to a party which applies therefor in accordance with this subdivision.

Misleading name The chief electoral officer shall refuse his authorization to a party if the name of the party includes the word "independent" or is likely to mislead the electors as to which party they are contributing to.

Validity of authorization The authorization is valid only in respect of the municipality mentioned in the application.

Change of name **399.** An authorized party cannot change its name without the approval of the chief electoral officer who shall refuse to approve the proposed new name if it includes the word "independent" or is likely to mislead the electors as to which party they are contributing.

Approval The application for approval is made by means of a writing by the leader of the party.

§ 3.—*Authorization of an independent candidate*

Independent candidate **400.** The chief electoral officer shall grant an authorization to an independent candidate who applies therefor in writing and furnishes the following information:

- (1) his name, the address of his domicile and his telephone number;
- (2) the name of the municipality for whose council he is a candidate;
- (3) the address to which communications intended for him must be sent;
- (4) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept;
- (5) the name, address and telephone number of his official representative.

Validity of
authoriza-
tion

The authorization is valid only in respect of the municipality mentioned in the application.

Contribu-
tions

401. The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.

Payment of
debts

After polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses and to dispose, for political, religious, scientific or charitable purposes or for other purposes listed in section 498, of the funds or goods he obtained as a candidate and which remain in his possession.

Payment of
debts

Where a candidate withdraws or is declared elected before the end of the polling period, his authorization entitles his official representative, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before the withdrawal or declaration of election and to dispose, for the purposes mentioned in the second paragraph, of the funds or goods he obtained as a candidate and which remain in his possession.

Expiry of
authoriza-
tion

402. The authorization granted to an independent candidate expires on 31 December of the calendar year following the year of the election unless it is withdrawn before then.

Expiry of
authoriza-
tion

The authorization of an independent candidate who was elected and who has not discharged all the debts arising from his election expenses by that date expires on the date the financial report establishing that all the debts have been discharged is filed.

§ 4.—*Withdrawal of authorization*

Withdrawal
of authoriza-
tion

403. The chief electoral officer may, upon the written application of the leader, withdraw the authorization of a party. He may, upon the written application of an independent candidate, withdraw the candidate's authorization.

Closing
financial
report

The application must be accompanied with a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the application. In addition, the application must be accompanied with the financial report for the preceding fiscal year where it has not been filed with the treasurer, and the auditor's report pertaining to it.

Outstanding
debts

Notwithstanding the foregoing, the chief electoral officer shall not withdraw the authorization of an independent candidate who has not paid all the debts arising from his election expenses.

Withdrawal
of authoriza-
tion

404. The chief electoral officer may withdraw the authorization of a party or independent candidate which or who fails to make an appointment required under subdivisions 3 to 5 of Division II or to furnish the information required for the purposes of the updating of the register as provided in section 424, contravenes Division IV or V, or whose official representative contravenes Division VI.

Presumption

For the purposes of the first paragraph, the failure or contravention of a mandatary is deemed to be a failure or contravention of the party or of the candidate.

Misleading
name

405. The chief electoral officer shall withdraw the authorization of a party which changes its name if the new name includes the word "independent" or is likely to mislead the electors as to which party they are contributing.

Insufficient
number of
candidates

406. The chief electoral officer shall, unless election proceedings are recommenced pursuant to subdivision 2 of Division VII of Chapter VI, withdraw the authorization of a party which, at the end of the period prescribed for filing nomination papers at a general election, presents candidates for less than one-third of the offices of councillor, or the number of whose candidates falls below the required minimum after that period but before the end of the polling period.

Death

407. The chief electoral officer shall withdraw the authorization of an independent candidate who dies.

Party assets

408. The funds and assets of a party whose authorization has been withdrawn shall be remitted to the chief electoral officer by the persons holding them not later than ten days after they have been notified of the withdrawal.

Required
documents

The party shall transmit to the chief electoral officer, within 60 days after the withdrawal of authorization,

(1) a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization, unless it has already been transmitted with the application for withdrawal;

(2) the preceding financial report, where it has not been filed with the treasurer, and the auditor's report pertaining to it, unless it has already been filed with the authorization for withdrawal;

(3) a list of its creditors including their names, addresses and the amounts due to each.

Additional
information

In addition, the party shall also, at the request of the chief electoral officer, remit to him any book, account or document relating to its financial business.

Liquidation
of assets

409. The chief electoral officer shall liquidate the assets of the party.

Payment of
debts

He shall pay the debts of the party out of the sums remitted to him and the proceeds of the liquidation of its assets.

Balance

410. After payment of the debts, the balance shall be remitted to the treasurer to be deposited into the general fund of the municipality.

Powers of
chief
electoral
officer

411. For the purposes of the liquidation of the assets of the party, the chief electoral officer may open accounts in financial institutions having offices in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

Transitional
rules

412. Where the authorization of the party is withdrawn during the election period, the chief electoral officer may prescribe changes to be made to the rules provided in this chapter to ensure the transition from the status of party candidate to that of authorized independent candidate.

Independent
candidate

413. Where the authorization of an independent candidate is withdrawn at his request, the sums and assets remaining from those he obtained as a candidate shall be remitted to the chief electoral officer by the persons holding them not later than 10 days after they have been notified of the withdrawal. The chief electoral officer shall liquidate the assets and remit to the treasurer the proceeds of the liquidation and the sums that were remitted to him. The treasurer shall deposit the proceeds and the sums into the general fund of the municipality.

Applicable
provisions

Where the authorization of an independent candidate is withdrawn otherwise than at his request, sections 408 to 411 apply, adapted as required.

§ 5.—*Merger of authorized parties*Merger of
parties

414. The merger of authorized parties requires the authorization of the chief electoral officer.

Application

415. The application for authorization shall be made by means of a joint application in writing of the leaders of the parties, containing the following information:

- (1) the proposed date of merger;
- (2) the name of the party resulting from the merger;
- (3) the address to which communications intended for the party must be sent;
- (4) the address where the books and accounts pertaining to the funds of the party, the expenses it will incur and the loans it will contract are to be kept;
- (5) the name, domiciliary address and telephone number of the leader of the party;
- (6) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (7) the name of the auditor of the party, if any;
- (8) the address of the permanent office of the party, if any;
- (9) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates.

Balance
sheets

The application must be accompanied with a balance sheet of each of the applying parties at the date of the application.

Financial
documents

416. Each applying party shall, at the request of the chief electoral officer, remit to him any book, account or document relating to its financial business.

Audit

Each applying party shall also, at the request of the chief electoral officer, cause its balance sheet to be audited by an auditor.

Authoriza-
tion to
merge

417. The chief electoral officer shall grant the authorization to merge to the parties which apply therefor in accordance with this subdivision.

Misleading name The chief electoral officer shall refuse his authorization where the name of the party resulting from the merger includes the word "independent" or is likely to mislead the electors as to which party they are contributing.

Outstanding liabilities The chief electoral officer shall also refuse his authorization where he has reasonable grounds to believe that the party resulting from the merger would be unable to discharge its outstanding liabilities or that the book value of its assets would be less than its liabilities.

Validity The authorization is valid only in respect of the municipality mentioned in the application.

Date of merger **418.** Subject to any provision of another Act governing the merger or dissolution of one of the applying parties, the merger takes effect on the day authorization is granted by the chief electoral officer or on any later date indicated in the application.

Succession From the merger, the applying parties cease to exist and are replaced by the party resulting from the merger, which then succeeds to their rights and obligations.

Financial report **419.** Within 60 days after the merger, a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the merger shall be transmitted in respect of each applying party to the chief electoral officer.

Auditor's report At the request of the chief electoral officer, the financial report shall be accompanied with a report of the auditor of the party.

Financial report **420.** The official representative of the party resulting from the merger shall, not later than 1 April of the calendar year following that of the merger, file the financial report in accordance with Division VI for that part of the fiscal year that has lapsed since the merger.

Opening balance sheet The financial report of the party shall be accompanied with an opening balance sheet at the date of the merger.

§ 6.—*Miscellaneous provisions*

Accuracy of information **421.** The chief electoral officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

Hearing **422.** Where the chief electoral officer intends to refuse or withdraw his authorization, he shall give the party or independent candidate, as

the case may be, the reasons for his decision and an opportunity to be heard.

Summons Every summons is made by registered or certified mail or by any other means considered valid by the chief electoral officer.

Exceptions The first and second paragraphs do not apply where the chief electoral officer is bound to withdraw the authorization, where the withdrawal of authorization is made at the request of the leader of the party and the closing financial report is attached to the application, or where the withdrawal of authorization is made at the request of the independent candidate.

Publication of notice **423.** As soon as practicable after granting or withdrawing his authorization, the chief electoral officer shall give notice of it in a newspaper having general circulation in the municipality.

Official representative The notice shall indicate the name of the official representative, and of his delegates, if any.

Publication of notice The chief electoral officer shall give notice, in such a newspaper, of any replacement of the official representative or of a delegate.

Register **424.** The chief electoral officer shall keep, in respect of each municipality, a register of the parties and independent candidates he has authorized, setting out the following information:

(1) the name of the party or of the independent candidate, the domiciliary address and telephone number of the leader of the party or independent candidate;

(2) the address to which communications intended for the party or independent candidate must be sent;

(3) the address where the books and accounts pertaining to the funds of the party or those obtained by the candidate in such capacity, the expenses it or he will incur and the loans it or he will contract are to be kept;

(4) the name, address and telephone number of the official representative and his delegate and of the official agent and his deputy;

(5) the name of the auditor of the party;

(6) the address of the permanent office of the party, if any.

Transmission of information **425.** Every authorized party or authorized independent candidate shall, as soon as practicable, furnish in writing to the chief electoral

officer, in addition to the information required under sections 392 and 393, all other information required for updating the register.

Transmis-
sion of
information

Such information shall, in the case of a party, be furnished by the leader or official representative of the party or by any other person designated for that purpose by the leader and, in the case of an independent candidate, by the candidate or by his official representative.

Transmis-
sion to
treasurer

426. The chief electoral officer shall inform the treasurer of any change in the information contained in the register kept in respect of the municipality.

DIVISION IV

CONTRIBUTIONS, EXPENSES AND LOANS

§ 1.—Contributions

Contribu-
tions

427. The following are contributions:

- (1) any gift of money to a party or to a candidate;
- (2) any service rendered or goods furnished to a party or to a candidate free of charge and for political purposes;
- (3) any money, goods or services furnished by the candidate himself in view of his election, except a sum of money used for the payment of an expense referred to in section 454.

Discounts

Where goods or services are furnished for political purposes to a party or candidate at a price lower than their value, the difference constitutes a contribution.

Value of
goods or
services

For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which he offers his goods or services to the public at the time they are furnished to the party or candidate; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the party or candidate.

Exclusions

428. The following are not contributions:

- (1) the work performed by individuals, voluntarily and not for consideration and the fruit of that work;

(2) an anonymous donation collected at a meeting or rally held for political purposes;

(3) an amount paid under any Act, including a reimbursement under subdivision 4 of Division V;

(4) a loan granted for political purposes, in accordance with subdivision 2, by an elector of the municipality or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted;

(5) suretyship contracted by an elector of the municipality;

(6) an annual amount not in excess of \$25 paid by a natural person for membership in a party;

(7) as the official representative elects, the entrance fee to a political activity or rally, where the fee is not in excess of \$50, up to one fee per person.

Elector **429.** Only an elector of the municipality may make a contribution.

**Authoriza-
tion** An elector may make a contribution only in favour of a party or independent candidate holding an authorization that is valid for the municipality.

Restriction **430.** Every contribution must be made by the elector himself and, except in the case of a service, out of his own property.

**Maximum
amount** **431.** The total amount of contributions by the same elector for the same fiscal year shall not exceed \$750. The contributions may be apportioned among several authorized parties or independent candidates.

Solicitation **432.** No contributions may be solicited except under the responsibility of the official representative or through persons designated in writing by the official representative.

**Certificate
of capacity** Every person authorized to solicit contributions shall, on request, produce a certificate of his capacity signed by the official representative.

Restriction **433.** A contribution shall be made to no one except the official representative of the authorized party or independent candidate for which or for whom it is intended, or the person designated in writing by the official representative.

Receipt **434.** The person who receives the contribution shall issue a receipt to the contributor.

Remittance of contribution He shall remit any contribution he receives to the official representative along with a duplicate of the receipt.

Powers of delegate **435.** A delegate of the official representative of an authorized party has, for the electoral district for which he is appointed, the powers conferred on the official representative as person responsible for soliciting contributions, for designating persons to do the soliciting and for receiving contributions and duplicates of receipts of contributions.

Transmission to representative Every delegate shall transmit every contribution and duplicate of the receipt received to the official representative.

Cheque **436.** Every contribution of money of over \$100 must be made by cheque or other order of payment.

Cheque **437.** The cheque or order of payment used to make a contribution must be signed by the elector and drawn on his account in a financial institution having an office in Québec and be made payable to the order of the authorized party or independent candidate.

Deemed payment **438.** On being cashed, a contribution is deemed paid by the person who made it and received by the party or the candidate for which or for whom it is intended.

Deposit of funds **439.** The official representative shall deposit, in a Québec branch of a financial institution, the funds of the party or, as the case may be, those obtained by an independent candidate in such capacity.

Illegal contribution **440.** Every contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor; where the contributor cannot be found, the contribution or the amount at which it is evaluated shall be remitted to the treasurer to be deposited into the general fund of the municipality.

Anonymous donations **441.** The official representative of an authorized party or independent candidate who, during political meetings or rallies held in the period covered by a financial report, collected a total amount of anonymous donations exceeding 20% of the total amount of contributions he collected in that period shall, within 30 days after the filing of the financial report, remit to the treasurer an amount equal to the amount by which the donations exceed that percentage.

General fund The treasurer shall deposit the amount into the general fund of the municipality.

Free time or space **442.** Outside an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting a contribution, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to authorized political parties, provided he offers such service equitably as to quality and quantity to all the authorized parties in the municipality.

Verification The chief electoral officer shall verify the legality of services rendered under this section.

Exclusion from contributions Any time or space made available free of charge in accordance with section 464 is not a contribution.

§ 2.—*Expenses and loans*

Incurring of expenses **443.** Expenses other than election expenses of an authorized party or independent candidate may be incurred only by the official representative or by a person designated by him in writing for that purpose.

Certificate of capacity Every person authorized to incur such expenses shall, on request, produce a certificate of his capacity signed by the official representative.

Powers of delegate **444.** A delegate of the official representative of an authorized party has, in the electoral district for which he is appointed, the same powers to incur expenses and to designate persons to incur expenses as the official representative.

Payment of accounts **445.** The official representative of an authorized party shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

Loans **446.** Only the official representative of an authorized party or independent candidate may contract a loan for the party or candidate.

Written contract **447.** Every loan shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest, which must take section 448 into account.

Suretyship

Where an elector becomes surety for a loan, the contract of suretyship shall set out the name and address of the elector and the amount for which he becomes surety.

Payment of
loan interest

448. The official representative must, at least once a year, pay the interest due on the loans he has contracted.

Repayment
of loan

449. No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 457 or which has been used by the official representative or his delegate to pay election expenses pursuant to section 455.

DIVISION V

ELECTION EXPENSES

§ 1.—*Definitions*

“candidate”

450. For the purposes of this division, the word “candidate” includes any person who subsequently becomes a candidate or has indicated his intention to become a candidate.

Election
expenses

451. The cost of any goods or services used during an election period to

(1) promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;

(2) propagate or oppose the program or policies of a candidate or party;

(3) approve or disapprove courses of action advocated or opposed by a candidate or party; or

(4) approve or disapprove any act done or proposed by a party, a candidate or their supporters,

is an election expense.

Use before
and during
election
period

452. Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

Exclusions

453. The following are not election expenses:

(1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) the cost of broadcasting by a radio or television station of a program of news or commentary, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

(3) the necessary costs of holding a convention for the selection of a candidate, including the cost of renting a hall, of convening the delegates and of the publicity made at the convention, but which cannot include the cost of any other form of publicity nor exceed \$2 250 in the case of a candidate for the office of mayor or \$750 in the case of a candidate for the office of councillor;

(4) the transportation costs of any person other than a candidate, paid out of his own money, if the costs are not reimbursed to him;

(5) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(6) the reasonable ordinary costs incurred for the day-to-day operations of the permanent office of the party at the address entered, not less than three months before the publication of the notice of election, in the register of the chief electoral officer;

(7) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an official representative for election expenses, unless the official agent has paid the interest and declared it as an election expense in his return of election expenses.

Personal
expenses

454. The reasonable costs incurred by a candidate for attending a convention to select a candidate, for his transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity other than the publicity made by the candidate at the convention.

§ 2.—*Authorization of election expenses*Authoriza-
tion of
expenses

455. During the election period, no person other than the official agent of an authorized party or independent candidate or, for any amount up to the amount fixed by the official agent of the party pursuant to section 385, the deputy of the official agent, may incur or authorize election expenses, subject to section 456.

Presumption

All election expenses incurred or authorized by a deputy, up to the fixed amount, are deemed to have been incurred or authorized by the official agent.

Deputy's
account

Within 60 days after polling day, every deputy shall furnish to the official agent a detailed account of the election expenses he has incurred or authorized accompanied with the invoices, receipts and other vouchers.

Expense
contemplat-
ed in s. 452

The official representative or his delegate may incur or authorize an election expense contemplated in section 452. Any such expense is deemed to have been incurred or authorized by the official agent.

Advertising
agency

456. An official agent may authorize, in writing, an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. The amount may be changed in writing by the official agent before he files his return of election expenses. However, the official agent shall not reduce the amount below the amount of the election expenses already incurred or ordered according to law by the advertising agency.

Account of
expenses

The advertising agency shall furnish to the official agent, within 60 days after polling day, a detailed account of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors.

Election
fund

457. In no case may an official agent or his deputy pay the cost of any election expense otherwise than out of an election fund.

Presumption

Any election expense contemplated in section 452 and paid by the official representative or his delegate is deemed to have been paid out of an election fund.

Payment
into election
fund

458. No sums of money other than those collected in accordance with this chapter by the official representative for an authorized party or independent candidate may be paid by him into the election fund

put at the disposal of the official agent or be used by the official representative or his delegate to pay any election expense contemplated in section 452.

Deposit of
sums

The official agent shall deposit the sums paid into the election fund put at his disposal in an account at a Québec branch of a financial institution. In the case of an authorized party, the account shall be separate from that of the official representative.

Use of
goods and
services

459. No goods or services all or part of the cost of which constitutes an election expense contemplated in section 452 may be used during an election period except by the official agent of an authorized party or his deputy, or with his authorization.

Order for
election
expenses

460. No person may accept or execute an order for election expenses not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case.

Price of
goods and
services

461. No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period nor may he refuse to be paid for them.

Volunteer
work

Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 428.

Eventual
candidate

462. The official agent of an authorized party may, so long as no candidate of the party has filed his nomination paper for an office and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses to be attributed to the eventual candidate of the party for that office up to the amount of \$2 250 for the office of mayor and \$750 for the office of councillor.

Attribution
of expenses

If the party presents no candidate for the office contemplated in the first paragraph, the election expenses are attributed to the candidate of the party for the office of mayor or, failing such a candidate, to each of its candidates for the office of councillor, in equal proportions.

Attribution
of expenses

Where the party presents no candidates, the election expenses shall be shown as expenses of the party in its financial report.

Advertising
material

463. Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name and title of the official agent or deputy who caused it to be printed or manufactured.

Newspaper
advertisement

Any advertisement relating to an election published in a newspaper or other publication must mention the name and title of the official agent or deputy who caused it to be published and the name of the party or independent candidate in whose behalf he is acting.

Radio,
television
advertisement

In the case of a radio or television advertisement relating to an election, the name and title of the official agent or deputy, as the case may be, and the name of the party or independent candidate in whose behalf he is acting must be mentioned at the beginning or at the end of the advertisement.

Presumption

Any goods or services all or part of the cost of which constitutes an election expense shall be considered to relate to an election.

Free time or
space

464. During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the leaders of the authorized parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office or to all the leaders of authorized parties in the municipality.

Verification

The chief electoral officer shall verify the legality of services rendered under this section.

Maximum
amount

465. Election expenses incurred by an authorized party or independent candidate shall be limited in such a way as to never exceed, during an election, the amount established pursuant to the regulation made by the Minister of Municipal Affairs.

§ 3.—Payment of election expenses

Required
invoice

466. Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the amount of the expense.

Itemized
invoice

Every payment of election expenses amounting to \$35 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars required for verifying each item of goods or services and the rate or unit price used for computing the amount.

Presentation
of claim

467. Every person to whom an amount is due for election expenses shall present his claim to the official agent within 60 days after polling day.

Vacancies Where the offices of official agent and official representative are vacant the claim shall be presented within the same time to the leader of the party or to the independent candidate himself, as the case may be.

Expiry of time No claim presented after the expiry of the prescribed time may be paid by the official agent or, as the case may be, by the leader of the party or the independent candidate. The claim shall in that case be presented to the treasurer within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.

Payment by official agent **468.** Before filing his return of election expenses, the official agent shall pay every claim received within 60 days after polling day, except any claim he contests.

Payment by treasurer **469.** The treasurer shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 494 and according to the rules provided in sections 470 and 471 every claim received within 120 days after the expiry of the time prescribed for presenting claims to the official agent.

Payment in full **470.** The treasurer shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the official agent.

Excess amount Any excess amount shall be remitted by the treasurer to the official representative of the party or independent candidate after the expiry of 180 days after polling day.

Insufficient funds **471.** Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the treasurer shall advise the official agent and forward the invoice to him as soon as practicable.

Contestation of claim The official agent may in that case contest all or part of the claim.

Additional cheque Where the official agent does not contest the claim, or contests it in part, the official representative shall, if necessary, forward to the treasurer an additional cheque made to his order to enable him to pay the claim or the uncontested part thereof.

Payment of claim The treasurer shall pay the claim or the uncontested part thereof as soon as practicable after he is advised of the decision of the official agent or, where such is the case, after he receives the additional cheque.

Failure to present claim **472.** Any amount set aside for a claim that is not presented to the treasurer within the prescribed time shall be deposited into the general fund of the municipality.

Contested claim **473.** In no case may an official agent, the leader of a party or an independent candidate pay a contested claim or the contested part of a claim.

Execution of judgment Only the official representative may pay the claim or part of the claim in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

Error in good faith Notwithstanding the foregoing, where no party or independent candidate objects, the treasurer may authorize the official representative to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to one particular candidate, the payment thereof may be contested only by a party having presented a candidate for the same office or by an independent candidate for the same office.

Debts of independent candidate **474.** Every independent candidate is required as of 31 December of the calendar year following that of polling day, to have paid, in accordance with this subdivision, all debts arising from his election expenses.

§ 4.—Reimbursement of election expenses

Reimbursement to party **475.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 50% of the election expenses reported in the return of election expenses and incurred and paid in accordance with this division by a party for its candidate for the office of mayor and for each of its candidates for the office of councillor, if the candidate is elected or obtains at least 20% of the votes cast at the election for the office concerned.

Reimbursement to independent candidate **476.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 50% of the election expenses reported in the return of election expenses and incurred and paid in accordance with this division by an independent candidate who is elected or obtains at least 20% of the votes cast at the election for the office concerned.

Maximum amount The amount of the reimbursement shall not exceed the amount of the debts arising from the election expenses of the candidate.

Return of
election
expenses

477. No reimbursement shall be made to a party until its return of election expenses has been filed.

Return of
election
expenses

No reimbursement shall be made to an independent candidate until he has filed his return of election expenses and a financial report provided for in section 484.

Person
reimbursed

478. The reimbursement of the election expenses of a party shall be made to its official representative.

Person
reimbursed

The reimbursement of the election expenses of an independent candidate shall be made jointly to the candidate and to his official representative.

DIVISION VI

REPORTS AND RETURNS OF AUTHORIZED PARTIES AND INDEPENDENT CANDIDATES

§ 1.—*Financial report*

Financial
report

479. The official representative of every authorized party shall, not later than 1 April each year, file with the treasurer a financial report for the preceding fiscal year containing a balance sheet, a statement of revenues and expenditures and a statement of changes in the financial position of the party prepared in accordance with generally recognized accounting principles.

Election
period

If 1 April falls during an election period, the financial report shall be filed not later than 90 days after polling day.

Revenues
and expen-
ditures

480. The statement of revenues and expenditures must include a general statement of revenues and total expenditures and indicate, in addition,

(1) the total amount of anonymous donations collected at political meetings or rallies and the nature, place and date of the meetings or rallies;

(2) the number and total amount of contributions of \$100 or less;

(3) the number and total amount of party membership fees of \$25 or less collected from natural persons;

(4) the number and total amount of entrance fees of \$50 or less collected at a political activity or rally, and the nature, place and date of the activity or rally;

(5) the number and total amount of contributions of over \$100.

Content of
report

481. The financial report shall also indicate

(1) the financial institutions where the party funds are deposited and the account numbers;

(2) the total value of the goods and services furnished to the party free of charge and for political purposes, taking account of the second and third paragraphs of section 427;

(3) the name and full address of each elector who made one or more contributions to the party the sum of which exceeds \$100, and the total amount contributed;

(4) the name and full address of each elector who became surety for a loan of the party and the amount for which he became surety;

(5) an itemized statement of the amounts borrowed for political purposes from an elector in the municipality or a financial institution having an office in Québec and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of principal and payments of interest;

(6) the rent paid for the permanent office of the party entered in the register of the chief electoral officer, where such is the case.

Auditor's
report

482. No financial report shall be deemed filed with the treasurer unless it is accompanied with the report of the auditor of the party.

Receipts for
contribu-
tions

483. The official representative of the party shall keep the receipts issued for contributions for two years after the date the financial report was filed.

Remittance
to treasurer

Notwithstanding the first paragraph, the receipts shall be remitted to the treasurer on request.

Financial
report

484. The official representative of an authorized independent candidate must, within 90 days after polling day, file a financial report with the treasurer.

Content

The report must contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the statement of changes in financial position, and be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

Period	The financial report must be filed at the same time as the candidate's return of election expenses and cover the period ending the day before the filing.
Yearly report	485. If, on the day he files a financial report provided for in section 484, an authorized independent candidate still has debts arising from his election expenses or his official representative is in possession of sums of money or goods obtained by the candidate in his capacity as such, the official representative shall file a financial report with the treasurer not later than 1 April of the year immediately following each fiscal year in which the candidate remained authorized after the filing of the financial report provided for in section 484.
Final report	Notwithstanding the foregoing, the official representative is not required to file any further financial reports after the filing of a financial report establishing that all the debts contemplated in the first paragraph have been paid.
Report of independent candidate	The financial report of an authorized independent candidate must contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the statement of changes in financial position, and be accompanied with a copy of every receipt issued for contributions received during the period covered by the report. The first report following that provided for in section 484 must cover the period beginning on the day the latter is filed and ending on 31 December next. The report, other than that provided for in section 484, establishing that all debts arising from the candidate's election expenses have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.
Transmission to treasurer	486. The chief electoral officer shall transmit to the treasurer a copy of every financial report submitted to him in connection with an application for withdrawal of authorization or with a joint application for authorization to merge.
Leaving official representative	487. Any official representative who ceases to hold office shall, within the ensuing 60 days, transmit to the leader of the party or independent candidate a financial report covering the period during which he was in office that is not covered by a previous report, accompanied with every receipt issued during that period.
"previous report"	For the purposes of the first paragraph, "previous report" means any financial report already filed as well as any financial report that must be filed. The official representative is required to file the latter report even if he has resigned.

§ 2.—*Auditor's report*Auditor's
report

488. The auditor of an authorized party shall examine the financial report of the party and issue to the official representative, not later than five days before the expiry of the time prescribed by section 479 for the filing of the financial report, a report attesting, where such is the case, that according to the collation of the bookkeeping vouchers and bank deposits of the party,

(1) the financial report examined is accurate;

(2) he has received the information and explanations required;

(3) the books of the party have been kept in accordance with accepted accounting principles and with any directives issued by the chief electoral officer in that regard.

Access to
documents

489. The auditor shall have access to all the books, accounts and documents pertaining to the financial business of the party.

Cost

490. The treasurer shall reimburse, out of the general fund of the municipality, the expense incurred by the party for the audit of its financial report, up to the amount of

(1) \$1 000 in the case of a municipality having a population of less than 50 000;

(2) \$1 500 in the case of a municipality having a population of more than 50 000 but less than 100 000;

(3) \$3 000 in the case of a municipality having a population of 100 000 or more.

Special
audit

491. Where the chief electoral officer requires the audit of a balance sheet submitted with a joint application for authorization to merge or the audit of a financial report submitted after a merger, he shall reimburse the expense incurred for the audit up to the amount prescribed in section 490.

Closing
financial
report

Where the chief electoral officer requires the audit of a closing financial report, he shall appoint the auditor and pay the cost of the audit.

§ 3.—*Return of election expenses*Return of
election
expenses

492. The official agent of every authorized party or independent candidate must, within 90 days after polling day, file a return of election expenses with the treasurer.

Attestation The return must include a statement by the official agent, supported by his oath, attesting the accuracy of the return.

Accompanying documents The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.

Deed of appointment Where the official agent has appointed a deputy, the return must be accompanied with the deed of appointment and any modification thereto.

Independent candidate In the case of an independent candidate, the return must be filed at the same time as his financial report.

Source of funds **493.** In addition to election expenses, the official agent shall indicate in the return the source of the sums paid into the election fund put at his disposal.

Contested claims He shall also mention any claim he is contesting among those he received within 60 days after polling day.

Unfiled claims **494.** The return of election expenses must be accompanied with an itemized statement setting forth the names and addresses of the creditors who omitted to file their claims within 60 days after polling day, and for each such claim, the amount of the debt, the nature of the goods or services furnished and the date on which they were furnished.

Cheque The statement must be accompanied with a cheque drawn on the election fund and made to the order of the treasurer for the total amount of the claims contemplated in the first paragraph.

Applicability The first and second paragraphs do not apply to claims the official agent intends to contest.

Trust account **495.** The sums remitted to the treasurer to cover the total amount of the unclaimed debts shall be kept by him in a trust account.

Leaving official agent **496.** Any official agent who ceases to hold office before the filing of the return of election expenses under section 492 shall, within the ensuing 10 days, transmit to the leader of the party or independent candidate a return of election expenses covering the period during which he was in office, accompanied with the relevant invoices, receipts and other vouchers and, where such is the case, the deed of appointment of a deputy and any modification thereto.

Obligation The first paragraph does not dispense the official agent from filing his return of election expenses within the prescribed time even if he

has resigned, where such is the case, unless a person has been appointed to replace him.

Automatic
correction

497. Every payment of election expenses made after the filing of the return of election expenses in accordance with subdivision 3 of Division V entails an automatic correction of the return of election expenses.

Election
fund

498. The official agent of an authorized party shall, as soon as practicable after the filing of his return of election expenses, remit to the official representative the sums remaining in his election fund and the goods in his possession all or part of the cost of which constitutes an election expense.

Election
fund

After the filing of the return of election expenses, the official representative of an authorized independent candidate shall keep, in that capacity, the sums remaining in the election fund and the goods that are in his possession in his capacity as official agent and all or part of the cost of which constitutes an election expense.

Disposition
of sums and
goods

The official representative of an authorized independent candidate may, until 31 December of the calendar year following that of polling day or, as the case may be, until the date of withdrawal of authorization if earlier, dispose of the sums and goods referred to in the second paragraph for political, religious, scientific or charitable purposes. He may, in particular, use the sums or the proceeds from the disposition of the goods, provided a fair price was obtained, to pay or cause the treasurer to pay a claim that, pursuant to subdivision 3 of Division V, may be paid after the filing of the return of election expenses.

Remittance
of balance

Any balance of the sums referred to in the second paragraph and of the proceeds from the disposition of the goods referred to therein remaining on 31 December of the calendar year following that of polling day, shall be remitted to the treasurer to be deposited into the general fund of the municipality. The goods referred to in the said paragraph that are in the possession on that date of the official representative belong and shall be remitted to the municipality.

Publication

499. Within 30 days after the expiry of the time prescribed for filing returns of election expenses, the treasurer shall publish a summary of every return received within the prescribed time in a newspaper having general circulation in the municipality.

Notice

The summary must be accompanied with a notice of the date of receipt of each return and accompanying documents and stating the fact that the public has access to them.

DIVISION VII

TRANSMISSION OF DOCUMENTS BY THE TREASURER

Transmis-
sion to chief
electoral
officer

500. The treasurer shall, as soon as practicable, transmit to the chief electoral officer a copy of the reports, returns and documents not already in his possession, except receipts issued for contributions of \$100 or less.

Returning
of docu-
ments

501. After the expiry of two years following the receipt of invoices, receipts and other vouchers, the treasurer may, on request, return them to the party or the independent candidate.

Destruction

Failing such a request, the treasurer may destroy them.

DIVISION VIII

SANCTIONS

Failure to
file report

502. The leader of a party whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend the sittings of the council of the municipality as a member thereof from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 505.

Attendance
at sittings

Where the leader is not a member of the council, the person who was the candidate of the party for the office of mayor at the last election loses the right to attend sittings pursuant to the first paragraph; where that person, also, is not a member of the council, the person who loses the right to attend sittings is the member of the council who, at the last election, was the candidate of the party for the office of councillor of the electoral district having the list of electors with the greatest number of electors.

Defunct
party

Where the party no longer exists, the leader referred to in the first paragraph is the last holder of that position.

Failure to
file report

503. An independent candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend as a member the sittings of the council of the municipality from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 505.

Sittings of
other bodies

504. The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the municipality;

(2) the council and any committee or commission of the regional county municipality, of the urban or regional community or of an intermunicipal board of management;

(3) any other board, committee, commission or public body of which the person is a member by reason of the fact that he is a member of the council of the municipality, of the regional county municipality, of the urban or regional community or of an intermunicipal board of management.

Motion to
judge

505. A judge may, by order, on a motion made before the person loses the right to attend sittings, allow him to continue to do so for an additional period of not more than 30 days.

Extension

506. On proof that the failure to file the report or return is due to the absence, death, illness or misconduct of the official representative or official agent or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Penalty

Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

Correction
of error

507. The leader of a party or an independent candidate whose report or return contains an error may obtain leave from a judge to correct the error on establishing that it was made through inadvertence.

Uncontested
error

The treasurer may on his own initiative allow the correction where it is not contested by any party or independent candidate.

Provincial
Court

508. The judge having jurisdiction to rule on a motion under sections 505 to 507 is a judge of the Provincial Court of the judicial district where all or part of the territory of the municipality is situated.

Notice

No motion made under sections 505 to 507 may be heard unless a notice of at least three clear days is given by the applicant to the treasurer, to every candidate for the office concerned at the last election and, where the applicant is the leader of a party, to the leader of every other authorized party.

Failure to
pay debts

509. An independent candidate who is elected and who, on 31 December of the calendar year following that of polling day, has not

paid all debts arising from his election expenses, loses the right to attend, as a member, the sittings of the council of the municipality from that date and until he has paid all such debts and filed a financial report establishing that he has done so.

Attendance
at sittings

The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of the councils, boards, committees, commissions and bodies referred to in section 504.

Notice

510. If at the expiry of the prescribed time the treasurer has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of such failure and of the effects thereof.

Notice

If on 31 December of the calendar year following that of polling day, the treasurer has not received a financial report from an elected independent candidate establishing that all debts arising from his election expenses have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.

Notice to
municipal
bodies

511. As soon as practicable after a person has lost the right to attend the sittings of the council of the municipality, the treasurer shall notify the council, the regional county municipality, the urban or regional community, the intermunicipal board of management and any other body whose sittings he is no longer entitled to attend.

Resumed
attendance

The treasurer shall also notify them as soon as practicable where the person recovers the right to attend sittings.

Loss of
remunera-
tion

512. A person who loses the right to attend sittings consequently loses the right to receive the remuneration or allowance provided for each sitting he is not authorized to attend.

Computation

Where the remuneration or allowance is not established for each sitting, 1% shall be deducted from the annual amount for each sitting the person is not authorized to attend.

DIVISION IX

TREASURER'S REPORT

Treasurer's
report

513. The treasurer shall, not later than 30 September of each year, table before the council of the municipality a report of his operations under this chapter for the preceding fiscal year.

Transmis-
sion to chief
electoral
officer

He shall also transmit the report to the chief electoral officer.

TITLE II

MUNICIPAL REFERENDUMS

CHAPTER I

DEFINITIONS AND SCOPE

- Definitions **514.** For the purposes of this Title,
- “date of reference” (1) “**date of reference**” means
- (a) the date of passage of the by-law, resolution or ordinance which is the subject of a referendum;
 - (b) in the case of an annexation, the date on which the municipality whose territory is concerned approves the by-law of the annexing municipality;
 - (c) in the case of a grouping of municipalities, the date of the order of the Minister of Municipal Affairs requiring consultation of the qualified voters;
 - (d) where a referendum is held as a result of a decision of the Government or of one of its ministers or bodies, the date of the decision;
- “sector concerned” (2) “**sector concerned**” means
- (a) that part of the territory of the municipality which, according to the provision under which the referendum is held, is the only part where qualified voters are entitled to take part in the referendum;
 - (b) the aggregate of the immovables owned by those who benefit from the works, where they bear 75% or more of the loan made to defray the cost of the works or the related professional fees.
- Applicability **515.** This Title applies to all municipalities except the Northern, Cree or Naskapi village municipalities.
- Applicability This Title applies to all regional county municipalities only to the extent that they act as local municipalities in respect of a territory contemplated in article 36 of the Municipal Code of Québec.
- Consultative referendums **516.** This Title governs the consultative referendums contemplated in Chapter II and all referendums held pursuant to a general law or special Act which consist in submitting a municipal by-law, resolution or ordinance to the qualified voters of the municipality

or of another municipality for approval where that approval is a prerequisite to the passage or putting into force of the by-law, resolution or ordinance.

Consulta-
tions

This Title also governs every consultation of qualified voters which, under the Act providing therefor, must be conducted in accordance with this Title.

CHAPTER II

CONSULTATIVE REFERENDUMS

Consultative
referendums

517. The council of a municipality may for consultation purposes submit any question within its competence to its qualified voters or to those of that part of its territory concerned by the question.

Question

The question shall be formulated in such a manner as to require “yes” or “no” as an answer; it shall be defined by a resolution which, for the purposes of this Title, is deemed to be the subject of the referendum.

CHAPTER III

QUALIFIED VOTERS

Qualified
voter

518. A person is a qualified voter of the municipality or, as the case may be, of the sector concerned, if, on the date of reference, he is not disqualified from voting under section 524 and meets one of the following requirements:

(1) he is domiciled in the territory of the municipality or, as the case may be, in the sector concerned;

(2) he is the owner of an immovable situated in the territory or, as the case may be, sector, within the meaning of the Act respecting municipal taxation;

(3) he is the occupant of a place of business situated in the territory or, as the case may be, sector, within the meaning of the Act respecting municipal taxation.

Require-
ments

A natural person must also be, on the date of reference, of full age and a Canadian citizen, and must be neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act, nor under the protection of the Public Curator.

Domicile **519.** The domicile of a person is as provided in the Civil Code for all civil purposes.

Presumption Notwithstanding the foregoing, a person who has left his principal establishment in Québec for more than one year is deemed to have changed his domicile except where he carries on duties outside Québec on behalf of the Government of Québec or of Canada.

Detained person **520.** A detained person retains his domicile notwithstanding his detention.

Temporary absence **521.** A person who leaves his domicile temporarily to work or study in the territory of another municipality may be considered as being domiciled either in the territory where his actual domicile is situated or in the territory where he resides for the purposes of his work or studies.

Hospital or reception centre A person staying in a hospital centre or reception centre may be considered as being domiciled either at his actual domicile, or at the hospital centre or reception centre.

Deemed option A person is deemed to choose to be considered domiciled at the place where he resides rather than at his actual domicile where he makes an application to that effect during the revision of the list of electors or referendum list. The person's choice remains valid until it is revoked and as long as the person resides at the same place.

Determination of owner **522.** The rules provided in the Civil Code concerning the setting up, against third persons, of acts transferring immovable real rights apply in determining whether a person is the owner of an immovable.

Exercise of vote **523.** To exercise his right to vote, a qualified voter must, at the time of voting, be registered on the referendum list of the municipality or, as the case may be, of the sector concerned and must not be disqualified from voting under section 524.

Requirements A natural person must also, at the time of voting, be neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act, nor under the protection of the Public Curator.

Disqualification **524.** Any person who pleads guilty to or is convicted of an offence that is a corrupt electoral practice within the meaning of section 645 or the Election Act is disqualified from voting in a municipal referendum.

Duration The disqualification shall continue for five years from the day the judgment convicting the person becomes a *res judicata*.

**Referendum
list**

525. Every qualified voter of the municipality or, as the case may be, of the sector concerned, is entitled to have his name entered on the referendum list.

**Co-owners
or co-
occupants**

Where an immovable belongs to undivided co-owners or where a place of business is occupied by co-occupants, only the co-owner or the co-occupant designated for that purpose is entitled to have his name entered on the referendum list as the owner of the immovable or as the occupant of the place of business.

**Power of
attorney**

526. Co-owners or co-occupants who are qualified voters of the municipality or, as the case may be, of the sector concerned shall designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person who is not entitled, under section 531, to have his name entered on the referendum list in a higher ranking capacity.

**Transmis-
sion**

The power of attorney shall be transmitted to the clerk or the secretary-treasurer not later than 30 days before the day the referendum is held. It takes effect upon receipt and remains valid until it is replaced.

**Amendment
to list**

A power of attorney transmitted after the time prescribed in the second paragraph but before the filing office closes on the last day fixed pursuant to sections 114 and 561 shall be considered an application to amend the referendum list, unless the clerk or the secretary-treasurer has taken it into account before the deposit of the list. The clerk or the secretary-treasurer shall transmit any power of attorney received by him to the competent board of revisors.

**Public
notice**

527. Not later than 40 days before the day fixed for the referendum poll, the clerk or the secretary-treasurer shall give a public notice stating the rules governing the registration of co-owners and co-occupants and inviting those who wish to make a first designation or to replace the existing designation to send him the power of attorney within the prescribed time.

**Legal
persons**

528. Every legal person qualified to vote shall exercise its rights under this Title through one of its members, directors or employees designated by it for that purpose by resolution.

**Require-
ments**

The person designated must, on the date of reference and at voting time, be of full age and a Canadian citizen, and must be neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act nor under the protection of the Public Curator, nor disqualified from voting under section 524.

Transmission of resolution The resolution shall be transmitted to the clerk or the secretary-treasurer not later than 30 days before the day fixed for the referendum poll. It takes effect upon receipt and remains valid until it is replaced.

Entry on list The name of the designated person shall be placed next to that of the legal person on the referendum list.

Amendment to list A resolution transmitted after the time prescribed in the third paragraph but before the filing office closes on the last day fixed pursuant to sections 114 and 561 shall be considered an application to amend the referendum list, unless the clerk or the secretary-treasurer has taken it into account before the deposit of the list. The clerk or the secretary-treasurer shall transmit any such resolution to the competent board of revisors.

Public notice **529.** Not later than 40 days before the day fixed for the referendum poll, the clerk or the secretary-treasurer shall give a public notice stating the rules governing the designation of the representatives of legal persons and inviting the legal persons wishing to make a first designation or replace the existing designation to send him the resolution within the prescribed time.

One entry only **530.** In no case may the name of a person appear more than once on the referendum list of the municipality or, as the case may be, of the sector concerned.

Exception The first paragraph does not apply to a qualified voter who is designated to represent a legal person or to a person designated to represent several legal persons.

Order of preference **531.** In addition to having his name entered on the list following a designation to represent a legal person, where such is the case, a person who is, in several capacities, a qualified voter of the municipality or, as the case may be, of the sector concerned, shall have his name entered on the list in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the sole owner of an immovable;
- (3) as the sole occupant of a place of business;
- (4) as an undivided co-owner of an immovable;
- (5) as a co-occupant of a place of business.

Highest
value of
immovable

Where several immovables are contemplated in subparagraph 2 or 4 of the first paragraph, the immovable with the highest real estate value shall be the immovable considered. Where several places of business are contemplated in subparagraph 3 or 5 of the said paragraph, the place of business with the highest rental value shall be the place of business considered.

CHAPTER IV

PROCEDURE OF REGISTRATION OF QUALIFIED VOTERS

Purpose of
procedure

532. The registration procedure applies to determine whether a referendum poll must be held.

Applicability

Notwithstanding the first paragraph, the procedure does not apply

(1) in the case of a consultative referendum;

(2) where pursuant to the Act that provides for the referendum, a referendum poll must be held;

(3) where all the qualified voters entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned waive the holding of a referendum poll by filing with the clerk or the secretary-treasurer a notice to that effect bearing their signatures before the day the register opens for registration.

Deemed
approval

In the case contemplated in subparagraph 3 of the second paragraph, the by-law, resolution or ordinance being the subject of the referendum is deemed to be approved by the qualified voters. The clerk or the secretary-treasurer shall inform the council thereof at the next sitting.

Registration

533. Any qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned may demand that a referendum poll be held by entering his name, address and capacity in a register open for that purpose and affixing his signature opposite those entries.

Qualification

A natural person must be, at the time he makes such entries in the register, neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act nor under the protection of the Public Curator.

Representa-
tive of legal
person

A person designated to exercise the rights of a legal person must, at the time he makes the entries concerning the latter, be of full age and a Canadian citizen and be neither interdicted, nor under close

treatment pursuant to the Mental Patients Protection Act, nor under the protection of the public curator, nor disqualified from voting under section 524.

Address of
qualified
voter

The address of a qualified voter shall be, according to the capacity entitling him to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned, the address of the immovable where he is domiciled, of the immovable of which he is the owner or of the place of business of which he is the occupant. The address of the immovable shall include the apartment or room number, if any. If the immovable has no number, the cadastral number shall be used.

One applica-
tion only

534. A qualified voter may make only one application for a referendum poll.

Registration
period

535. The clerk or the secretary-treasurer shall fix the days and places where the register will be open for registration to qualified voters.

Number of
days

He shall fix as many consecutive days, up to a maximum of six, as there are multiples of 500 in the number of applications needed under section 553 to require that a referendum poll be held. Where the number is less than 500, he shall fix only one day.

Registration
period

Every day fixed must be comprised in the thirty-day period following the date of reference.

Hours

536. The register shall be open, from 9 a.m to 7 p.m. without interruption, on every day fixed by the clerk or the secretary-treasurer, subject to any extension under section 537.

Sufficient
number of
applications

Notwithstanding the first paragraph, where several days have been fixed and where the number of applications needed to require that a referendum poll be held is reached before the last day, the clerk or the secretary-treasurer shall close the register at 7 p.m. on the day the number is reached if the council of the municipality passed a by-law to that effect before the first day the register is open for registration.

Extension

537. In the case of a delay or interruption, the clerk or the secretary-treasurer may extend the period during which the register is open for registration, for as long as he determines, in respect of the place affected by the delay or interruption.

Maximum
time

The extension shall not exceed the length of the delay or interruption.

Late
registration

538. The qualified voters who are present on the premises where the register is open for registration at the time the register is scheduled to be closed and who have not been able to make the entries concerning them may nevertheless exercise their right to do so.

Close of
registration
period

The person in charge of the register within the meaning of section 541 shall declare the period of registration closed after such persons have exercised their right.

Waiting line

For the purposes of the first paragraph, the premises where the register is open for registration extend as far as the end of the waiting line of qualified voters as it stands at the time the register is scheduled to close.

Public
notice

539. Not later than five days before the day the register opens for registration, the clerk or the secretary-treasurer shall give a public notice to the qualified voters entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

Persons
concerned

The heading of the notice shall clearly identify the group of persons for whom the notice is intended. If the notice is intended for the qualified voters entitled to have their names entered on the referendum list of a sector, the heading shall include a summary description of the sector.

Content of
notice

The notice shall set out

(1) the number, title, object and date of passage of the by-law, resolution or ordinance that is the subject of the referendum;

(2) the right of every person for whom it is intended to demand that the by-law, resolution or ordinance be submitted to a referendum poll by entering his name, address and capacity, together with his signature, in a register open for that purpose;

(3) the number of applications needed according to section 553 to require that a referendum poll be held;

(4) the fact that if the required number of applications is not reached, the by-law, resolution or ordinance will be deemed approved by the qualified voters;

(5) the place where and the days and hours when the by-law, resolution or ordinance may be examined;

(6) the place or places where and the days and hours when the register will be open for registration;

(7) the place where and the day and time when the results of the registration procedure will be announced.

Loan by-law Where the by-law, resolution or ordinance that is the subject of the referendum is a loan by-law, resolution or ordinance, the notice shall also indicate the amount and intended use of the proposed loan.

Illustration of sector Where the notice is intended for the qualified voters entitled to have their names entered on the referendum list of the sector concerned, it shall illustrate the perimeter of the sector by means of a sketch and describe it by using the names of thoroughfares wherever possible.

Simultaneous procedure **540.** Where it is necessary to hold simultaneous registration procedure in respect of several by-laws, resolutions or ordinances; they shall not exceed five in number and each shall be the subject of a separate notice and have separate registers.

Single notice Notwithstanding the foregoing, the clerk or the secretary-treasurer may publish a single notice respecting all the by-laws, resolutions and ordinances which concern the same qualified voters.

Person in charge **541.** The clerk or secretary-treasurer shall be the person in charge of the register unless another person is specially designated by him for that purpose.

Oath Before taking office, the person shall swear that he will perform his duties according to law.

Designations The clerk or the secretary-treasurer shall make designations as provided in the first paragraph if he establishes several places where the register is open for registration.

Supervision **542.** While the register is open for registration, the person in charge of it shall keep it under his supervision at all times.

Assistant The clerk or the secretary-treasurer may, however, specially designate an assistant to the person in charge of the register to replace him when he is temporarily absent and assist him in performing his duties. Before taking office, the assistant shall swear that he will perform his duties according to law.

Text of by-law **543.** The text of the by-law, resolution or ordinance and of the notice shall accompany the register and be posted up at the place where the register is open for registration.

Order of
registration

544. Qualified voters entitled to have their names entered on the referendum list shall make and sign their entries in the register, in the order they present themselves to do so.

Identifica-
tion

545. On presenting himself to make his entries in the register, a person shall state his name, address and capacity to the person in charge of the register.

Access to
register

After ascertaining that the person is a qualified voter, is entitled to have his name entered on the referendum list and has not already made any entry in the register, the person in charge of the register shall give him access to the register, subject to section 547.

List of
voters

546. The clerk or the secretary-treasurer may draw up a list of the qualified voters entitled to have their names entered on the referendum list from any referendum list, list of electors, real estate assessment roll, roll of rental values, collection roll or other document he considers appropriate.

Name not
listed

A person whose name is not entered on any of the documents contemplated in the first paragraph may be allowed to make his entries in the register if he proves to the person in charge of the register that he is a qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

Declaration
under oath

547. To be admitted to make his entries in the register, a person shall, at the request of the person in charge of the register, declare under oath that he is a qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

Name used
by other

A person under whose name another person has already made entries in the register shall nevertheless be admitted to do so, after declaring under oath that he is really the qualified voter entitled to be entered on the referendum list under that name and that he has not made his entries in the register.

Refusal to
make oath

No person may be admitted to make entries in the register by the person in charge thereof if he refuses to make the oath required of him.

Undue
delay

548. Each person admitted to make his entries shall do so without undue delay, failing which the person in charge of the register may compel him to leave whether or not he has completed his entries.

Maintenance of order **549.** The clerk or the secretary-treasurer has, during each day of registration, the powers of a returning officer in matters of maintaining order.

Prohibited publicity **550.** No person shall, on the premises where the register is open for registration, use any sign to indicate that he supports or opposes the holding of a referendum poll or that he favours an affirmative or a negative answer to a question that would be submitted to such a poll or engage in any other form of publicity to the same effect.

Registration premises The premises where the register is open for registration include the building in which those premises are situated and any neighbouring place where the sign or publicity may be seen by the qualified voters waiting in line.

Remuneration **551.** Every person who performs duties under this chapter is entitled to receive a remuneration or an expense allowance from the municipality in respect of such duties.

Determination by council The council of the municipality may establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs if it fixes a lower remuneration or allowance than that established by the Minister pursuant to Title III.

Determination by Minister Every person contemplated in the first paragraph is entitled to the remuneration or allowance fixed in the tariff established by the Minister if the municipality has failed to establish its own or has failed to fix the remuneration or allowance of that person.

Counting of applications **552.** One application for the holding of a referendum poll shall be counted for each qualified voter having made his entries according to law and who is entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

Required number of applications **553.** Unless the by-law, resolution or ordinance is withdrawn, a referendum poll shall be held where, at the end of the period of registration, the number of applications reaches

- (1) 50% of the qualified voters where there are 25 or fewer;
- (2) the lesser of 500 and the number obtained by adding 13 to 10% of the qualified voters in excess of 25, where there are over 25 but under 5 000;
- (3) 500, where the number of qualified voters is over 5 000 but under 20 000; or

(4) 2.5% of the qualified voters where there are 20 000 or over.

Rounding
off

Where the result of the computation under the first paragraph is a number including a fraction, the fraction is counted as a unit.

Qualified
voters

For the purposes of the first paragraph, qualified voters are persons entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned. Unless the clerk or the secretary-treasurer has a list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and places of business situated in the territory of the municipality or, as the case may be, in the sector concerned.

Deemed
approval

554. The by-law, resolution or ordinance being the subject of the referendum is deemed to be approved by the qualified voters where, at the end of the period of registration, the number of applications is lower than the number needed to require that a referendum poll be held.

Certificate

555. As soon as practicable after the end of the period of registration, the clerk or the secretary-treasurer shall draw up a certificate showing

(1) the number of qualified voters established pursuant to section 553;

(2) the number of applications needed to require that a referendum poll be held;

(3) the number of applications made;

(4) the fact that the by-law, resolution or ordinance is deemed to be approved by the qualified voters or that a referendum poll must be held, as the case may be.

Reading
aloud

556. As soon as practicable after the certificate is drawn up, the clerk or the secretary-treasurer shall read it publicly to the persons present at the place where the sittings of the council of the municipality are held or at any other place determined by him.

Tabling

557. The clerk or the secretary-treasurer shall table the certificate before the council at its next sitting.

Date of poll

558. Where a referendum poll must be held, the council shall fix, not later than at the sitting following that at which the certificate is tabled, the date of the poll, in accordance with Chapter VI.

Withdrawal
of by-law

559. So long as the notice of the referendum poll has not been published, the council may, by resolution, withdraw the by-law, resolution or ordinance.

Public
notice

Within 15 days of the withdrawal, the clerk or the secretary-treasurer shall inform the persons concerned by a public notice.

CHAPTER V

REFERENDUM LIST

Preparation
of list

560. The clerk or the secretary-treasurer shall prepare the referendum list of the municipality or, as the case may be, of the sector concerned after the day on which the date of the referendum poll is determined and not later than 25 days before that date.

Existing list

Notwithstanding the foregoing, the clerk or the secretary-treasurer is not required to prepare a new list if a referendum list drawn up in relation to a date of reference that precedes the date of reference applicable to the referendum concerned by less than 90 days is already in force in the municipality or, as the case may be, in the sector concerned or in a territory comprising the sector concerned. The clerk or the secretary-treasurer shall deposit the referendum list already in force or the relevant part thereof in the office of the municipality not later than 25 days before the day of the referendum poll; in such a case, the public notices provided for in sections 527 and 529 respecting undivided co-owners of immovables, co-occupants of places of business and legal persons need not be given.

Applicable
provisions

561. Division II of Chapter VI of Title I applies, adapted as required, and so far as it is consistent with this Title, to the preparation, revision and coming into force of the referendum list of the municipality or, as the case may be, of the sector concerned.

Appoint-
ment of
revisors

562. The clerk or the secretary-treasurer shall appoint as revisor any person he may choose, without recommendation from the authorized parties, if any.

Oath

563. Before taking office, every enumerator, every person appointed to act in a filing office and every member, secretary and investigating assistant of a board of revisors shall swear that he will perform his duties according to law.

Copies of
list

564. The representative of the qualified voters who favour an affirmative answer to the referendum question and the representative

of the qualified voters who favour a negative answer to the question are entitled to receive, on request and free of charge, a maximum of five copies of the referendum list and of the abstract of changes.

Designations of representatives

The clerk or the secretary-treasurer shall, on a written application, designate the representative contemplated in the first paragraph for each of the two groups.

Copies of list

Authorized parties, recognized tickets and candidates are not entitled to free copies of the list or abstract.

Remuneration

565. The clerk or the secretary-treasurer and every enumerator, every person appointed to act in a filing office and every member, secretary and investigating assistant of a board of revisors are entitled to receive remuneration or an expense allowance from the municipality in respect of the duties they perform under this chapter.

Determination by council

The council of the municipality may establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs if it fixes a remuneration or allowance lower than that fixed in the tariff established by the Minister pursuant to Title III.

Determination by Minister

Every person contemplated in the first paragraph is entitled to the remuneration or allowance fixed in the tariff established by the Minister if the municipality has failed to establish its own or if it has failed to fix the remuneration or allowance of that person.

CHAPTER VI

REFERENDUM POLL

Applicability

566. This chapter applies to a consultative referendum, to a referendum poll required as a result of a registration procedure as provided for in Chapter IV, and to a referendum poll required pursuant to the Act providing for the referendum.

Applicable provisions

567. To the extent that they are consistent with this chapter, the following provisions of Title I, adapted as required, apply to a referendum:

(1) the provisions of Divisions III and IV of Chapter V respecting election officers and the chief electoral officer;

(2) the provisions of subdivisions 2 to 6 of Division IV of Chapter VI respecting advance polling, polling stations, materials required for

voting, formalities prior to the opening of polling stations and the polling process;

(3) the provisions of Division V of Chapter VI respecting the counting and the addition of the votes;

(4) the provisions of subdivision 1 of Division VII of Chapter VI respecting a recount or re-addition of the votes;

(5) the provisions of Chapter VII respecting the electoral code of ethics.

Provisions
not ap-
plicable

Notwithstanding subparagraph 2 of the first paragraph, subdivision 2 of Division IV of Chapter VI of Title I respecting advance polling does not apply if the referendum is intended for part only of the qualified voters of the municipality, unless the council of the municipality orders that the said subdivision applies to the referendum.

Date of poll

568. The referendum poll shall be held on the date fixed by the council of the municipality; the date must be a Sunday comprised in the 90 days following the date of reference.

Exception

The Minister of Municipal Affairs may, on request, allow the council to fix the date of the poll at a later date within the limit he specifies.

Appoint-
ment of
officers

569. The clerk or the secretary-treasurer shall appoint as deputy returning officer and as poll clerk any person he may choose, without recommendation from the authorized parties, if any.

Representa-
tives

570. On a written application, the clerk or the secretary-treasurer shall appoint, for each polling station, a representative of the qualified voters who favour an affirmative answer to the referendum question and a representative of the qualified voters who favour a negative answer. For the purposes of provisions applicable to the referendum by reference, the representatives shall have a status equivalent to that of the representatives of candidates assigned to a polling station.

Oath

The representative shall swear that he will not disclose for which answer a person has voted in his presence.

Poll runners

On a written application, the clerk or the secretary-treasurer shall appoint, for each place where there is a polling station and for each group of qualified voters described in the first paragraph, a poll runner authorized to periodically collect a list of the persons who have already exercised their right to vote.

**Appoint-
ment**

The appointment of the representative and of the poll runner shall be made by means of a writing signed by the clerk or the secretary-treasurer and presented to the deputy returning officer. The appointment of the representative is valid for the duration of the poll and of the counting of the votes taking place at the polling station; that of the poll runner is valid for the duration of the poll.

**Notices and
documents**

The representatives appointed under section 564 are entitled to receive the notices and documents that must be given to candidates under the provisions applicable by reference to the referendum.

**Referendum
list**

571. The list used shall be the referendum list in force in the municipality or, as the case may be, in the sector concerned.

**Public
notice of
poll**

572. Not later than 10 days before the day of the referendum poll, the clerk or the secretary-treasurer shall give public notice of the poll to the persons whose names are entered on the referendum list.

**Persons
concerned**

The heading of the notice shall identify the group of persons for whom it is intended. If the notice is intended for the persons whose names are entered on the referendum list of the sector concerned, the heading shall give a summary description of the sector.

**Content of
notice**

The notice shall set out

(1) the number, title, object and date of passage of the by-law, resolution or ordinance that is the subject of the referendum;

(2) the place where and the days and hours during which the by-law, resolution or ordinance may be examined;

(3) the day and hours during which polling stations will be open for the advance poll, where that is the case;

(4) the day and hours during which polling stations will be open for the referendum poll;

(5) the text of the referendum question;

(6) the place where the polling station will be established for the advance poll, where that is the case, and for the referendum poll and, if several polling stations are established, indications to determine in which polling station a person whose name is entered on the referendum list may vote;

(7) the day and time when the addition of votes will begin and the place where it will take place.

Reminders The particulars referred to in subparagraph 6 of the third paragraph are not needed if the clerk or the secretary-treasurer causes reminders containing those particulars to be distributed.

Loan by-law Where the by-law, resolution or ordinance that is the subject of the referendum is a loan by-law, resolution or ordinance, the notice shall indicate the amount and intended use of the proposed loan.

Illustration of sector Where the notice is intended for the persons whose names are entered on the referendum list of the sector concerned, the notice shall illustrate the perimeter of the sector by means of a sketch and describe it by using the names of thoroughfares wherever possible.

Distribution of reminders **573.** The clerk or the secretary-treasurer may cause a reminder to be distributed to every person whose name is entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

Large municipality He shall do so in a municipality having a population of 20 000 or over.

Content of reminder The reminder shall contain all the particulars that must be set out in the notice of referendum poll; however, the particulars relating to polling stations may concern only the polling station where the addressee is entitled to vote.

Polling booth **574.** The polling station shall include only one polling booth, even in a municipality whose territory is not divided for election purposes.

Ballot paper **575.** The ballot paper shall include, on the obverse,

(1) a question beginning with the words "Do you approve" and then stating the number, title or object of the by-law, resolution or ordinance that is the subject of the referendum or, in the case of a consultative referendum, the question defined by the council of the municipality;

(2) to the right of the question, the words "YES" and "NO" placed in a single column, the former above the latter;

(3) a circle intended for the mark of the voter opposite each of the words "YES" and "NO".

Deemed approval **576.** The by-law, resolution or ordinance that is the subject of the referendum is deemed to be approved by the qualified voters where the results of the poll show a greater number of affirmative votes than negative votes, unless the provisions governing the referendum establish a different rule.

- Tie-vote** In the latter case, the clerk or the secretary-treasurer is not required to request a recount of the votes in case of a tie.
- Tie-vote** **577.** Where the results of the poll certified by the judge following a recount or re-addition of the votes show a tie-vote, the mayor or, as the case may be, the warden may give a voice vote at the next council sitting after the judge's decision.
- Casting vote** The vote shall be counted as if it had been cast by a person whose name is entered on the referendum list.
- Exception** The first two paragraphs do not apply where, according to the provisions governing the referendum, an affirmative vote by the mayor or the warden is not sufficient to cause the by-law, resolution or ordinance to be deemed to be approved by the qualified voters.
- Statement of results** **578.** The clerk or the secretary-treasurer shall draw up a statement of the final results of the poll and table it before the council at the next sitting.
- Prohibition** **579.** In no case may the person in charge of access to documents held by the municipality deliver any copy of any used ballot papers.
- Prohibition** He shall allow no one to examine the ballot papers, unless he is required to do so by order of the court or a judge.

TITLE III

REGULATORY PROVISIONS

- Tariff of remuneration** **580.** The Minister of Municipal Affairs shall establish, by regulation, a tariff of the remuneration or expense allowances which the following persons are entitled to receive in respect of duties performed under this Act:
- (1) an election officer;
 - (2) the treasurer within the meaning of Chapter XIII of Title I;
 - (3) a person performing duties under Chapter IV of Title II;
 - (4) the clerks or secretary-treasurers, the enumerator, the person appointed to act in a filing office or the member, secretary or investigating assistant of a board of revisors performing duties under Chapter V of Title II;
 - (5) a referendum officer performing duties under Chapter VI of Title II.

Exception Notwithstanding the foregoing, the Minister is not required to establish the remuneration and allowance of election or referendum officers whose services are temporarily required in accordance with section 84.

“municipal body” **581.** The Minister may, by regulation, designate any body as a “municipal body” for the purposes of sections 304 to 306.

Documents **582.** The Minister may prescribe, by regulation, the form or minimum content of or a model for any document prescribed by this Act except a document prescribed by Chapter XIII of Title I, or the information that any such document must contain.

Documents The chief electoral officer may prescribe, by regulation, the form or minimum content of or a model for any document prescribed by Chapter XIII of Title I, or the information that any such document must contain.

Election expenses **583.** The Minister may prescribe, by regulation, the method for calculating the amount of election expenses that must not be exceeded by an authorized party or independent candidate during an election.

Recount or re-addition **584.** The Government may establish, by regulation, a tariff of costs for the recount or re-addition of votes by a judge.

Categories of municipalities **585.** Categories of municipalities or cases, and appropriate rules for each category or combination of categories may be established by regulation.

TITLE IV

PENAL PROVISIONS

CHAPTER I

OFFENCES

Offence **586.** The following persons are guilty of an offence:

(1) every election or referendum officer who while taking part in the preparation or revision of the list of electors or referendum list, knowingly enters the name of a person who should not be entered on the list or omits to enter or strikes off the name of a person who should be entered on the list;

(2) every person who makes an application to have his name entered on the list of electors or referendum list with the knowledge that he

is not entitled thereto or makes an application to enter a name he knows to be fictitious or to be that of a deceased person or the name of a person he knows is not entitled to be entered;

(3) every person who makes an application to have his name struck off the list of electors or referendum list with the knowledge that he is entitled thereto or makes an application to have the name of a person he knows is entitled to be entered struck off the list;

(4) every person who spreads news of the withdrawal of a candidate for the office of member of the council with the knowledge that it is false;

(5) every person who votes more often than he is entitled to vote;

(6) every deputy returning officer who admits a person to vote whose name is not entered on the list of electors or the referendum list;

(7) every returning officer, clerk or secretary-treasurer who authorizes a person to vote whose name is not entered on the list of electors or referendum list;

(8) every person who attempts to vote or votes without being entitled to vote;

(9) every person who falsifies the statement of the poll or the statement of votes or the certificate of the results of the procedure for the registration of qualified voters provided for in Chapter IV of Title II;

(10) every person who, during the procedure for the registration of qualified voters, makes more than one entry in the register;

(11) every person who, during the procedure for the registration of qualified voters, attempts to make an entry or makes an entry without being entitled thereto;

(12) a person in charge of the register who, during the procedure for the registration of qualified voters, admits to make an entry a person he knows is not entitled to do so or has already done so.

587. Every deputy returning officer who admits a person to vote with the knowledge that he has already voted and has no other voting right to exercise is guilty of an offence.

588. The following persons are guilty of an offence:

(1) the returning officer who makes an announcement of the results of an addition of votes with the knowledge that it does not correspond to the actual results;

(2) the returning officer who makes a declaration of election with the knowledge that it does not correspond to the final results of the poll;

(3) the clerk or secretary-treasurer who draws up a certificate of the results of the procedure for the registration of qualified voters with the knowledge that it does not correspond to the actual results;

(4) the clerk or secretary treasurer who draws up a statement of the final results of the referendum poll with the knowledge that it does not correspond to the results.

Secrecy of
voting

589. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any procedure relating to the vote, or alters or attempts to alter the results of the election or referendum, is guilty of an offence.

Offence

590. Every person is guilty of an offence who,

(1) personally or through another person, induces or attempts to induce a person to become a candidate for an office on the council, to abstain from doing so or to withdraw his candidacy by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to become or becomes a candidate for an office on the council, agrees to abstain or abstains from doing so or agrees to withdraw or withdraws his candidacy.

Offence

591. Every person is guilty of an offence who,

(1) personally or through another person, in order to influence the vote of an elector, obtains or attempts to obtain his vote or incites him to abstain from voting by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to abstain from voting or to vote for a candidate, abstains from voting or votes for a candidate, or incites a person to abstain from voting or to vote for a candidate.

Presumption Every gift made or promised during an election period within the meaning of Chapter XIII of Title I by a candidate or a person who subsequently becomes a candidate, or in his name or in his behalf, is deemed, in the absence of any evidence to the contrary, to have been made in order to influence the vote of an elector.

Exceptions The first paragraph does not apply

(1) to an official agent who provides, as election expenses, foods or non-alcoholic beverages as refreshments at a private assembly of electors held to promote the election of a candidate;

(2) to a person other than an official agent who, at his own expense, provides such food or non-alcoholic beverages at such an assembly; or

(3) to a person who accepts any food or non-alcoholic beverages provided in accordance with paragraph 1 or 2.

Offence **592.** Every person is guilty of an offence who,

(1) personally or through another person, in order to influence the opinion of a qualified voter as to the holding of a referendum poll, induces or attempts to induce a qualified voter to make an application demanding that a referendum poll be held or incites him to abstain from doing so by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to make an application demanding that a referendum poll be held or to abstain from doing so, makes such an application or abstains from doing so or incites a person to make such an application or to abstain therefrom.

Presumption Every gift made or promised, from the date of reference within the meaning of Title II to the end of the registration procedure provided for in Chapter IV of the said Title, by a person or in his name or in his behalf is deemed, in the absence of any evidence to the contrary, to have been made in order to influence the opinion of a person as to the holding of a referendum poll.

Exceptions The first paragraph does not apply to a person who,

(1) at his own expense, provides foods or non-alcoholic beverages as refreshments at a private assembly of qualified voters held to promote or oppose the holding of a referendum poll; or who

(2) accepts any food or non-alcoholic beverages provided in accordance with paragraph 1.

Offence **593.** Every person is guilty of an offence who,

(1) personally or through another person, in order to influence the vote of a qualified voter at a referendum, obtains or attempts to obtain his vote in favour of an affirmative or negative answer to the referendum question or incites him to abstain from voting by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to abstain from voting or to vote in favour of an affirmative or negative answer to the referendum question, abstains from voting or votes in favour of such an answer, or incites a person to abstain from voting or to vote in favour of such an answer.

Presumption Every gift made or promised, from the day on which the date of the referendum poll is fixed to the time scheduled for the close of the polling stations on polling day, by a person, or in his name or in his behalf is deemed, in the absence of any evidence to the contrary, to have been made in order to influence the vote of a qualified voter.

Exceptions The first paragraph does not apply to a person who,

(1) at his own expense, provides foods or non-alcoholic beverages as refreshments at a private assembly of qualified voters held to promote an affirmative or a negative answer to the referendum question; or who

(2) accepts any food or non-alcoholic beverages provided in accordance with paragraph 1.

Offence **594.** The following persons are guilty of an offence:

(1) every election officer other than an officer or employee of the municipality who engages in partisan work after having made his oath of office;

(2) every officer or employee of the municipality who engages in partisan work prohibited by section 284.

Offence **595.** Every official agent or deputy of an official agent is guilty of an offence who

(1) incurs or authorizes election expenses with the knowledge that they exceed the maximum he is permitted;

(2) files a report, return, statement, invoice, receipt or other voucher with the knowledge that it is incomplete or contains a false indication or false information; or who

(3) pays a claim with the knowledge that the return of election expenses has already been filed with the treasurer.

Offence **596.** The following persons are guilty of an offence:

(1) every person, other than the official representative, who pays a claim or part of a claim arising from an election expense with the knowledge that the claim or part of the claim is contested by the official agent;

(2) every official representative who pays, otherwise than as provided for in section 473, a claim or part of a claim arising from an election expense with the knowledge that the claim or part of the claim is contested by the official agent.

Offence **597.** Every official representative or delegate of an official representative who files a report, return, statement, invoice, receipt or other voucher with the knowledge that it is incomplete or contains a false indication or false information is guilty of an offence.

Offence **598.** Every auditor of an authorized party who produces a report with the knowledge that it is incomplete or contains a false indication or false information is guilty of an offence.

Offence **599.** The following are guilty of an offence:

(1) every unauthorized party or candidate that allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the party or candidate;

(2) every person who solicits or collects contributions, incurs expenses or contracts a loan for an unauthorized party or candidate.

Offence **600.** Every person who accepts an appointment as official representative, delegate of an official representative, official agent, deputy of an official agent or auditor with the knowledge that he is disqualified from holding that position is guilty of an offence.

Offence **601.** Every person is guilty of an offence who

(1) signs the writing accompanying an application for authorization of a party, as a member or sympathiser of the party seeking the authorization, with the knowledge that he is not an elector of the electoral district mentioned in the application; or who

(2) affixes to the writing, as a supporting signature, a name other than his own.

Offence **602.** Every person responsible for collecting signatures in support of an application for authorization of a party who allows a signature he knows to be that of a person who is not an elector of the electoral district mentioned in the application, or of a person other than the person affixing it, to be affixed to the writing accompanying the application, is guilty of an offence.

Offence **603.** Every person who makes a contribution to a person with the knowledge that he is not the official representative of an authorized party or independent candidate, or a person designated by the latter in writing to solicit and collect contributions, is guilty of an offence.

Offence **604.** Every official agent who fails to pay, before filing his return of election expenses, every claim received in respect of such expenses within 60 days after polling day, except any claim he contests, is guilty of an offence.

Offence **605.** Every treasurer is guilty of an offence who

(1) reimburses an authorized party or independent candidate for election expenses otherwise than in circumstances described in sections 475 and 476;

(2) reimburses an authorized party or independent candidate for election expenses before the return of election expenses of the party or candidate has been filed with him;

(3) makes a reimbursement of the election expenses of an authorized party to a person other than the official representative of the party; or who

(4) makes a reimbursement of the election expenses of an authorized independent candidate without making it jointly to the candidate and to his official representative.

Offence **606.** Every official representative of an authorized party who fails to keep, for two years from the filing of a financial report, the receipts issued for contributions collected during the period covered by the report

or who fails to remit the receipts to the treasurer on request is guilty of an offence.

Offence

607. Every official representative of an authorized independent candidate is guilty of an offence who, after polling day, after the candidate withdraws or after the candidate is declared elected before the end of the polling period, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts resulting from election expenses then incurred;

(2) disposes or allows a person to dispose, for purposes other than political, religious, scientific or charitable purposes or purposes listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such;

(3) incurs or allows a person to incur an additional expense; or who

(4) contracts or allows a person to contract a new loan.

Offence

608. Every person holding sums of money or assets of a party or of an independent candidate who fails to remit the money or the assets to the chief electoral officer within 10 days after he is notified of the withdrawal of authorization of the party or candidate is guilty of an offence.

Offence

609. Every party or independent candidate who fails to transmit to the chief electoral officer, within 60 days after the withdrawal of its or his authorization, a document that must be transmitted pursuant to section 408 is guilty of an offence.

Offence

610. The following persons are guilty of an offence:

(1) every official representative, delegate of an official representative or person designated by either to solicit and collect contributions who collects a contribution with the knowledge that

(a) the person making the contribution is not an elector of the municipality;

(b) the contribution is not being made by the elector himself;

(c) the contribution is not being made at the elector's own expense, unless it consists in the furnishing of services;

(d) the contribution causes the elector to exceed the maximum prescribed in section 431;

(2) every person who knowingly makes a contribution contemplated in paragraph 1.

Offence

611. Every person who solicits or collects contributions or incurs expenses other than election expenses for an authorized party or independent candidate without being its or his official representative, his delegate or a person designated in writing for that purpose by either, is guilty of an offence.

Offence

612. Every official representative, delegate of an official representative or person designated by either to solicit and collect contributions is guilty of an offence who

(1) collects contributions without issuing a receipt to the contributor;

(2) collects a contribution of money exceeding \$100 made otherwise than by cheque or other order of payment; or who

(3) collects a contribution made by cheque or by other order of payment that is not signed by the elector or not made payable to the order of the authorized party or independent candidate or that he knows not to be drawn on an account of the elector in a financial institution having an office in Québec.

Offence

613. The following persons are guilty of an offence:

(1) every official representative who fails to deposit, in a Québec branch of a financial institution, the funds of his party or, as the case may be, the funds received by an independent candidate in his capacity as such;

(2) every person designated by the official representative or by his delegate to solicit and collect contributions who fails to remit any contribution he receives to the person who designated him;

(3) every delegate who fails to remit to the official representative any contribution he receives from a contributor or from a person designated by him to solicit and collect contributions.

Offence

614. Every person holding any contribution made in contravention of Chapter XIII of Title I, who fails to return it to the contributor within 30 days after he becomes aware of the contravention or, where the contributor cannot be found, fails to remit, within the same time limit,

to the treasurer the amount of the contribution or the amount at which the contribution is evaluated, is guilty of an offence.

615. Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized party outside an election period or to the leader of an authorized party or to a candidate during an election period without offering such service equitably as to quality and quantity to the other authorized parties in the municipality, their leaders or the other candidates for the same office, as the case may be, is guilty of an offence.

616. Every official representative of an authorized party who fails to pay the accounts and invoices transmitted to him, within six months of receipt, is guilty of an offence, unless he contests them.

617. Every person who contracts a loan for an authorized party or independent candidate without being its or his official representative or grants a loan for an authorized party or independent candidate to a person with the knowledge that he is not its or his official representative is guilty of an offence.

618. Every official representative is guilty of an offence who

- (1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 447;
- (2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 447;
- (3) fails to pay the yearly interest payable on the loans he has contracted; or who
- (4) uses sums of money other than those collected in accordance with Chapter XIII of Title I to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 457 or which has been used by him or his delegate to pay election expenses pursuant to section 455.

619. The following persons are guilty of an offence:

- (1) every official representative who pays into the election fund put at the disposal of the official agent sums of money other than those collected in accordance with Chapter XIII of Title I;

(2) every official representative or delegate of an official representative who uses, to pay an election expense contemplated in section 452, sums of money other than those collected in accordance with Chapter XIII of Title I.

Offence **620.** Every official agent or deputy of an official agent who pays any election expenses otherwise than out of the election fund put at the disposal of the official agent is guilty of an offence.

Offence **621.** The following persons are guilty of an offence:

(1) every official agent who fails to deposit the sums of money paid into the election fund put at his disposal in an account at a Québec branch of a financial institution;

(2) every official agent of an authorized party who fails to deposit the sums of money paid into the election fund put at his disposal in an account separate from the account of the official representative.

Offence **622.** Every person is guilty of an offence who

(1) incurs or authorizes an election expense without being the official agent of an authorized party or independent candidate, his deputy or an advertising agency authorized in writing for that purpose by the official agent or, in the case of an election expense contemplated in section 452, without being the official representative of an authorized party or his delegate; or who

(2) uses, during the election period, goods or services all or part of the cost of which constitutes an election expense contemplated in section 452, without being the official agent of an authorized party, his deputy or a person authorized for that purpose by the official agent.

Offence **623.** Every person is guilty of an offence who

(1) accepts or executes an order for election expenses with the knowledge that it is not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case, or in the case of an election expense contemplated in section 452, by the official representative of an authorized party or his delegate;

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price he knows to be different from the regular price for similar goods or services outside the election period; or who

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work contemplated in paragraph 1 of section 428.

Offence

624. The following persons are guilty of an offence:

(1) every printer or manufacturer who fails to mention, on any advertising copy, object or material he knows to be related to an election, his name and the name and title of the official agent or deputy who caused it to be printed or manufactured;

(2) every owner of a newspaper or other publication who allows the publication therein of an advertisement he knows to be related to an election that does not include the name and title of the official agent or deputy who caused it to be published and the name of the party or independent candidate in whose behalf he is acting;

(3) every radio or television broadcaster who allows any advertisement he knows to be related to an election to be broadcast without mention being made at the beginning or at the end of the advertisement, of the name and title of the official agent or deputy who caused it to be broadcast and the name of the party or independent candidate in whose behalf he is acting.

Offence

625. Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars contemplated in section 466 is guilty of an offence.

Offence

626. Every official representative or official agent, including one who ceases prematurely to hold office, who fails to transmit a financial report or a return of election expenses and the documents that must accompany it, as provided and within the time prescribed in section 420, 479, 484, 485, 487, 492, or 496, is guilty of an offence.

Offence

627. Every auditor who fails to transmit the report provided for in section 488 within the prescribed time is guilty of an offence.

Offence

628. Every deputy of an official agent who fails to transmit a detailed account of the election expenses he has incurred or authorized and the documents that must accompany it, within the time prescribed in section 455, is guilty of an offence.

Offence

629. Every advertising agency who fails to transmit a detailed account of the election expenses it has incurred or ordered and the

documents that must accompany it, within the time prescribed by section 456, is guilty of an offence.

Offence

630. Every person who attends a sitting of a council, board, committee, commission or body as a member thereof, with the knowledge that he has lost the right to do so under this Act is guilty of an offence.

Offence

631. The following persons are guilty of an offence:

(1) every person who, illegally and without right, manufactures, counterfeits, removes, uses, destroys, gives, sells or issues any badge to be used by an election or referendum officer;

(2) every person who, knowing that his name is entered without right on the list of electors or referendum list, does not take the necessary steps to have his name struck from the list;

(3) every owner, administrator, caretaker or custodian of an immovable who knowingly limits, restricts or does not facilitate access to the immovable for an enumerator or a person entrusted with the distribution, in accordance with this Act, of extracts from the list of electors or referendum list or of reminders;

(4) every person appointed to act in a filing office who does not allow the filing of an application to amend the list of electors or referendum list, which is made to him according to law;

(5) every person designated by the returning officer or by the clerk or the secretary-treasurer to transmit to him the applications to amend the list of electors or referendum list filed at the filing office who fails to do so;

(6) every member of a board of revisors of the list of electors or referendum list who prevents the board of revisors from examining or deciding an application to amend the list submitted to it;

(7) every member of a board of revisors of the list of electors or referendum list who takes part in a decision to strike off the name of a person from the list with the knowledge that one clear day's notice as prescribed in sections 137 and 138 has not been given to him.

Offence

632. Every person is guilty of an offence who

(1) offers himself as a candidate for an office on the council with the knowledge that he is ineligible;

(2) supports a nomination paper with the knowledge that he is not an elector of the municipality;

(3) affixes a name that is not his own as a supporting signature on a nomination paper;

(4) while collecting signatures in support of a candidate, falsely declares that he knows the signatories, that they have signed in his presence or that they are electors of the municipality;

(5) collects supporting signatures without being the person who intends to become a candidate or the person designated by the latter for that purpose on the nomination paper;

(6) offers himself as a candidate for more than one office on the council at the same time;

(7) presents himself as a candidate of an authorized party or recognized ticket with the knowledge that the document accompanying his nomination paper as a letter from the leader of the party or ticket is a forgery; or who

(8) being a returning officer, accepts a nomination paper which is incomplete or not accompanied with all the required documents.

Offence

633. Every person is guilty of an offence who

(1) prints a false ballot paper, uses a ballot paper he knows to be false or purposely alters a ballot paper;

(2) alters or imitates the initials of the deputy returning officer;

(3) acts as the representative of a candidate or of the supporters of an affirmative or negative answer to the referendum question or as a poll runner with the knowledge that his power of attorney is false;

(4) purposely destroys a ballot paper used in the poll before the end of the period prescribed for contesting the election or quashing the by-law, resolution or ordinance that is the subject of the referendum;

(5) knowingly performs functions reserved to the election or referendum officers without being such an officer or functions reserved to the person in charge of the register or his assistant without being such person or assistant; or who

(6) purposely hinders the work of an election or referendum officer or of the person in charge of the register or his assistant.

Offence

634. The following persons are guilty of an offence:

(1) every deputy returning officer or the person in charge of the register or his assistant who admits a person to vote or to make his entries in the register, as the case may be, who refuses to make the oath required of him in accordance with this Act;

(2) every election or referendum officer or the person in charge of the register or his assistant who arrives late at the place where the polling station is situated or the register is kept in order to delay the opening of the poll or the registration procedure;

(3) every returning officer, clerk or secretary-treasurer who allows an election or referendum officer or the person in charge of the register or his assistant to perform his duties without having made the oath required of him in accordance with this Act;

(4) every former election or referendum officer who, after having ceased to hold office, fails to return, on request, the documents and the material related to those duties he has in his possession to the returning officer or, as the case may be, to the clerk or the secretary-treasurer.

Offence

635. The following persons are guilty of an offence:

(1) every employer who refuses to grant any person in his employ whose name is entered on the list of electors or referendum list the leave to which he is entitled under section 213;

(2) every employer who refuses to grant any employee the leave to which he is entitled under any of sections 347 to 349, refuses to allow him to have, during the leave, the benefits to which he is entitled under section 352 or 353 or refuses to reinstate him at the expiry of the leave under the conditions to which he is entitled under section 354;

(3) every employer who, because of the leave, imposes on an employee any sanction prohibited by section 355;

(4) every person who uses his authority or his influence to incite a person to refuse to become an election or referendum officer or the person in charge of the register or his assistant or to abandon that position after having accepted it.

Offence

636. The following persons are guilty of an offence:

(1) every association representing the interest of the officers and employees of a municipality that engages in partisan work prohibited by section 284;

(2) every person who uses intimidation, threats or sanctions to incite such an officer, employee or association to commit the offence contemplated in paragraph 1 of this section or in section 594 or to punish the officer, employee or association for refusing to commit it.

637. Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

Every person who incites or leads another person to commit an offence is guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offences.

The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.

638. For the purposes of this chapter, a party acts or omits to act if its leader, another of its executive officers, its official representative or his delegate or its official agent or his deputy performs, allows or tolerates the act or omission.

Where the party commits an offence as described in the first paragraph, every person mentioned in that paragraph who has performed, allowed or tolerated the act or omission may be prosecuted and found guilty with the party or instead of the party.

CHAPTER II

PENALTIES

639. Every person who is guilty of an offence described in any of sections 586 to 588, 600 to 606 and 631 to 635 is liable, in addition to costs,

(1) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000;

(2) for any subsequent offence within two years of a conviction for an offence described in the same provision, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

Penalty

640. Every person who is guilty of an offence described in any of sections 589 to 599 is liable, in addition to costs, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$25 000.

Penalty

641. Every person who is guilty of an offence described in any of sections 607 to 625 is liable, in addition to costs, to a fine of not less than \$100 nor more than \$10 000.

Penalty

642. Every person who is guilty of an offence described in any of sections 626 to 629 is liable, in addition to costs, to a fine of not less than \$10 nor more than \$50 for each day of delay in transmitting the document contemplated in the section.

Penalty

643. Every person who is guilty of an offence described in section 630 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$500 for each sitting which he attends without right.

Penalty

644. Every person who is guilty of an offence described in section 636 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$5 000.

CHAPTER III

CORRUPT ELECTORAL PRACTICES

Corrupt
electoral
practice

645. Every offence described in any of sections 586 to 598 is a corrupt electoral practice.

Exceptions

Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 595, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed either with the permission of the treasurer granted pursuant to section 473 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error made in good faith.

CHAPTER IV

PROCEEDINGS

Proceedings **646.** Proceedings under this Title are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

Authorized persons **647.** Only the chief electoral officer, the Attorney General or the person generally or specially authorized by one of them for that purpose may bring proceedings for an offence described in any of sections 595 to 629, or in section 630 where the loss of the right to attend a sitting contemplated in that section results from the application of Chapter XIII of Title I.

Time limit **648.** Proceedings must be brought within two years of the date of the offence.

Exception Notwithstanding the foregoing, where a document that must be produced, filed or transmitted under this Act reveals that an offence has been committed, proceedings may be brought within two years following the date of production, filing or transmission of the document, as the case may be.

TITLE V

MISCELLANEOUS, TRANSITIONAL
AND FINAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROVISIONS

Election results **649.** The clerk or the secretary-treasurer shall, after an election, transmit to the Minister of Municipal Affairs and to the chief electoral officer a statement naming the persons who form the council of the municipality and, if any are available, giving the statistics relating to the election.

Composition of council The clerk or the secretary-treasurer shall notify the same persons of any change occurring in the composition of the council after the election of the mayor by the councillors or after the decision of the council not to fill a vacancy in the office of a councillor.

Arrest **650.** No warrant of arrest may be executed against an election or referendum officer on polling day.

Pardon **651.** Disqualification from office or from voting resulting from a judgment of guilty or from such a judgment and a sentence of imprisonment is lifted where the person contemplated in the judgment obtains a pardon.

Illegal attendance of sitting **652.** No act performed by a council, committee, commission or body during a sitting attended by a member while he is disqualified from holding office or not entitled to attend the sitting is invalidated by reason only that the member attends the sitting.

Administration of oaths **653.** An oath required by this Act may be made before the mayor or the clerk or the secretary-treasurer of the municipality, an election or referendum officer, a person responsible for the register contemplated in Chapter IV of Title II or any other person authorized by law to administer oaths.

Certificate A person referred to in the preceding paragraph shall, upon request and free of charge, administer the oath and issue a certificate attesting that the oath was made.

Population of municipality **654.** For the purposes of this Act, the population of a municipality is that given in the last census recognized as valid pursuant to section 7 of the Cities and Towns Act or article 26 of the Municipal Code of Québec, as the case may be, from the date of publication of an order of the Government under that section or article or from any later date fixed in the order for its coming into force.

Grouping or annexation In the case of a grouping or complete annexation, the population of the municipality resulting from the grouping or of the annexing municipality is the aggregate of the populations of all the municipalities affected by the grouping or annexation.

Partly annexed municipality In the case of the annexation of part of the territory of a municipality or in the case of the annexation of a territory referred to in article 36 of the Municipal Code of Québec, the population of a municipality affected by the annexation may be established by the Minister of Municipal Affairs where he considers that the effect of the annexation has likely been to increase or reduce the population of the municipality to a figure above or below the figure prescribed in this Act. The Minister shall inform the municipality of the population figure he has established.

Census The population established under the second or third paragraph is valid until it is established under the first paragraph on the basis of a census that takes account of the grouping or annexation.

Inability to
sign

655. Every person who is required to sign his name on a document and who is unable to do so shall affix his mark in the presence of a witness who shall affix his signature.

Inobserv-
ance of
formality

656. The inobservance of a formality prescribed in this Act does not invalidate an act, unless the inobservance causes a serious prejudice or unless the effect of the inobservance is provided by law, and particularly, if it is prescribed that the formality must be complied with under penalty of nullity or rejection of the act.

Immunity

657. Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure may be exercised nor may any injunction be granted against the chief electoral officer, any of his officers or a person mentioned in section 580, acting in the performance of his duties.

Annulment
of court
order

A judge of the Court of Appeal may, upon a motion, summarily annul any writ, order or injunction issued or granted contrary to the first paragraph.

Immunity

658. No person who is required or authorized under this Act to perform an act is liable for any damage caused by his act or omission in accordance with this Act or resulting from an error made in good faith and due to reasonable cause.

Public
information

659. Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Personal
information

Notwithstanding the first paragraph, personal information appearing on receipts for contributions of \$100 or less to an authorized party or independent candidate and not required to appear in the financial report of the party or candidate is not public information.

Exception
to Act

The information contemplated in the second paragraph shall be transmitted to the treasurer of the municipality or to the chief electoral officer in accordance with this Act, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information shall not apply to any such transmission. The municipality and the chief electoral officer are not required to file the information in the personal information file provided for in the said Act.

Exception
to Act

Division II of Chapter II of the said Act does not apply to a document prescribed in this Act.

CHAPTER II

LEGISLATIVE AMENDMENTS

ACT RESPECTING ACCESS TO DOCUMENTS HELD
BY PUBLIC BODIES AND THE PROTECTION OF
PERSONAL INFORMATIONc. A-2.1,
Sched. A.,
am.

660. The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out, in Schedule A, the following:

“Cities and Towns Act Sections 120 to 148.3
(chapter C-19)

“Municipal Code Articles 274 to 278 and 303 to 312
(chapter C-27.1)

“Charter of the city of Montréal Articles 206 to 229
(1959-60, chapter 102)

“Charter of the city of Québec Sections 40 to 44”.
(1929, chapter 95)

ACT RESPECTING MUNICIPAL CONTRIBUTION TO
RAILWAY CROSSING PROTECTIONc. A-15,
s. 2, am.

661. Section 2 of the Act respecting municipal contribution to railway crossing protection (R.S.Q., chapter A-15) is amended by replacing the words “municipal electors” in the second line by the words “qualified voters”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

c. A-19.1,
s. 35, am.

662. Section 35 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the figure “145” in the first line by the figure “137”.

c. A-19.1,
s. 51, am.

663. Section 51 of the said Act is amended

(1) by replacing the words “owners or lessees of immovables situated in” in the first and second lines of the first paragraph by the words “qualified voters of”;

(2) by replacing the words “owner or lessee” in the third and fourth lines of the third paragraph by the words “qualified voter”.

c. A-19.1,
s. 53, am. **664.** Section 53 of the said Act is amended by replacing the words “owners or lessees in” in the second line of the first paragraph by the words “qualified voters of”.

c. A-19.1,
s. 57, am. **665.** Section 57 of the said Act is amended by replacing the figure “145” in the first line of the second paragraph by the figure “137”.

c. A-19.1,
s. 79, am. **666.** Section 79 of the said Act is amended by replacing the words “owners or lessees of immovables situated in” in the first line by the words “qualified voters of”.

c. A-19.1,
s. 80, am. **667.** Section 80 of the said Act is amended by replacing the figure “145” in the second line of the second paragraph by the figure “137”.

c. A-19.1,
s. 102, am. **668.** Section 102 of the said Act is amended by replacing the figure “145” in the ninth line of the second paragraph by the figure “137”.

c. A-19.1,
s. 103, am. **669.** Section 103 of the said Act is amended by replacing the words “owners or lessees of immovables situated in” in the first line of the first paragraph by the words “qualified voters of”.

c. A-19.1,
s. 106, am. **670.** Section 106 of the said Act is amended by replacing the figure “145” in the second line of the second paragraph by the figure “137”.

c. A-19.1,
s. 108, am. **671.** Section 108 of the said Act is amended by replacing the figure “145” in the third line by the figure “137”.

c. A-19.1,
s. 113, am. **672.** Section 113 of the said Act is amended by replacing the figure “145” in the second line of subparagraph 2 of the second paragraph by the figure “137”.

c. A-19.1,
s. 123, am. **673.** Section 123 of the said Act is amended

(1) by replacing the figure “145” in the fourth line of the second paragraph by the figure “137”;

(2) by replacing the figure “145” in the fourth line of the third paragraph by the figure “137”.

c. A-19.1,
ss. 131-145,
replaced **674.** Sections 131 to 145 of the said Act are replaced by the following sections:

Approval **“131.** Every by-law contemplated in the second or third paragraph of section 123 shall be approved in accordance with the Act respecting elections and referendums in municipalities (1987, chapter 57).

Zone or sector **"132.** Every by-law concerning a zone or sector must be approved by the qualified voters of the zone or sector and, as the case may be, of any contiguous zone or sector included in the territory of the municipality in which a sufficient number of qualified voters have signified their intention to take part in the referendum in accordance with sections 134 and 135.

Whole municipality In other cases, the by-law must be approved by the qualified voters of the whole territory of the municipality.

Public notice **"133.** Where the by-law concerns a zone or sector, the clerk or the secretary-treasurer of the municipality shall give, at least eight days before the publication of the notice of the registration procedure to determine whether a referendum poll is necessary, a public notice to the qualified voters who are entitled to have their names entered on the referendum list of any contiguous zone or sector included in the territory of the municipality.

Persons concerned The heading of the notice must identify the group of persons for whom it is intended and give a summary description of the contiguous zone or sector.

Content of notice The notice must indicate

- (1) the number, title, object and date of passage of the by-law;
- (2) the right of the persons for whom it is intended to file with the clerk or the secretary-treasurer, within five days after publication of the notice, the petition signed by them in view of taking part in the registration procedure and, as the case may be, in the referendum poll concerning the by-law;
- (3) the number of signatures required in order to entitle such persons to take part in the registration procedure and, as the case may be, in the referendum poll.

Illustration of zone or sector The notice must include a sketch illustrating the perimeter of the contiguous zone or sector and describe it by using the names of thoroughfares wherever possible.

Signing of petition **"134.** Every qualified voter who is entitled to have his name entered on the referendum list of the contiguous zone or sector may, within five days after publication of the notice, sign the petition which must be transmitted within the same time to the clerk or the secretary-treasurer.

Required
number of
signatures

“135. The qualified voters who are entitled to have their names entered on the referendum list of a contiguous zone or sector are entitled to take part in the registration procedure and, as the case may be, in the referendum poll concerning the by-law if the number of signatures on the petition transmitted within the prescribed time is equal to or greater than

- (1) a majority of such qualified voters, if there are fewer than 24;
- (2) 12, if there are 24 or more.

Applicable
provisions

“136. The provisions of the Act respecting elections and referendums in municipalities which concern the manner in which the rights of a legal person may be exercised and the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted apply, adapted as required, to the signing of the petition.

Sector
concerned

“137. Where the required number of signatures on the petition transmitted within the prescribed time is obtained, the sector concerned, for the purposes of the Act respecting elections and referendums in municipalities, shall consist of the zone or sector which is the subject of the by-law and the contiguous zone or sector.”

c. A-19.1,
ss. 179, 180,
replaced

675. Sections 179 and 180 of the said Act are replaced by the following section:

Approval

“179. The by-law contemplated in section 178 must be approved by the qualified voters of the municipality wishing to be attached to the territory of another regional county municipality, in accordance with the Act respecting elections and referendums in municipalities.”

c. A-19.1,
s. 182, am.

676. Section 182 of the said Act is amended by replacing the word and figure “to 180” in the fifth line by the word and figure “and 179”.

c. A-19.1,
s. 235,
replaced

677. Section 235 of the said Act is replaced by the following section:

Qualified
voters

“235. For the purposes of this Act, the qualified voters are the voters determined in accordance with the Act respecting elections and referendums in municipalities.

Reference
date

Where this Act gives a certain number of qualified voters the right to request an assessment by the Commission, the reference date to determine who is a qualified voter is the date of passage of the resolution or by-law being the subject of the request for assessment or, in the case contemplated in subparagraph 3 of the first paragraph of

section 103, the date of publication by the council of a municipality of a notice stating that it does not intend to amend its by-law to bring it into conformity with the planning programme.”

c. A-19.1,
s. 240, am.

678. Section 240 of the said Act is amended by replacing the words “property-owners or tenants” in the third line of the fifth paragraph by the words “qualified voters”.

c. A-19.1,
s. 264, am.

679. Section 264 of the said Act, amended by section 4 of chapter 33 of the statutes of 1986, is again amended by replacing subparagraph *b* of paragraph 2 of the second paragraph by the following subparagraph:

“(b) paragraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following: “where the development plan specifies development areas grouping one or more zones for which a special planning programme has come into force, a development area may be a registration and polling unit for the purposes of sections 131 to 137;”.

c. A-19.1,
s. 264.0.1,
am.

680. Section 264.0.1 of the said Act, amended by section 5 of chapter 33 of the statutes of 1986, is again amended by replacing paragraph 2 of the second paragraph by the following paragraph:

“(2) Chapters IV and V of Title I apply, *mutatis mutandis*, to the town of Mirabel except that paragraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following: “where the development plan specifies development areas grouping one or more zones for which a special planning programme has come into force, a development area may be a registration and polling unit for the purposes of sections 131 to 137.”

c. A-19.1,
s. 264.1,
am.

681. Section 264.1 of the said Act is amended by striking out the last sentence of the third paragraph.

c. A-19.1,
s. 264.2,
am.

682. Section 264.2 of the said Act is amended by striking out the last sentence of the third paragraph.

CITIES AND TOWNS ACT

c. C-19, s. 1,
am.

683. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the second paragraph of section 1.

c. C-19, s. 2,
am.

684. Section 2 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

Applicability
of sections
52-57

“Sections 52 to 57 of this Act apply to all city and town municipalities, by whatever law governed, even to those not contemplated in section 1 or whose charters repeal, replace or amend the said sections, directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal; but section 52 does not apply to the cities of Hull and Laval. Nothing in this paragraph shall invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which repeals, replaces or amends, directly or indirectly, any of sections 52 to 57 of this Act.”;

(2) by striking out the fourth paragraph.

c. C-19, s. 6,
am.

685. Section 6 of the said Act is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by striking out subparagraph 11 of the first paragraph.

c. C-19, s. 8,
am.

686. Section 8 of the said Act is amended by striking out the second paragraph.

c. C-19,
s. 16, am.

687. Section 16 of the said Act is amended by replacing subsection 3 by the following subsection:

Approval

“(3) The resolution contemplated in subsection 1 must be submitted for approval to the qualified voters, in accordance with the Act respecting elections and referendums in municipalities (1987, chapter 57).”

c. C-19,
s. 17, am.

688. Section 17 of the said Act is amended

(1) by replacing the words and figures “date fixed by the council under subsection 3 of section 16” in the first and second lines of subsection 1 by the words “approval of the resolution by the qualified voters”;

(2) by striking out paragraph *d* of subsection 2;

(3) by striking out paragraph *f* of subsection 2.

c. C-19,
s. 18, am.

689. Section 18 of the said Act is amended by striking out subsection 6.

c. C-19,
s. 20, am.

690. Section 20 of the said Act is amended by replacing the word and figure “section 51” in the seventh line of the first paragraph by the words “the Act respecting elections and referendums in municipalities”.

c. C-19,
s. 21, am. **691.** Section 21 of the said Act is amended by striking out the second paragraph.

c. C-19,
ss. 33-35,
repealed **692.** Subdivision 3 of Division IV of the said Act, comprising sections 33 to 35, is repealed.

c. C-19,
s. 36, am. **693.** Section 36 of the said Act is amended by replacing the second paragraph by the following paragraph:

Content of
by-law “The by-law shall contain a complete description of the territory to be annexed and set forth the terms and conditions of the annexation.”

c. C-19,
ss. 38, 39,
replaced **694.** Sections 38 and 39 of the said Act are replaced by the following section:

Notice to
council **“38.** If the council of the municipality whose territory includes the territory proposed for annexation approves the by-law within 30 days after the clerk or the secretary-treasurer receives it, he shall notify the council of the municipality seeking the annexation as soon as practicable.

Approval of
by-law The by-law must then be submitted for approval to the qualified voters of the territory.

Applicable
Act The Act respecting elections and referendums in municipalities applies for the purposes of the approval as if the by-law were passed by the council of the municipality contemplated by the annexation.

Transmis-
sion of
documents The clerk or the secretary-treasurer of the municipality shall transmit, as soon as practicable, to the council of the municipality seeking the annexation a copy of the certificate of the results of the registration procedure held to determine whether a referendum poll is necessary or a notice attesting that all the qualified voters entitled to have their names entered on the referendum list of the territory have waived the holding of the poll; he shall also, where applicable, transmit to the council, as soon as practicable, a copy of the report of the final results of the poll.

Date of poll Only the council of the municipality seeking the annexation may fix the date of the poll or withdraw the by-law and only the mayor of that municipality may give a voice vote to break a tie-vote resulting from the poll.”

c. C-19,
s. 40, am. **695.** Section 40 of the said Act is amended

(1) by replacing the words and figures “sections 38 and 39” in the sixth line of the first paragraph by the word and figure “section 38”;

(2) by inserting, after the first paragraph, the following paragraph:

Person
concerned

“For the purposes of the first paragraph, a person concerned is any person who would be a qualified voter entitled to have his name entered on the referendum list of the territory proposed for annexation if the reference date, within the meaning of the Act respecting elections and referendums in municipalities, were the date on which the council of the municipality which includes the proposed territory disapproves the by-law or the date on which the prescribed time to disapprove it expires, as the case may be.”

c. C-19,
s. 41,
repealed

696. Section 41 of the said Act is repealed.

c. C-19,
s. 42, am.

697. Section 42 of the said Act is amended

(1) by replacing the second, third and fourth paragraphs by the following paragraphs:

Required
number of
requesters

“The Commission shall also hold such an inquiry when the by-law is deemed approved under section 40 and it is requested to do so by at least

(1) one third of the persons concerned, within the meaning of that section, if there are fewer than 60;

(2) 20 of such persons, if there are 60 or over but not over 200;

(3) one tenth of such persons, if there are over 200 but not over 3 000;

(4) 300 of such persons, if there are over 3 000.

Rounding
off

If the computation provided for in the second paragraph results in a number that includes a fraction, the fraction shall be counted as a unit.

Consultation

After such an inquiry is held, the Minister, on the recommendation of the Commission, may order the consultation of the qualified voters of the territory proposed for annexation.

Referendum
poll

The consultation shall be effected by means of a referendum poll, in accordance with the Act respecting elections and referendums in municipalities. The expenses for the consultation shall be borne by the annexing municipality.”;

(2) by adding, at the end, the following paragraph:

Exceptions
to law

“The Minister may approve the by-law even if it results in reducing the number of electoral districts in the municipality contemplated by the annexation to a number that is below the minimum prescribed by law or in changing such districts so that they no longer are in conformity with the law.”

c. C-19,
s. 42.1,
added

698. The said Act is amended by inserting, after section 42, the following section:

Applicable
provisions

“**42.1** The provisions of the Act respecting elections and referendums in municipalities which concern the manner in which the rights of a legal person may be exercised and the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted apply, adapted as required, to any petition or request under section 40 or 42.”

c. C-19,
s. 43, am.

699. Section 43 of the said Act is amended by replacing the words “persons concerned” in the second and third lines of paragraph c by the words “qualified voters”.

c. C-19,
s. 44, am.

700. Section 44 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

Qualification
as elector or
candidate

“For the purpose of determining whether a person qualifies as an elector or candidate at an election or as a voter at a referendum in the annexing municipality, any period during which, before the annexation, that person was domiciled, owned an immovable or had a place of business in the annexed territory shall be counted as if it had begun in the annexing municipality provided it includes the date of annexation and continued without interruption in that municipality.”

c. C-19,
ss. 48-51,
repealed

701. Sections 48 to 51 of the said Act are repealed.

c. C-19,
ss. 58-60,
repealed

702. Sections 58 to 60 of the said Act are repealed.

c. C-19,
ss. 63, 64,
repealed

703. Sections 63 and 64 of the said Act are repealed.

c. C-19,
heading,
am.

704. The heading of Division V of the said Act is amended by replacing the word “QUALIFICATIONS” by the word “DISQUALIFICATION”.

c. C-19,
s. 115,
repealed

705. Section 115 of the said Act is repealed.

c. C-19,
s. 116, am.

706. Section 116 of the said Act, amended by section 46 of chapter 95 of the statutes of 1986, is again amended

(1) by replacing what precedes subparagraph 1 of the first paragraph by the following:

Disqualifica-
tion under
other Act

“116. The following persons shall not be appointed to or hold any office as an officer or employee of the municipality.”;

(2) by inserting the words “other than his contract of employment as an officer or employee” after the word “municipality” in the second line of the first paragraph of subparagraph 4 of the first paragraph;

(3) by striking out the second paragraph of subparagraph 4 of the first paragraph;

(4) by replacing subparagraph 8 of the first paragraph by the following subparagraph:

Disqualifica-
tion

“(8) Any person who is disqualified from office as a member of the council of a municipality under any of sections 301 and 303 to 307 of the Act respecting elections and referendums in municipalities.”;

(5) by adding, at the end, the following paragraph:

Applicability

“This section applies to all city and town municipalities, by whatever law governed, even to those not contemplated in section 1 or whose charters repeal, replace or amend the said section directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal. Nothing in this paragraph shall invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which repeals, replaces or amends directly or indirectly this section, to the extent that such provision applies to the office of officer or employee of the municipality.”

c. C-19,
ss. 117-119,
repealed

707. Sections 117 to 119 of the said Act are repealed.

c. C-19,
ss. 120-317,
repealed

708. Divisions VI to VIII of the said Act, comprising sections 120 to 317, are repealed.

c. C-19,
s. 328, am.

709. Section 328 of the said Act is amended by replacing the words “subject to section 330” in the third line of the second paragraph by the words “unless he is prevented therefrom by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities”.

c. C-19,
s. 330,
repealed

710. Section 330 of the said Act is repealed.

c. C-19,
s. 351,
repealed

711. Section 351 of the said Act is repealed.

c. C-19,
ss. 370-396,
repealed **712.** Subdivisions III and IV of subdivision 2 of Division XI of the said Act, comprising sections 370 to 396, are repealed.

c. C-19,
s. 397, am. **713.** Section 397 of the said Act is amended by replacing the words “person of full age who is entered on the valuation roll in force as a property-owner or tenant and is a Canadian citizen” in the first and second lines of the first paragraph by the words “person concerned”.

c. C-19,
s. 398,
repealed **714.** Section 398 of the said Act is repealed.

c. C-19,
s. 408, am. **715.** Section 408 of the said Act is amended by replacing the second paragraph of subsection 2 by the following paragraphs:

Time limit “The appeal must be brought within thirty days after the date of the judgment.

Precedence It has precedence over any other appeal at the first session of the court after the inscription.

Service of judgment The plaintiff shall serve the judgment granting his action on the municipality by a certified copy of it with the clerk.”

c. C-19,
s. 444, am. **716.** Section 444 of the said Act is amended by replacing the second paragraph by the following paragraph:

Approval of by-law “The by-law must be submitted for approval to the qualified voters and to the Government.”

c. C-19,
s. 458.7,
replaced **717.** Section 458.7 of the said Act is replaced by the following section:

Applicable provisions “**458.7** Subject to this subdivision, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities, adapted as required, apply to the registration and the poll.”

c. C-19,
s. 466, am. **718.** Section 466 of the said Act is amended by replacing the second paragraph by the following paragraph:

Approval of by-laws “Every by-law passed under paragraph 4 or 5 of the first paragraph must be submitted for approval to the qualified voters and to the Government.”

c. C-19,
s. 468.21,
am. **719.** Section 468.21 of the said Act is amended by inserting, after the word “vote” in the second line of the first paragraph, the words

“, unless he is prevented therefrom by reason of his interest in the matter concerned, pursuant to the Act respecting elections and referendums in municipalities”.

c. C-19,
s. 468.22,
repealed

720. Section 468.22 of the said Act is repealed.

c. C-19,
s. 468.23,
am.

721. Section 468.23 of the said Act is amended by replacing the second paragraph by the following paragraph:

Continuance
in office

“However, a member of the board shall not cease to hold office at the expiry of his term as a member of the municipal council if he is reelected at the election held at or after the expiry of his term, according as the member is a councillor or the mayor, and if, after his reelection, he has made the required oath within the prescribed time.”

c. C-19,
s. 468.39,
am.

722. Section 468.39 of the said Act is amended by replacing the second paragraph by the following paragraph:

Submission
to voters

“Before approving the by-law, the Minister may order each corporation whose territory is under the jurisdiction of the management board to submit the by-law to the qualified voters for approval. A referendum poll must then be held in accordance with the Act respecting elections and referendums in municipalities.”

c. C-19,
ss. 556, 557,
replaced

723. Sections 556 and 557 of the said Act are replaced by the following sections:

Loan
by-laws

“556. Every by-law ordering a loan shall be submitted to the qualified voters and to the Minister of Municipal Affairs for approval.

Effect of
section

This section has effect notwithstanding any inconsistent provision of any charter or special Act, unless such charter or Act dispenses with the formality of approval by the qualified voters.

Required
proportion
of votes

“557. Where a referendum poll is required pursuant to the Act respecting elections and referendums in municipalities, approval of the by-law requires not only that the number of affirmative votes be greater than the number of negative votes, but also that the total number of votes cast be equal to or greater than the following proportion of the qualified voters domiciled in the municipality:

- (1) one eighth, if there are fewer than 1 000;
- (2) eight hundredths, if there are 1 000 or over but not over 2 000;
- (3) one twentieth, if there are 2 000 or over.

Rounding
off

If the result of the computation provided for in the first paragraph is a number that includes a fraction, the fraction shall be counted as a unit."

c. C-19,
s. 561,
replaced

724. Section 561 of the said Act, amended by section 13 of chapter 31 of the statutes of 1986, is replaced by the following sections:

Repayment
of loan

"561. Where the repayment of a loan is to be borne by the owners of immovables of a part only of the municipality or by those who benefit from the works as determined under section 487, the tax to be levied each year during the term of the loan shall be assessed only on the immovables of the owners concerned.

Tax

The tax must be sufficient to pay the interest each year and make up the capital repayable at the maturity of the bonds or notes.

Approval of
loan by-law

"561.1 The by-law ordering a loan contemplated in section 561 must be submitted for approval to the Minister of Municipal Affairs and to the qualified voters of the concerned part of the municipality or, as the case may be, that which comprises the aggregate of the immovables of those who benefit therefrom.

Sector
concerned

For the purposes of the Act respecting elections and referendums in municipalities, such part of the municipality is the sector concerned.

Effect of
section

This section has effect notwithstanding any inconsistent provision of any charter or special Act, unless such charter or Act dispenses with the formality of approval by the qualified voters.

Required
proportion
of votes

"561.2 Where a referendum poll is required pursuant to the Act respecting elections and referendums in municipalities, approval of the by-law contemplated in section 561.1 requires not only that the number of affirmative votes be greater than the number of negative votes, but also that the total number of votes cast be equal to or greater than a majority of the qualified voters contemplated in that section who are domiciled in the municipality.

Applicable
provisions

"561.3 Where repayment of 75% or more of the loan is to be borne by the owners of immovables of only a part of the municipality or by those who benefit from the works as determined under section 487, sections 561.1 and 561.2 apply as if the repayment of the entire amount of the loan were to be borne by them.

Part of the
municipality

For the purposes of the first paragraph, that part of the municipality shall consist of a combination of several separate parts contemplated in the by-law only in the case where the owners of immovables of none of those parts are required to bear 75% or more of the repayment of

the loan; the aggregate of the immovables of those who benefit from the works shall constitute such a separate part.”

c. C-19,
s. 562, am.

725. Section 562 of the said Act is amended

(1) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) A certificate attesting that the holding of a referendum poll has been waived, where such is the case;

“(4.1) A copy of the notice announcing the registration procedure, where such is the case;

“(5) A certificate of the publication of the notice announcing the registration procedure, where such is the case;”;

(2) by replacing paragraphs 7 to 9 by the following paragraphs:

“(7) A copy of the certificate stating the results of the registration procedure, where such is the case;

“(8) A copy of the resolution of the council fixing the date of the referendum poll, where such is the case;

“(9) A copy of the certified statement of the final results of the referendum poll, where such is the case;”.

c. C-19,
s. 568, am.

726. Section 568 of the said Act is amended by adding, at the end, the following paragraph:

Proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. C-19,
s. 569, am.

727. Section 569 of the said Act is amended by adding, at the end of subsection 5, the following paragraph:

Proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. C-19,
s. 573, am.

728. Section 573 of the said Act is amended by adding, at the end of subsection 9, the following paragraph:

Proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. C-19,
Forms 2-35,
repealed

729. Forms 2 to 35 of the said Act are repealed.

CODE OF CIVIL PROCEDURE

c. C-25,
a. 841, am.

730. Article 841 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding, at the end, the following paragraph:

“In the case of the office of member of the council of a municipality subject to Title I of the Act respecting elections and referendums in municipalities (1987, chapter 57), the effects of the provisional execution of the judgment are as provided in the said Act.”

MUNICIPAL CODE OF QUÉBEC

c. C-27.1,
a. 34, am.

731. Article 34 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the words “, which must be six in number, besides the mayor” in the fourth and fifth lines of the second paragraph.

c. C-27.1,
a. 47, am.

732. Article 47 of the said Code is amended by replacing the second and third paragraphs by the following paragraph:

“For the purposes of determining whether a person qualifies as an elector or candidate at an election or as a voter at a referendum in the annexing municipality, any period during which, before the annexation, that person was domiciled, owned an immovable or occupied a place of business in the annexed territory shall be counted as if it had begun in the annexing municipality provided it includes the date of annexation and continued without interruption in that municipality.”

c. C-27.1,
aa. 56, 57,
replaced

733. Articles 56 and 57 of the said Code are replaced by the following article:

“**56.** If the council of the municipality whose territory includes the territory proposed for annexation approves the by-law within 30 days after the clerk receives it, he shall notify the council of the municipality seeking the annexation as soon as practicable.

The by-law must then be submitted for approval to the qualified voters of the territory.

The Act respecting elections and referendums in municipalities (1987, chapter 57) applies for the purposes of the approval as if the by-law were passed by the council of the municipality contemplated by the annexation.

The clerk of the municipality shall transmit, as soon as practicable, to the council of the municipality seeking the annexation a copy of the certificate of the results of the registration procedure held to determine whether a referendum poll is necessary or a notice attesting that all the qualified voters entitled to have their names entered on the referendum list of the territory have waived the holding of the poll; he shall also, where applicable, transmit to the council, as soon as practicable, a copy of the report of the final results of the poll.

Only the council of the municipality seeking the annexation may fix the date of the poll or withdraw the by-law and only the mayor of the municipality may give a voice vote to break a tie-vote resulting from the poll.”

c. C-27.1,
a. 58, am.

734. Article 58 of the said Code is amended

(1) by replacing the words and figures “articles 56 and 57” in the sixth line of the first paragraph by the word and figure “article 56”;

(2) by inserting, after the first paragraph, the following paragraph:

“For the purposes of the first paragraph, a person concerned is any person who would be a qualified voter entitled to have his name entered on the referendum list of the territory proposed for annexation if the reference date, within the meaning of the Act respecting elections and referendums in municipalities, were the date on which the council of the municipality whose territory includes the proposed territory disapproves the by-law or the date on which the prescribed time to disapprove it expires, as the case may be.”

c. C-27.1,
a. 59,
repealed

735. Article 59 of the said Code is repealed.

c. C-27.1,
a. 60, am.

736. Article 60 of the said Code is amended

(1) by replacing the second, third and fourth paragraphs by the following paragraphs:

“The Commission shall also hold such an inquiry when the by-law is deemed approved under article 58 and it is requested to do so by at least

(1) one third of the persons concerned, within the meaning of that article, if there are fewer than 60;

(2) 20 of such persons, if there are 60 or over but not over 200;

(3) one tenth of such persons, if there are over 200 but not over 3 000;

(4) 300 of such persons, if there are over 3 000.

If the result of the computation provided for in the second paragraph is a number that includes a fraction, the fraction shall be counted as a unit.

After such an inquiry is held, the Minister, on the recommendation of the Commission, may order the consultation of the qualified voters of the territory proposed for annexation.

The consultation shall be effected by means of a referendum poll held in accordance with the Act respecting elections and referendums in municipalities. The expenses incurred for the consultation shall be borne by the annexing municipality.”;

(2) by adding, at the end, the following paragraph:

“The Minister may approve the by-law even if it results in reducing the number of electoral districts in the municipality contemplated by the annexation to a number that is below the minimum prescribed by law or in changing such districts so that they no longer are in conformity with the law.”

c. C-27.1,
a. 60.1,
added

737. The said Code is amended by inserting, after article 60, the following article:

“**60.1** The provisions of the Act respecting elections and referendums in municipalities which concern the manner in which the rights of a legal person may be exercised and the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted apply, adapted as required, to any petition or request under article 58 or 60.”

c. C-27.1,
a. 61, am.

738. Article 61 of the said Code is amended by replacing the words “persons concerned” in the second and third lines of subparagraph c by the words “qualified voters”.

c. C-27.1,
aa. 109-114,
repealed

739. Articles 109 to 114 of the said Code are repealed.

c. C-27.1,
a. 143, am.

740. Article 143 of the said Code is amended by striking out the fifth paragraph.

c. C-27.1,
a. 159, am.

741. Article 159 of the said Code, amended by section 82 of chapter 95 of the statutes of 1986, is again amended by striking out the third paragraph.

c. C-27.1,
a. 162,
repealed

742. Article 162 of the said Code is repealed.

c. C-27.1,
a. 164, am.

743. Article 164 of the said Code is amended by replacing the words "personal interest" in the third line of the first paragraph by the words "his interest in the matter concerned, under the Act respecting elections and referendums in municipalities".

c. C-27.1,
a. 167, am.

744. Article 167 of the said Code is amended by replacing the words and figure "the form in article 112" in the third and fourth lines of the first paragraph by the word and figure "form 4.1".

c. C-27.1,
heading
replaced

745. The heading of Title VI of the said Code is replaced by the following:

"PERSONS DISQUALIFIED FROM MUNICIPAL OFFICE".

c. C-27.1,
heading and
a. 268,
repealed

746. The heading of Chapter I of Title VI and article 268 of the said Code are repealed.

c. C-27.1,
a. 269, am.

747. Article 269 of the said Code, amended by section 83 of chapter 95 of the statutes of 1986, is again amended

(1) by replacing that part which precedes subparagraph 1 of the first paragraph by the following:

"**269.** The following persons shall not be appointed to or hold any office as an officer or employee of the corporation:";

(2) by inserting the words " , other than his contract as an officer or employee" after the word "corporation" in the second line of the first paragraph of subparagraph 4 of the first paragraph;

(3) by striking out the second paragraph of subparagraph 4 of the first paragraph;

(4) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

"(7) any person who is disqualified from office as a member of the council of a municipality under any of sections 301 and 303 to 307 of the Act respecting elections and referendums in municipalities."

c. C-27.1,
a. 270,
repealed

748. Article 270 of the said Code is repealed.

c. C-27.1,
aa. 271-409,
repealed

749. Titles VII to X of the said Code, comprising articles 271 to 409, are repealed.

c. C-27.1,
a. 414,
repealed

750. Article 414 of the said Code is repealed.

c. C-27.1,
a. 444,
repealed

751. Chapter V of Title XIII of the said Code, comprising article 444, is repealed.

c. C-27.1,
aa. 456-485,
repealed

752. Sections III and IV of Chapter I of Title XIV of the said Code, comprising articles 456 to 485, are repealed.

c. C-27.1,
heading,
am.

753. The heading of Section V of Chapter I of Title XIV of the said Code is amended by replacing the word "ELECTORS" by the words "QUALIFIED VOTERS".

c. C-27.1,
a. 486, am.

754. Article 486 of the said Code is amended by replacing the word "electors" in the third and fourth lines of the first paragraph by the words "qualified voters".

c. C-27.1,
a. 557, am.

755. Article 557 of the said Code is amended

(1) by replacing the last sentence of paragraph 2 by the following sentence: "Every by-law made under this paragraph must be submitted to the qualified voters and to the Government for approval;"

(2) by replacing the last sentence of paragraph 4 by the following sentence: "Every by-law made under this paragraph must be submitted to the qualified voters and to the Government for approval; where it is necessary to hold a referendum poll, approval of the by-law by the qualified voters requires not only that the number of affirmative votes be greater than the number of negative votes but also that it be equal to or greater than one third of the number of qualified voters;"

c. C-27.1,
a. 590, am.

756. Article 590 of the said Code is amended by inserting, after the word "vote" in the second line of the first paragraph, the words " , unless he is prevented therefrom by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities".

c. C-27.1,
a. 591,
repealed

757. Article 591 of the said Code is repealed.

c. C-27.1,
a. 592, am.

758. Article 592 of the said Code is amended by replacing the second paragraph by the following paragraph:

"However, such a person does not cease to hold office at the expiry of his term as a member of the municipal council if he is reelected at the election held at or after the expiry of his term, according as the

member is a councillor or the mayor, and if, after his reelection, he has made the required oath within the prescribed time.”

c. C-27.1,
a. 608, am. **759.** Article 608 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Before approving the by-law, the Minister may order each corporation whose territory is under the jurisdiction of the management board to submit the by-law to the qualified voters for approval. A referendum poll must then be held in accordance with the Act respecting elections and referendums in municipalities.”

c. C-27.1,
a. 627, am. **760.** Article 627 of the said Code, amended by section 87 of chapter 95 of the statutes of 1986, is again amended

(1) by replacing the second paragraph of paragraph 8 by the following paragraph:

“Every by-law made under this paragraph must be submitted to the qualified voters, to the council of the municipality where the road is situated and to the Government, for approval.”;

(2) by replacing the words “property-owners of such territory shall be entitled to vote upon the by-law” in the fifth and sixth lines of the fourth paragraph of paragraph 8, by the words “qualified voters of such territory are contemplated in the second paragraph”.

c. C-27.1,
a. 640,
replaced **761.** Article 640 of the said Code is replaced by the following article:

“**640.** Subject to this section, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities, adapted as required, apply to the registration and the poll.”

c. C-27.1,
a. 690, am. **762.** Article 690 of the said Code is amended by striking out the words “elector or other” in the second paragraph.

c. C-27.1,
a. 935, am. **763.** Article 935 of the said Code is amended by inserting, after the third paragraph of subarticle 9, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. C-27.1,
aa. 1061,
1062,
replaced **764.** Articles 1061 and 1062 of the said Code are replaced by the following articles:

“1061. Every loan and every issue of bonds made by the corporation, in payment or for aid, shall be effected under a by-law, subject to any provision to the contrary.

Every by-law of a local corporation referred to in the first paragraph must be approved by the qualified voters and by the Minister of Municipal Affairs.

Notwithstanding any inconsistent provision of this Code, every by-law of a regional county municipality referred to in the first paragraph must be approved by the Minister.

“1062. Where a referendum poll is required pursuant to the Act respecting elections and referendums in municipalities, approval of the by-law of the local corporation requires not only that the number of affirmative votes be greater than the number of negative votes, but also that the total number of votes cast be equal to or greater than the following proportion of qualified voters domiciled in the municipality:

- (1) one eighth, if there are fewer than 1 000;
- (2) eight hundredths, if there are 1 000 or over but not over 2 000;
- (3) one twentieth, if there are 2 000 or over.

If the result of the computation provided for in the first paragraph is a fraction, the fraction shall be counted as a unit.”

c. C-27.1,
a. 1071.1,
am.

765. Article 1071.1 of the said Code is amended by replacing the words “the approval” in the first line by the words “any approval”.

c. C-27.1,
a. 1074,
repealed

766. Article 1074 of the said Code is repealed.

c. C-27.1,
a. 1075, am.

767. Article 1075 of the said Code is amended

- (1) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) a certificate attesting that the holding of a referendum poll has been waived, where such is the case;

“(4.1) a copy of the notice announcing the registration procedure, where such is the case;

“(5) a certificate of the publication of the notice announcing the registration procedure, where such is the case;”;

(2) by replacing paragraphs 7 and 8 by the following paragraphs:

“(6.1) a copy of the certificate stating the results of the registration procedure, where such is the case;

“(7) a copy of the resolution of the council fixing the date of the referendum poll, where such is the case;

“(8) a copy of the certified statement of the final results of the referendum poll, where such is the case;”.

c. C-27.1,
a. 1082, am.

768. Article 1082 of the said Code is amended by adding, at the end, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. C-27.1,
a. 1084,
replaced

769. Article 1084 of the said Code, amended by section 19 of chapter 32 of the statutes of 1986, is replaced by the following articles:

“**1084.** When the repayment of a loan is to be borne by the owners of immovable property of a part only of the municipality or by those who benefit from the works as determined under article 979, the tax to be levied each year during the term of the loan shall be assessed only on the immovables of the property owners concerned.

The tax must be sufficient to pay the interest each year and make up the capital repayable at the maturity of the bonds or notes.

“**1084.1** The by-law of a local corporation ordering a loan contemplated in article 1084 must be submitted for approval to the Minister of Municipal Affairs and to the qualified voters of the concerned part of the municipality or, as the case may be, that which comprises the aggregate of the immovables of those who benefit therefrom.

For the purposes of the Act respecting elections and referendums in municipalities, such part of the municipality is the sector concerned.

“**1084.2** Where a referendum poll is required pursuant to the Act respecting elections and referendums in municipalities, approval of the by-law contemplated in article 1084 requires not only that the number of affirmative votes be greater than the number of negative votes, but also that the total number of votes cast be equal to or greater than the majority of the qualified voters contemplated in that article who are domiciled in the municipality.

“1084.3 Where repayment of 75% or more of the loan is to be borne by the owners of immovables of only a part of the municipality or by those who benefit from the works, as determined under article 979, articles 1084.1 and 1084.2 apply as if the repayment of the entire amount of the loan were to be borne by them.

For the purposes of the first paragraph, that part of the municipality shall consist of a combination of several separate parts contemplated in the by-law only in the case where the owners of immovables of none of those parts are required to bear 75% or more of the repayment of the loan; the aggregate of the immovables of those who benefit from the works shall constitute such a separate part.”

c. C-27.1,
a. 1094, am. **770.** Article 1094 of the said Code is amended by adding, at the end of subarticle 5, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. C-27.1,
Form 4.1,
added **771.** The said Code is amended by inserting, after form 4, the following form:

“4.1 — (*Article 167*)

Oath or solemn affirmation of a municipal officer

I, (*insert here the given name and surname of the municipal officer*), swear (*or solemnly affirm*) that I will perform my duties as (*enter here the office of the municipal officer and the name of the municipal corporation*) according to law.

So help me God. (*this sentence is omitted in the case of a solemn affirmation*)

.....
(*signature of the municipal officer*)

Declared under oath (*or solemnly affirmed*) before me, at,
(*place*)

this
(*date*)

.....
(*signature of the person administering the oath or solemn affirmation*).”

c. 27.1,
Forms 6-15,
repealed

772. Forms 6 to 15 of the said Code are repealed.

ACT RESPECTING THE COMMISSION MUNICIPALE

c. C-35,
s. 22, am.

773. Section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing the words "elector-proprietors" in the fifth line of the second paragraph of subsection 2 by the words "qualified voters".

c. C-35,
s. 54, am.

774. Section 54 of the said Act is amended by replacing the words "elector-proprietors" in the twelfth line of subparagraph *b* of the first paragraph by the words "qualified voters".

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

c. C-37.1,
s. 11, am.

775. Section 11 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the third paragraph by the following paragraph:

Continuance
in office

"For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is reelected at the election held at or after the expiry of his term, according as the member is a councillor or mayor, if, within the prescribed time, he makes the oath required of any elected person and if his reelection enables him to again become a member of the Council as the representative of the same municipality."

c. C-37.1,
s. 35,
replaced

776. Section 35 of the said Act is replaced by the following section:

Duty to
vote

35. Subject to sections 34.2 and 87.2, every member of the Council other than the chairman or the vice-chairman who attends a meeting must vote, unless he is prevented from doing so by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities (1987, chapter 57)."

c. C-37.1,
s. 63.3, am.

777. Section 63.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

Continuance
in office

"For the purposes of the second paragraph, a person does not cease to be a member of the council of a municipality at the expiry of his term if he is reelected at the election held at or after the expiry of his term, according as the member is a councillor or mayor, and if, within the prescribed time, he makes the oath required of any elected person."

c. C-37.1,
s. 169.8,
repealed

778. Section 169.8 of the said Act is repealed.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
ss. 12.1-12.6,
replaced

779. Sections 12.1 to 12.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) are replaced by the following sections:

Statement
of pecuniary
interests

“12.1 Within 60 days of his appointment, the chairman of the executive committee shall table before the Council a written statement disclosing the pecuniary interest held by him in immovables situated in the territory of the Community and in legal persons, partnerships and enterprises likely to make transactions with the Community or any municipal body of which he is a member.

Content

The statement must include a list of the employments and administrative positions held by the chairman and of the loans he has obtained from a person or body other than a financial institution on which the balance in principal and interest is over \$2 000.

Exceptions

The statement does not indicate the value of the interests listed or the extent of the chairman's interests in legal persons, partnerships or enterprises. No mention shall be made of any sum of money deposited with a financial institution or of any bonds issued by a government, a municipality or any other public body that may be held by the chairman.

Yearly
update

“12.2 Each year, within 60 days after the anniversary of his appointment, the chairman shall table an updated statement before the Council.

Loss of
right

“12.3 If he fails to table the statement within the prescribed time, the chairman, from the tenth day following the expiry of that time and until his statement is tabled, is not entitled to attend as a member the sittings of the Council, of the executive committee, of the board of directors of the Société de transport de la Communauté or any committee thereof or sittings of any other board, committee, commission or public body of which he is a member by reason of the fact that he is the chairman of the executive committee. He shall lose for the same period the right to attend and speak as chairman at sittings of the commissions of the Council.

Notice to
chairman

As soon as practicable after the expiry of the time prescribed for tabling the statement, the secretary shall notify the chairman who has failed to table the statement of his failure and of the effects thereof.

Loss of
remunera-
tion

“12.4 Where the chairman loses the right to attend sittings, he shall consequently lose the right to receive the remuneration or allowance provided for each sitting he is not entitled to attend.

Computation Where the chairman's remuneration or allowance is not established for each sitting, 1% of the annual amount thereof shall be deducted for each sitting he is not entitled to attend.

Conflicting interests “**12.5** If the chairman of the executive committee is present at a sitting when a matter in which he has, directly or indirectly, a personal pecuniary interest is to be taken up for consideration, he shall disclose the general nature of his interest before discussions on the matter are begun and abstain from taking part in the discussions and from voting or attempting to influence the vote on that matter.

Applicability The first paragraph also applies to any sitting of a board, committee or commission of the Community or any municipal body of which the chairman is a member.

In camera sitting Where the sitting is not public, the chairman, in addition to complying with the requirements of the first paragraph, shall, after disclosing the general nature of his interest, leave the sitting while the matter is being discussed and voted on.

Absence of chairman Where the matter is taken up for consideration at a sitting not attended by the chairman, he shall disclose the general nature of his interest at the next sitting he attends.

Exception “**12.6** Section 12.5 does not apply where the chairman's interest consists of remuneration, allowances, reimbursements of expenses, social benefits or other conditions of employment attached to his duties with the Community or the municipal body.

Exception Nor does section 12.5 apply where the chairman's interest is so minor that the chairman cannot reasonably be influenced by it.

“municipal body” “**12.7** For the purposes of sections 12.1, 12.5 and 12.6, the words “municipal body” have the same meaning as in the provisions of the Act respecting elections and referendums in municipalities (1987, chapter 57) which regard the disclosure of the pecuniary interests of the members of the council of a municipality.

Disqualification “**12.8** Every person who

(1) makes a written declaration of his pecuniary interests under section 12.1 or 12.2 with the knowledge that it is incomplete or contains a false statement or information, or who

(2) in contravention of section 12.5 as to a matter that is to be taken up for consideration by a council, committee or commission of which

he is a member and in which he knows he has, directly or indirectly, a personal pecuniary interest,

(a) fails to disclose the general nature of that interest before the discussions on that matter are begun where he is present, at the sitting at which it is to be taken up for consideration or, if he is not present, at the next sitting of the council, committee or commission he attends;

(b) fails to abstain from taking part in the discussions and from voting or attempting to influence the vote on the matter;

(c) fails to leave the sitting after having disclosed the general nature of his interest, while the matter is being discussed and voted on, where the sitting is not public,

is disqualified from holding office as chairman or as a member of the council of a municipality.

Duration The disqualification continues until the expiry of a period of five years after the day the judgment declaring the person disqualified becomes a *res judicata*. The disqualification ceases, however, if the person obtains a pardon.

Proceedings “**12.9** Disqualification of the chairman may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.

Offence “**12.10** If the chairman attends a sitting in his capacity as chairman with the knowledge that he has lost the right to do so under section 12.3, he is guilty of an offence.

Penalty Where the chairman is guilty of the offence described in the first paragraph, he is liable, on summary proceedings, in addition to costs, to a fine of \$50 to \$500 for each sitting he attends without right.

Validity of act “**12.11** An act performed by a board, committee, commission or body at a sitting attended by the chairman despite his being disqualified from holding office or his having lost the right to attend that sitting is not invalid by reason only of the fact that he attends the sitting.”

c. C-37.2,
s. 54,
replaced

730. Section 54 of the said Act is replaced by the following section:

Duty to vote “**54.** Every member of the Council present at a meeting must vote unless he is prevented from voting by reason of his interest in the matter concerned under this Act or the Act respecting elections and referendums in municipalities.”

c. C-37.2,
s. 82.4, am. **781.** Section 82.4 of the said Act is amended by replacing the third paragraph by the following paragraph:

Continuance
in office “For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is reelected at the election held at or after the expiry of his term, according as the member is a councillor or mayor, if, within the prescribed time, he makes the oath required of any elected person and if his reelection enables him to again become a member of the Council as the representative of the same municipality.”

c. C-37.2,
s. 101.1,
am. **782.** Section 101.1 of the said Act is amended by replacing the third paragraph by the following paragraph:

Continuance
in office “For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is reelected at the election held at or after the expiry of his term, according as the member is a councillor or mayor, if, within the prescribed time, he makes the oath required of any elected person and if his reelection enables him to again become a member of the Council as the representative of the same municipality.”

c. C-37.2,
s. 255,
replaced **783.** Section 255 of the said Act is replaced by the following section:

Duty to
vote “**255.** Each member of the board of directors present at a meeting must vote unless he is prevented from voting by reason of his interest in the matter concerned under this Act or the Act respecting elections and referendums in municipalities.

Conflicting
interests Where a member chosen from among citizens has a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the corporation, he shall disclose it to the board of directors and abstain from taking part in the discussions and from voting on any matter relating to the undertaking in which he has an interest.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3,
ss. 6.3.1-6.3.6,
replaced **784.** Sections 6.3.1 to 6.3.6 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) are replaced by the following sections:

Statement
of pecuniary
interests “**6.3.1** Within 60 days of his appointment, the chairman of the executive committee shall table before the Council a written statement disclosing the pecuniary interests held by him in immovables situated in the territory of the Community and in legal persons, partnerships

and enterprises likely to make transactions with the Community or any municipal body of which he is a member.

Content The statement shall include a list of the employments and administrative positions held by the chairman and of the loans he has obtained from a person or body other than a financial institution on which the balance in principal and interest is over \$2 000.

Exceptions The statement does not indicate the value of the interests listed or the extent of the chairman's interests in legal persons, partnerships or enterprises. No mention shall be made of any sum of money deposited with a financial institution or of any bonds issued by a government, a municipality or any other public body that may be held by the chairman.

Yearly update “**6.3.2** Each year, within 60 days after the anniversary of his appointment, the chairman shall table an updated statement before the Council.

Loss of right “**6.3.3** If he fails to table the statement within the prescribed time, the chairman, from the tenth day following the expiry of that time and until his statement is filed, is not entitled to attend as a member the sittings of the Council, of the executive committee, of the commissions of the Council and of the board of directors of the Commission de transport or of any other board, committee, commission or public body of which he is a member by reason of the fact that he is chairman of the executive committee.

Notice to chairman As soon as practicable after the expiry of the time prescribed for tabling the statement, the secretary shall notify the chairman who has failed to table the statement of his failure and of the effects thereof.

Loss of remuneration “**6.3.4** Where the chairman loses the right to attend sittings, he shall consequently lose the right to receive the remuneration or allowance provided for each sitting he is not entitled to attend.

Computation Where the chairman's remuneration or allowance is not established for each sitting, 1% of the annual amount thereof shall be deducted for each sitting he is not entitled to attend.

Conflicting interests “**6.3.5** If the chairman of the executive committee is present at a sitting when a matter in which he has, directly or indirectly, a personal pecuniary interest is to be taken up for consideration, he shall disclose the general nature of his interest before discussions on the matter are begun and abstain from taking part in the discussions and from voting or attempting to influence the vote on that matter.

Applicability The first paragraph also applies to any sitting of a board, committee or commission of the Community or any municipal body of which the chairman is a member.

In camera sitting Where the sitting is not public, the chairman, in addition to complying with the requirements of the first paragraph, shall, after disclosing the general nature of his interest, leave the sitting while the matter is being discussed and voted on.

Absence of chairman Where the matter is taken up for consideration at a sitting not attended by the chairman, he shall disclose the general nature of his interest at the next sitting he attends.

Exception “**6.3.6** Section 6.3.5 does not apply where the chairman’s interest consists of remuneration, allowances, reimbursements of expenses, social benefits or other conditions of employment attached to his duties with the Community or the municipal body.

Exception Nor does section 6.3.5 apply where the chairman’s interest is so minor that the chairman cannot reasonably be influenced by it.

“municipal body” “**6.3.7** For the purposes of sections 6.3.1, 6.3.5 and 6.3.6, the words “municipal body” have the same meaning as in the provisions of the Act respecting elections and referendums in municipalities (1987, chapter 57) which regard the disclosure of the pecuniary interests of the members of the council of a municipality.

Disqualification “**6.3.8** Every person who

(1) makes a written declaration of his pecuniary interest under section 6.3.1 or 6.3.2 with the knowledge that it is incomplete or contains a false statement or information, or who

(2) in contravention of section 6.3.5 as to a matter that is to be taken up for consideration by a council, committee or commission of which he is a member and in which he knows he has, directly or indirectly, a personal pecuniary interest

(a) fails to disclose the general nature of that interest before the discussions on that matter are begun where he is present at the sitting at which it is to be taken up for consideration or, if he is not present, at the next sitting of the council, committee or commission he attends;

(b) fails to abstain from taking part in the discussions and from voting or attempting to influence the vote on the matter;

(c) fails to leave the sitting after having disclosed the general nature of his interest, while the matter is being discussed and voted on, where the sitting is not public,

is disqualified from holding office as chairman or as a member of the council of a municipality.

Duration The disqualification continues until the expiry of a period of five years after the day on which the judgment declaring the person disqualified becomes a *res judicata*. The disqualification ceases, however, if the person obtains a pardon.

Proceedings “**6.3.9** Disqualification of the chairman may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.

Offence “**6.3.10** If the chairman attends a sitting in his capacity as chairman with the knowledge that he has lost the right to do so under section 6.3.3, he is guilty of an offence.

Penalty Where the chairman is guilty of the offence described in the first paragraph, he is liable, on summary proceedings, in addition to costs, to a fine of \$50 to \$500 for each sitting he attends without right.

Validity of act “**6.3.11** An act performed by a board, committee, commission or body at a sitting attended by the chairman despite his being disqualified from holding office or his having lost the right to attend that sitting is not invalid by reason only of the fact that he attends the sitting.”

c. C-37.3, s. 40, replaced **785.** Section 40 of the said Act is replaced by the following section:

Duty to vote “**40.** Subject to section 29, every member of the Council present at a meeting must vote, unless he is the chairman of the executive committee or the chairman or vice-chairman of the Council and unless he is prevented from voting by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities.”

c. C-37.3, s. 69.3, am. **786.** Section 69.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

Continuance in office “For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is reelected at the election held at or after the expiry of his term, according as the member is a councillor

or mayor, if, within the prescribed time, he makes the oath required of any elected person and if his reelection enables him to again become a member of the Council as the representative of the same municipality.”

c. C-37.3,
s. 182, am. **787.** Section 182 of the said Act is amended by replacing the words “no commissioner may” in the first line of the third paragraph by the words “in no case may the director general”.

c. C-37.3,
s. 234, am. **788.** Section 234 of the said Act is amended by striking out the words and figure “the Act respecting municipal bribery and corruption (chapter F-6),” in the fourth and fifth lines.

MUNICIPAL FRANCHISES ACT

c. C-49, s. 1,
am. **789.** Section 1 of the Municipal Franchises Act (R.S.Q., chapter C-49) is amended by replacing the second paragraph by the following paragraph:

Approval of
by-law “The by-law or resolution granting such privilege, right or franchise shall be submitted to the qualified voters for approval.”

c. C-49, s. 2,
am. **790.** Section 2 of the said Act is amended by replacing the words “municipal electors” in the second line by the words “qualified voters”.

c. C-49, s. 3,
repealed **791.** Section 3 of the said Act is repealed.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70,
s. 14, am. **792.** Section 14 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by replacing the second paragraph by the following paragraph:

Continuance
in office “However, such a person does not cease to hold office at the expiry of his term as a member of the council if he is reelected at the election at or after the expiry of his term, according as the member is a councillor or mayor, and if, within the prescribed time, he makes the oath required of any elected person.”

c. C-70,
s. 27,
repealed **793.** Section 27 of the said Act is repealed.

ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

c. D-7,
s. 45, am. **794.** Section 45 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is amended by replacing the word

“electors” in the second line of the second paragraph by the words “qualified voters”.

ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

c. E-2.1,
repealed

795. The Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is repealed.

ELECTION ACT

c. E-3.2,
s. 483, am.

796. Section 483 of the Election Act (R.S.Q., chapter E-3.2) is amended by replacing the words and reference “in certain municipalities (chapter E-2.1)” in the third and fourth lines by the words and reference “and referendums in municipalities (1987, chapter 57)”.

PUBLIC OFFICERS ACT

c. E-6, s. 9,
am.

797. Section 9 of the Public Officers Act (R.S.Q., chapter E-6) is amended

(1) by striking out the words “every mayor,” in the second line of the first paragraph;

(2) by adding, at the end, the following paragraph:

Inapplica-
bility

“The first two paragraphs do not apply in the case of a municipality or public corporation the council or board of which is composed of a majority of elected municipal officers.”

ACT RESPECTING PUBLIC ELEMENTARY AND SECONDARY EDUCATION

c. E-8.1,
s. 229, am.

798. Section 229 of the Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1) is amended

(1) by replacing the first paragraph by the following paragraph:

Applicable
provisions

“**229.** Sections 304 to 312 of the Act respecting elections and referendums in municipalities (1987, chapter 57) apply to the members of the council of commissioners in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be a municipal council and a school board is deemed to be a municipality.”;

(2) by replacing the word and figures “3 and 4” in the first line of the second paragraph by the word and figures “304 and 305”.

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
ss. 60-60.1,
repealed

799. Sections 60 and 60.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) are repealed.

ACT RESPECTING MUNICIPAL BRIBERY AND CORRUPTION

c. F-6,
repealed

800. The Act respecting municipal bribery and corruption (R.S.Q., chapter F-6) is repealed.

EDUCATION ACT

c. I-14,
s. 80,
replaced

801. Section 80 of the Education Act (R.S.Q., chapter I-14) is replaced by the following section:

Ineligibility

“80. The members of the staff of a school board and any person who has an undertaking or a contract with the school board or to whom section 316 applies are not eligible for office as commissioners.

Applicable
provisions

Sections 304 to 312 of the Act respecting elections and referendums in municipalities (1987, chapter 57) apply to school commissioners or trustees as well as to the delegates of a regional school board or the Protestant central school board in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be a municipal council and each of such school boards is deemed to be a municipality.”

c. I-14,
s. 194, am.

802. Section 194 of the said Act is amended by striking out the words “and notwithstanding section 80” in the first and second lines of the first paragraph.

c. I-14,
s. 500, am.

803. Section 500 of the said Act is amended by replacing the second paragraph by the following paragraph:

Applicable
provisions

“Sections 304 to 312 of the Act respecting elections and referendums in municipalities apply to the members of the Council and substitutes in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the Council is deemed to be a municipal council.”

ELECTRICITY MUNICIPALIZATION ACT

c. M-38,
s. 4,
replaced

804. Section 4 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is replaced by the following section:

Submission
to voters

“4. Every by-law made under section 3 shall be submitted to the qualified voters for approval.

Approval

It requires no further approval.”

c. M-38,
s. 14, am.

805. Section 14 of the said Act is amended

(1) by replacing the word “elector-proprietors” in the fifth line of paragraph *b* of subsection 2 by the words “qualified voters entitled to have their names entered on the referendum list”;

(2) by replacing subsection 3 by the following subsection:

Applicable
provisions

“(3) The provisions of the Act respecting elections and referendums in municipalities (1987, chapter 57) which concern the manner in which the rights of a legal person may be exercised, and the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted apply, adapted as required, to any application contemplated in paragraph *b* of subsection 2. For the purposes of determining which qualified voters entitled to have their names entered on the referendum list are qualified to submit such an application, the reference date within the meaning of the said Act is the date of receipt of the application.

Consultation
of voters

The Commission municipale du Québec, before taking charge of the management of the electricity system, shall submit the application to the qualified voters of each municipality interested, for approval. The consultation shall be effected by means of a referendum poll in accordance with the above-mentioned Act. The Commission shall take charge of the management of the electricity system only if the results of the poll show, in each municipality, a number of affirmative votes greater than the number of negative votes.”

ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

c. R-19, s. 5,
am.

806. Section 5 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended

(1) by replacing paragraphs *h* and *i* of subsection 2 by the following paragraphs:

“(h) establish the division of the new municipality into electoral districts or, as the case may be, the manner of doing so;

“(i) where the new municipality is not required to be divided into electoral districts, determine the number of its councillors;”;

(2) by replacing paragraph *k* of subsection 2 by the following paragraph:

“(k) fix the polling date for each of the first two general elections in the new municipality;”.

c. R-19, s. 6,
am.

807. Section 6 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

Interested
person

“For the purposes of the first paragraph, an interested person is any person who would be a qualified voter entitled to have his name entered on the referendum list of a municipality contemplated in the petition if the reference date, within the meaning of the Act respecting elections and referendums in municipalities (1987, chapter 57) were the date of passage of the by-law authorizing the petition of the municipality giving the notice.

Applicable
provisions

The provisions of the said Act which concern the manner in which the rights of a legal person may be exercised and the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted apply, adapted as required, to any objection referred to in the first paragraph.”

c. R-19, s. 7,
am.

808. Section 7 of the said Act is amended by striking out the word “interested” in the second line.

c. R-19, s. 9,
am.

809. Section 9 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Objection

“**9.** Every interested person, within the meaning of section 6, who objects to the principle of amalgamation or to the terms and conditions of the joint petition may, within 30 days after the date the notice provided for in that section is last published, inform the Commission, in writing, of the grounds of his objection.”;

(2) by replacing the words “interested persons” in the fifth line of the third paragraph by the words “qualified voters”.

c. R-19,
s. 12, am.

810. Section 12 of the said Act is amended by replacing the words “interested persons” in the third line by the words “qualified voters”.

c. R-19,
s. 13,
replaced

811. Section 13 of the said Act is replaced by the following section:

Consultation

“**13.** The consultation shall be effected by means of a referendum poll in accordance with the Act respecting elections and referendums

in municipalities. The said Act applies to the extent that it is not inconsistent with this section.

Referendum
poll

The referendum poll shall be presided over by the person designated by the Minister.

Question

The question appearing on the ballot paper shall be stated as follows: "Are you in favour of the amalgamation of your municipality?"

Transmis-
sion of
results

The results of the poll shall be transmitted to the Minister as soon as practicable.

Same day

The consultation of the qualified voters of several municipalities shall be held on the same day in all of them.

Cost of poll

The expenses incurred for holding the poll are payable by the municipalities concerned and shall be shared among them in proportion to the total taxable value on each of their assessment rolls. The third paragraph of subsection 1 of section 10 applies to the case contemplated in this section."

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

c. S-18.2.1,
s. 44,
replaced

812. Section 44 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is replaced by the following section:

Consultative
referendum

"44. Nothing in this Act shall prevent a municipality from holding, in respect of a convention under the first paragraph of section 21 or an agreement under the second paragraph of section 27.1, a consultative referendum in accordance with the Act respecting elections and referendums in municipalities (1987, chapter 57)."

MUNICIPAL WORKS ACT

c. T-14,
s. 6, am.

813. Section 6 of the Municipal Works Act (R.S.Q., chapter T-14) is amended by inserting, after the second paragraph, the following paragraph:

Proceedings

"Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (1987, chapter 57)."

ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

c. V-4, s. 1,
replaced

814. Section 1 of the Act respecting sales of municipal public utilities (R.S.Q., chapter V-4) is replaced by the following section:

Alienation
of public
utility
service

“1. No municipality may sell, cede or otherwise alienate any public utility service belonging to it, except by a by-law which requires the approval of the qualified voters and of the Government.”

ACT RESPECTING NORTHERN VILLAGES AND
THE KATIVIK REGIONAL GOVERNMENT

c. V-6.1,
s. 22.1,
added

815. The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting, after section 22, the following section:

Disqualifica-
tion
proceedings

“22.1 Disqualification of a member of the council may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (1987, chapter 57).”

c. V-6.1,
s. 204, am.

816. Section 204 of the said Act is amended by adding, at the end of subsection 11, the following paragraph:

Proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

c. V-6.1,
s. 246.1,
added

817. The said Act is amended by adding, after section 246, the following section:

Disqualifica-
tion
proceedings

“246.1 Disqualification of a member of the council may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.”

c. V-6.1,
s. 358, am.

818. Section 358 of the said Act is amended by adding, at the end of subsection 11, the following paragraph:

Proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.”

c. V-6.1,
s. 408, am.

819. Section 408 of the said Act is amended by striking out, in the fourth and fifth lines, the words and figure “, the Act respecting municipal bribery and corruption (chapter F-6)”.

MINING TOWNS ACT

c. V-7, s. 6,
repealed

820. Section 6 of the Mining Towns Act (R.S.Q., chapter V-7) is repealed.

c. V-7,
s. 10, am.

821. Section 10 of the said Act is amended by replacing the first paragraph by the following paragraph:

First
election

“10. The poll for the first general election of the members of the municipal council shall be held, in accordance with the Act respecting elections and referendums in municipalities (1987, chapter 57), on the first Sunday of November of the year in which the term of the municipal council composed of members appointed under section 8 expires.”

TEMPERANCE ACT

R.S.Q.,
1964, c. 45,
s. 7,
replaced

822. Section 7 of the Temperance Act (R.S.Q., 1964, chapter 45) is replaced by the following section:

Referendum
poll

“7. If the council orders that the by-law be submitted for approval to the qualified voters, with or without a requisition under section 5, or if the requisition referred to in section 6 has been received, a referendum poll shall be held so that the qualified voters may approve or adopt the by-law.

Reference
date

For the purposes of determining which qualified voters are qualified to submit a requisition, the reference date, within the meaning of the Act respecting elections and referendums in municipalities (1987, chapter 57), is the date of receipt of the requisition. In the case of a requisition referred to in section 6, the reference date is also taken into account to determine which persons are qualified voters on polling day. For the purposes of the requisition, only qualified voters entitled to have their names entered on the referendum list of a municipality shall be considered.”

R.S.Q.,
1964, c. 45,
ss. 8-32,
repealed

823. Sections 8 to 32 of the said Act are repealed.

R.S.Q.,
1964, c. 45,
s. 42,
repealed

824. Section 42 of the said Act is repealed.

R.S.Q.,
1964, c. 45,
ss. 43.0.1-
43.0.3,
added

825. The said Act is amended by inserting, after section 43, the following sections:

Presumed
applicability

“43.0.1 Any provision of this Act which applies to the qualified voters of a regional county municipality is deemed to apply to the qualified voters of each local municipality whose territory is comprised in that of the regional county municipality and which is affected by a by-law contemplated in this Act, as well as to the qualified voters of any territory contemplated in article 36 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) which is comprised therein and which is so affected. Any poll provided for in this Act shall be held separately for each such group of qualified voters.

Applicable
provisions

“43.0.2 The provisions of the Act respecting elections and referendums in municipalities which concern the manner in which the rights of a legal person may be exercised and the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted apply, adapted as required, to a requisition provided for in this Act.

Referendum
poll

“43.0.3 The approval or adoption, by the qualified voters, of a by-law provided for in this Act shall be effected by means of a referendum poll in accordance with the Act respecting elections and referendums in municipalities.”

R.S.Q.,
1964, c. 45,
words
replaced

826. The said Act is amended by replacing the words “municipal electors” or “electors”, wherever they appear, by the words “qualified voters” and by adjusting the text accordingly.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

1984, c. 42,
s. 17,
replaced

827. Section 17 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is replaced by the following section:

Conflict of
interest

“17. Each member of the board of directors who attends a meeting must vote, unless he is prevented from doing so by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities (1987, chapter 57).”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

1985, c. 32,
s. 21,
replaced

828. Section 21 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is replaced by the following section:

Conflict of
interest

“21. Each member of the board of directors who attends a meeting must vote, unless he is prevented from doing so by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities (1987, chapter 57).”

CHARTER OF THE CITY OF QUÉBEC

1929, c. 95,
s. 1, am.

829. Section 1 of the Charter of the city of Québec (1929, chapter 95) is amended

(1) by replacing paragraph *n* by the following paragraph:

“(n) The words “list”, “electoral list” and “voters’ list” mean the list of electors prepared in accordance with the Act respecting elections and referendums in municipalities (1987, chapter 57);”;

(2) by replacing paragraph *q* by the following paragraph:

“(q) The words “electoral district” and “ward” mean an electoral district delimited pursuant to the Act respecting elections and referendums in municipalities;”.

1929, c. 95,
s. 14, am.

830. Section 14 of the said charter, replaced by section 3 of chapter 46 of the statutes of 1985, is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) by a council consisting of the mayor and one councillor per electoral district;”.

1929, c. 95,
heading
repealed

831. The heading of Section VI of the said charter is repealed.

1929, c. 95,
ss. 18-20e,
repealed

832. Sections 18 to 20e of the said charter are repealed.

1929, c. 95,
s. 21, am.

833. Section 21 of the said charter, replaced by section 2 of chapter 86 of the statutes of 1969 and amended by section 6 of chapter 46 of the statutes of 1985, is again amended

(1) by replacing what precedes paragraph *a* by the following:

Disqualifica-
tion

“**21.** The following persons shall not be appointed to nor hold any office as an officer or employee of the city:”;

(2) by striking out the second paragraph of paragraph *a*;

(3) by striking out the second paragraph of paragraph *b*;

(4) by replacing paragraph *d* by the following paragraph:

“(d) whoever has, directly or indirectly, by himself or through his partner, any contract with the city other than his contract as an officer or employee. The acceptance or requisition of municipal services available to ratepayers according to a fixed tariff shall not be deemed to be a contract with the city;”;

(5) by inserting, after the word “condemnation” in the sixth line of the second paragraph of paragraph *e*, the words “, unless the person has obtained a pardon”;

(6) by inserting, after the word “conviction” in the tenth line of paragraph *f*, the words “,unless the person has obtained a pardon for one of those indictable offences”;

(7) by replacing paragraph *g* by the following:

“(g) every person who is disqualified from holding office as a member of the council of a municipality under any of sections 301 and 303 to 307 of the Act respecting elections and referendums in municipalities.

Related
offence

Disqualification under paragraph *e* or *f* of the first paragraph is incurred only where the offence relates to the office of the municipal officer or employee.”

1929, c. 95,
s. 22,
repealed

834. Section 22 of the said charter, replaced by section 7 of chapter 46 of the statutes of 1985, is repealed.

1929, c. 95,
ss. 24-26,
repealed

835. Sections 24 to 26 of the said charter are repealed.

1929, c. 95,
s. 29,
repealed

836. Section 29 of the said charter is repealed.

1929, c. 95,
ss. 30-146g,
repealed

837. Sections VII to XV-A of the said charter, comprising sections 30 to 146g, are repealed.

1929, c. 95,
s. 151, am.

838. Section 151 of the said charter, replaced by section 43 of chapter 81 of the statutes of 1965 (1st session) and amended by section 100 of chapter 16 of the statutes of 1980, is again amended by striking out the second, third and fourth paragraphs.

1929, c. 95,
s. 153, am.

839. Section 153 of the said charter, replaced by section 45 of chapter 81 of the statutes of 1965 (1st session), is amended by inserting, after the word “vote” in the fourth line, the words “,except where councillors are required, under the Act respecting elections and referendums in municipalities, to elect the mayor from among their number”.

1929, c. 95,
s. 286b, am.

840. Section 286b of the said charter, enacted by section 1 of chapter 34 of the statutes of 1984, is amended by replacing the words and reference “in certain municipalities (R.S.Q., chapter E-2.1)” in the last line of the third paragraph by the words “and referendums in municipalities”.

1929, c. 95,
s. 289a, am.

841. Section 289a of the said charter, enacted by section 16 of chapter 116 of the statutes of 1986, is amended by adding, at the end of subsection 6, the following paragraph:

Disqualifica-
tion
proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

1929, c. 95,
Sched. A-
H-2 and J,
repealed

842. Schedules A to H-2 and J of the said charter are repealed.

CHARTER OF THE CITY OF MONTRÉAL

1959-60,
c. 102, a. 2,
am.

843. Article 2 of the Charter of the city of Montréal (1959-60, chapter 102) is amended by replacing paragraph *j* by the following paragraph:

“elector”

“(j) “elector”: any person who qualifies as an elector of the city;”.

1959-60,
c. 102,
a. 58,
repealed

844. Article 58 of the said charter is repealed.

1959-60,
c. 102,
a. 59, am.

845. Article 59 of the said charter is amended by replacing the fourth paragraph by the following paragraph:

Powers of
acting mayor

“Saving the case of articles 69 to 72, the acting-mayor has and shall exercise all the powers of the mayor, whenever the mayor is absent from the city or is unable to perform the duties of his office, and during any vacancy in the office of mayor.”

1959-60,
c. 102,
aa. 62, 63,
repealed

846. Articles 62 and 63 of the said charter are repealed.

1959-60,
c. 102,
a. 68,
repealed

847. Article 68 of the said charter is repealed.

848. Articles 74 and 75 of the said charter are repealed.

1959-60,
c. 102,
aa. 74, 75,
repealed

849. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, is again amended by adding, at the end of subsection 8, the following paragraph:

1959-60,
c. 102,
a. 107, am.

Proceedings

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (1987, chapter 57).”

1959-60,
c. 102,
a. 112,
replaced

850. Article 112 of the said charter, replaced by section 19 of chapter 77 of the statutes of 1977, is again replaced by the following article:

Special
meeting

112. After each general election, the clerk shall convene a special meeting of the council for a date within 30 days after the date on which

the majority of the members of the council have taken the oath required of any elected person.

Object The object of the meeting is to proceed with the appointment and elections provided for in article 79 and the designation of the acting-mayor in accordance with article 59."

1959-60,
c. 102,
a. 113, am. **851.** Article 113 of the said charter, replaced by section 20 of chapter 77 of the statutes of 1977, is amended by replacing the words and figure "articles 68 and" in the first line by the word "article".

1959-60,
c. 102,
a. 119, am. **852.** Article 119 of the said charter, amended by section 23 of chapter 77 of the statutes of 1977, is again amended by striking out the figure "68," in the first line of the first paragraph.

1959-60,
c. 102,
a. 122, am. **853.** Article 122 of the said charter, replaced by section 25 of chapter 77 of the statutes of 1977, is amended by adding, at the end, the following paragraph:

Exception "The councillor presiding a meeting may vote where the councillors are required, under the Act respecting elections and referendums in municipalities, to elect the mayor from among their number."

1959-60,
c. 102,
a. 125a,
replaced **854.** Article 125a of the said charter, enacted by section 17 of chapter 70 of the statutes of 1963 (1st session), is replaced by the following article:

Conflict of
interest **"125a.** Every councillor who is present must vote unless he is prevented from doing so by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities."

1959-60,
c. 102,
aa. 196-
450a,
repealed **855.** Titles VI to VIIA of the said charter, comprising articles 196 to 450a, are repealed.

1959-60,
c. 102,
aa. 471-514,
repealed **856.** Chapter III of Title VIII of the said charter, comprising articles 471 to 514, is repealed.

1959-60,
c. 102,
a. 661.1,
am. **857.** Article 661.1 of the said charter, replaced by section 2 of chapter 34 of the statutes of 1984, is amended by replacing the words and figures "in certain municipalities (R.S.Q., chapter E-2.1)" in the third line of the third paragraph by the words "and referendums in municipalities".

1959-60,
c. 102,
Form 1,
repealed **858.** Form 1 of the said charter is repealed.

1959-60,
c. 102,
Forms 4-30,
repealed

859. Forms 4 to 30 of the said charter are repealed.

AMENDMENTS TO PARTICULAR CHARTERS

Repeal of
provisions

860. The legislative provisions listed in the Schedule are repealed to the extent indicated therein.

IMPLIED AMENDMENTS

Inoperative
provisions

861. Every provision, in force on 31 December 1987, of a general law, special Act, letters patent, proclamation, order, order in council, ordinance, regulation, by-law or resolution shall be inoperative to the extent that it is inconsistent with this Act.

Inoperative
provisions

862. Any provision of the charter of a municipality which on 31 December 1987 is inoperative pursuant to the second or fourth paragraph of section 2 of the Cities and Towns Act remains inoperative notwithstanding the replacement or striking out of that paragraph by section 684 of this Act, even if the provision is not inconsistent with this Act.

Deemed
reference

863. Any provision of a general law or special Act providing that a by-law, resolution or order of a municipality must be submitted for approval to the qualified voters of that municipality or of another municipality is deemed to refer to Title II of this Act.

Qualified
voters

The qualified voters at the referendum are those determined under Title II of this Act, even if the provision contemplated in the first paragraph refers to them as "electors", "municipal electors", "elector-proprietors" or "proprietors" or other similar expressions.

Applicable
provisions

864. If the provision contemplated in the first paragraph of section 863 provides that the consultation of the qualified voters may or must be preceded by an application from a certain number of them, only those entitled to have their names entered on the referendum list shall be considered and the provisions of this Act which concern the manner in which the rights of a legal person may be exercised, the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted, apply, adapted as required, to an application contemplated in this paragraph.

Required
number of
applications

If the required number of such applications is reached, a referendum poll shall be held without registration procedure.

Date of
reference

For the purposes of this section, the date of reference used to determine who are the qualified voters is the date on which the person for whom they are intended receives the required number of applications.

References

865. Every reference in any general law or special Act to a provision replaced or repealed by this Act is a reference to the corresponding provision of this Act, if any.

CHAPTER III

TRANSITIONAL PROVISIONS

Continuance
in office

866. Every member of the council of a municipality in office on 31 December 1987 shall remain in office until his term ends in accordance with this Act.

Date of
elections

867. Every municipality governed by the Municipal Code of Québec in which all the offices held by council members are not, according to the provisions applicable on 23 June 1987 simultaneously open for nomination at fixed-date elections and in which the council has not passed, to that date, a by-law provided for in articles 289 and 291 of the said Code or, as the case may be, in which such a by-law has not, to that date, received the approval of the Minister of Municipal Affairs may, by a by-law of its council requiring the approval of the Minister, order that an election be held every second year for one half of the offices held by councillors and every four years for the office of mayor, so as to allow each office to be open for nominations every four years.

By-law

The by-law shall be passed and transmitted to the Minister not later than 30 September 1987. If approved by the Minister, it must, in order to have effect, come into force not later than on 31 December 1987.

Public
notice

The secretary-treasurer shall transmit to the Minister, as soon as practicable, a certified copy of the public notice by which the by-law is published and, where it is not included in the notice, a certified copy of the certificate of publication of the notice.

Nominations
at regular
election

868. All the offices of member of the council of the municipality in which the by-law passed under section 867 is in force on 31 December 1987 shall be open for nominations at the regular election contemplated in section 869.

Drawing of lots One half of the offices held by councillors shall again be open for nominations at a regular election to be held two years later. Those offices shall be determined by means of a drawing of lots carried out by the secretary-treasurer at a sitting of the council held during the six-month period preceding the publication of the notice of election.

Election of mayor The other half of the offices held by councillors and the office of mayor shall be open for nominations at a regular election to be held two years after the election provided for in the second paragraph.

Alternation Subsequently, a regular election shall be held every second year. The alternation of offices open for nominations, introduced by the second and third paragraphs, shall continue for such regular elections until the first general election held after the repeal of the by-law passed under section 867.

Date of first regular election **869.** The day fixed as polling day for the first regular election which must be held in accordance with this Act in a municipality is the first Sunday of November of the calendar year in which the next fixed-date election for all the offices of member of the council or, as the case may be, for the office of mayor is to be held under the Act governing the municipality in that respect on 31 December 1987.

Extension or reduction of terms If necessary, the term of any member of the council in office on 31 December 1987 shall be extended or reduced to comply with the first paragraph, subject to a premature ending of his term under this Act.

Periodicity of elections If the periodicity of elections observed by the municipality on 31 December 1987 and that provided for by the Act governing the municipality in that respect at that date do not coincide, the calendar year referred to in the first paragraph is the year in which, according to the periodicity observed by the municipality, the next fixed-date election for all the offices of member of the council or, as the case may be, for the office of mayor is to be held.

Division of territory **870.** The division of the territory of a municipality for election purposes and the composition of its council, as they stand on 31 December 1987, remain unchanged until they are changed in accordance with this Act.

Applicability of s. 44 **871.** Section 44 applies only from the election referred to in section 869 to a municipality whose territory, on 31 December 1987, is not divided for election purposes and whose council consists, on that date, of less than six offices of councillor.

Applicability
of ss. 62, 63

872. Sections 62 and 63 and paragraph 3 of section 300 do not apply to any person who, on 31 December 1987 legally holds, at the same time, the office of member of the council of a municipality and an office referred to in the said provisions, until that plurality ceases.

Plurality

Plurality does not cease at the expiry of the person's term in one office if that term is renewed.

Applicability
of s. 300

873. Paragraphs 1 and 2 of section 300 do not apply during the current term of a member of the council of a municipality in office on 31 December 1987 unless, pursuant to the legislative provisions then applicable he was not eligible when he was elected or he subsequently ceased to be eligible under those provisions.

Applicability
of s. 318

874. The second and third paragraphs of section 318 do not apply to a member of the council in office on 31 December 1987 whose term of office, pursuant to those paragraphs, should have ended before 1 January 1988.

End of term

His term of office shall end on the day on which the judgment declaring him disqualified becomes a *res judicata*, unless his term ended at an earlier date for another reason.

Ground for
disqualifica-
tion

875. No ground for disqualification which ceases to exist by reason of the coming into force of this Act may be invoked to have a person declared disqualified for office as a member of the council of the municipality, unless the judicial proceedings for that purpose are brought before 1 January 1988.

Schedule to
valuation
roll

876. Until the list of electors of a municipality governed by the Municipal Code of Québec is prepared, the schedule to its valuation roll shall be in lieu of that list.

List of
electors

877. Until the list of electors prepared under this Act comes into force, the list of electors or the schedule to the valuation roll used at the last election is deemed to be the list in force of the municipality or, as the case may be, of the electoral district or ward.

Tariff of
remunera-
tion

878. Until a tariff established under section 580 comes into force, the tariff established by the Minister of Municipal Affairs under section 303 of the Cities and Towns Act and in force on 31 December 1987, adapted as required, applies to the elections and referendums held under this Act.

Election
expenses

879. Until a by-law made under section 583 comes into force, the amount of election expenses incurred by an authorized party or independent candidate during an election must not exceed,

(1) for an election to the office of mayor, the amount of \$4 500, increased by

(a) \$0.35 per person entered on the list of electors of the municipality above 1 000 but not above 20 000 electors;

(b) \$0.60 per person entered on that list above 20 000 but not above 100 000 electors;

(c) \$0.45 per person entered on that list above 100 000 electors;

(2) for an election to the office of councillor, the amount of \$2 250, increased by \$0.35 per person entered on the list of electors of the electoral district above 1 000 electors.

Number of
persons

The number of persons entered on the list used shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.

"electoral
district"

The meaning of the words "electoral district" is the meaning given to those words in section 364.

Cost of
recount

880. Until a tariff established under section 584 comes into force, the tariff established by the Government under section 482 of the Election Act, or the section replaced by it, and in force on 31 December 1987 applies to a recount of votes carried out in accordance with this Act, except where inconsistent therewith.

Acts prior
to coming
into force

881. The Government, the Minister of Municipal Affairs, the chief electoral officer, any municipality or any person may perform any act contemplated in this Act after 23 June 1987 but before 1 January 1988, including making or publishing an order, regulation, by-law, resolution or ordinance, in order to give effect to the provisions of this Act as soon as practicable after the latter date.

Binding
effect

No act referred to in the first paragraph may become binding before 1 January 1988.

Continuance
of proceed-
ings

882. Proceedings brought before 31 December 1987 in accordance with any provision amended, replaced or repealed by this Act may be continued in accordance with that provision as it stood on that date where it cannot be continued in accordance with this Act, in particular by reason of the time limits fixed by this Act or any other Act.

Exception The first paragraph does not apply to proceedings referred to in section 12 or 13 of the Interpretation Act (R.S.Q., chapter I-16).

Vacancy Any vacancy in the office of a member of the council occurring before 1 January 1988 shall be filled in accordance with the provisions in force on 31 December 1987.

Letters patent, order, etc. **883.** Every letters patent, order, regulation, by-law, resolution or ordinance in force on 31 December 1987 and issued or made under any provision replaced or repealed by this Act remains in force until the date provided for the cessation of its effects, until its object is achieved or until it has been replaced or repealed by this Act. Where such is the case, it is deemed to have been issued or made under the corresponding provision of this Act.

Exceptions Notwithstanding the foregoing, it has no effect if its object is to fix the first Monday of November as the polling day of a regular election, fix the hours for the poll, fix the term of the members of the council, order that a poll be held at several places or that the vote be taken by voice vote.

Acts prior to coming into force **884.** Every act performed before 1 January 1988 under any provision replaced or repealed by this Act retains its effects if it is still relevant. Where such is the case, it is deemed to have been performed under the corresponding provision of this Act.

Continuance in office **885.** Every person in office on 31 December 1987 and appointed under a provision replaced or repealed by this Act shall remain in office until the expiry of the period for which he was appointed or until he is replaced or otherwise ceases to hold office according to law. Where such is the case, the person is deemed to have been appointed under the corresponding provision of this Act.

Continuance in office Nothing in the first paragraph shall prevent a person from continuing to hold office notwithstanding the expiry of the period for which he was appointed, until he is replaced or re-appointed, if the law so provides.

CHAPTER IV

FINAL PROVISIONS

Activities report **886.** Not later than 30 September each calendar year, the chief electoral officer and the Commission de la représentation shall make a report on their respective activities under this Act for the preceding calendar year to the President of the National Assembly.

- Tabling** The report shall be tabled in the National Assembly within 30 days of its receipt if the Assembly is in session or, if it is not sitting, within 30 days of the opening of the next session or of resumption.
- Minister responsible** **887.** The Minister of Municipal Affairs is responsible for the administration of this Act.
- Exceptions** **888.** Sections 38, 106 to 109, 142 and 166 and the first paragraph of section 564 apply notwithstanding the second paragraph of section 11 of the Act respecting Access to documents held by public bodies and the Protection of personal information.
- Exceptions** Sections 261 and 579 apply notwithstanding section 9 of the said Act.
- Exceptions** The third and fourth paragraphs of section 659 apply notwithstanding the provisions of the said Act to which those paragraphs refer and notwithstanding section 71 of the said Act.
- Coming into force** **889.** This Act comes into force on 1 January 1988 except paragraph 2 of section 697, paragraph 2 of section 736, sections 867 and 881 which come into force on 23 June 1987.

SCHEDULE

LEGISLATIVE PROVISIONS REPEALED
UNDER SECTION 860

Municipality	Title of the Act	Provisions repealed
1. Acton-Vale	An Act to incorporate the town of Acton-Vale (1908, chapter 102)	Sections 6 to 13
2. Arthabaska	An Act to incorporate the town of Arthabaska (1903, chapter 70)	Sections 6, 7, 14 to 16, 18 and 20
3. Asbestos	An Act to amend the charter of the town of Asbestos (1941, chapter 79)	Section 1
	An Act to amend the charter of the town of Asbestos and respecting certain municipal and school corporations of the county of Richmond (1953-54, chapter 91)	Section 1
	An Act to amend the charter of the town of Asbestos (1959-60, chapter 132)	Sections 1 and 2
4. Aylmer	Charter of the city of Lucerne (1974, chapter 88, section 23)	Section 8
5. Baie-d'Urfé	An Act to consolidate the charter of the town of Baie d'Urfée (1953-54, chapter 111)	Sections 7 to 24, 33 and 34
6. Barkmere	An Act to incorporate the Town of Barkmere (1926, chapter 80)	Sections 5 to 16
7. Beaconsfield	An Act to consolidate the charter of the town of Beaconsfield (1953-54, chapter 109)	Sections 7 to 16, 18 to 25 and 37
	An Act to amend the charter of the town of Beaconsfield (1957-58, chapter 89)	Sections 4 to 10

Municipality	Title of the Act	Provisions repealed
8. Beauharnois	An Act to revise the charter of the town of Beauharnois and to incorporate its territory into a city municipality (1948, chapter 69)	The second paragraph of section 9 replaced by section 5 of chapter 90 of the statutes of 1956-57
9. Beauport	Charter of the city of Beauport (1975, chapter 91, section 1)	Section 8
10. Bedford	An Act to incorporate the town of Bedford (1890, 1 st session, chapter 77)	Section 5 replaced by section 4 of chapter 106 of the statutes of 1919 Section 7 replaced by section 5 of chapter 106 of the statutes of 1919 and by section 3 of chapter 100 of the statutes of 1952-53
11. Belleterre	An Act to incorporate the town of Belleterre (1942, chapter 89)	Sections 5, 6, 9 to 15 and 23 to 25
12. Beloeil	An Act to incorporate the town of Beloeil (1913-14, chapter 92)	Section 6, amended by section 1 of chapter 141 of the statutes of 1959-60 Sections 7 to 12
	An Act to amend the charter of the town of Beloeil (1950-51, chapter 98)	Sections 4 to 9

Municipality	Title of the Act	Provisions repealed
13. Berthierville	An Act respecting the town of Berthier and to ratify an agreement between the school commissioners for the municipality of Berthierville and for that of Berthier parish (1942, chapter 88)	Section 3
14. Black-Lake	An Act to incorporate the town of Black-Lake (1908, chapter 101)	Sections 8, 9, 11 and 12
15. Bromptonville	An Act to incorporate the town of Bromptonville (1903, chapter 72)	Sections 9 and 10 replaced by sections 1 and 2 of chapter 148 of the statutes of 1959-60 Section 11, amended by section 4 of chapter 148 of the statutes of 1959-60
	An Act to amend the charter of the town of Bromptonville (1959-60, chapter 148)	Sections 3 and 5
16. Cadillac	An Act respecting the incorporation of the town of Cadillac (1948, chapter 78)	Sections 10 to 13, 15 and 16
17. Candiac	An Act to incorporate the town of Candiac (1956-57, chapter 124)	Sections 5, 6 and 8 to 19
18. Cap-de-la-Madeleine	An Act to incorporate the town of Cap de la Madeleine (1917-18, chapter 97)	Section 8 replaced by section 5 of chapter 100 of the statutes of 1922 (2 nd session)

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of Cap-de-la-Madeleine (1922, 2 nd session, chapter 100)	Section 4 Section 7 replaced by section 5 of chapter 58 of the statutes of 1948 Sections 11 and 13 to 15
	An Act respecting the city of Cap de la Madeleine (1944, chapter 57)	Section 1
	An Act respecting the city of Cap-de-la-Madeleine (1948, chapter 58)	Sections 7 to 10
19. Chandler	An Act to incorporate the town of Chandler and to grant to the school commissioners for the municipality of Chandler the right to impose an education tax (1957-58, chapter 105)	Section 12
20. Charlesbourg	Charter of the city of Charlesbourg (1975, chapter 91, section 2)	Section 9
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	The words "composed of the mayor and ten councillors" in paragraph <i>a</i> of section 46 replaced for the city of Charlesbourg by section 2 of chapter 87 of the statutes of 1977
21. Châteauguay	An Act respecting the town of Châteauguay-Centre and the town of Châteauguay (1975, chapter 98)	Section 7

Municipality	Title of the Act	Provisions repealed
22. Chicoutimi	An Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88)	Section 6a, enacted by section 1 of chapter 81 of the statutes of 1977
23. Coaticook	An Act respecting the town of Coaticook (1940, chapter 99)	Sections 4 to 11 and 15 to 29
	An Act respecting the town of Coaticook (1946, chapter 70)	Sections 5 and 6
	An Act respecting the town of Coaticook (1950-51, chapter 90)	Sections 5 to 16 and 30
	An Act respecting the town of Coaticook (1957-58, chapter 86)	Sections 3, 4 and 6 to 11
24. Cookshire	An Act to amend the charter of The corporation of the town of Cookshire (1958-59, chapter 104)	Sections 3 and 4
25. Côte-Saint-Luc	An Act to incorporate the town of Côte St. Luc (1951-52, chapter 98)	Sections 8 and 11 to 21
	An Act to amend the charter of the town of Côte Saint-Luc (1955-56, chapter 109)	Section 4
26. Cowansville	An Act to grant a charter and certain special powers to the town of Cowansville (1959-60, chapter 139)	Sections 8 to 12
27. Danville	An Act to amend the charter of the town of Danville (1959-60, chapter 155)	Sections 3 to 5
28. Deauville	An Act to erect the village of "Petit Lac Magog" into a municipality (1916, 2 nd session, chapter 86)	Sections 7 and 8

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of The Municipality of the Village of Petit Lac Magog (1945, chapter 96)	Sections 3 to 7
	An Act to amend various legislative provisions respecting municipalities (1982, chapter 2)	Section 120
29. Delson	An Act to incorporate as a town the municipality of the village of Delson and to annex thereto certain portions of territory and also to annex a certain portion of territory to The school board of Delson (1956-57, chapter 121)	Sections 12 and 13
	Cities and Towns Act (Revised Statutes, 1941, chapter 233)	The second paragraph of section 30, replaced for the town of Delson by section 15 of chapter 121 of the statutes of 1956-57
30. Dolbeau	An Act to incorporate the town of Dolbeau (1927, chapter 87)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Dolbeau (1956-57, chapter 108)	Sections 1 to 3
31. Dorion	An Act respecting Dorion Village and to erect it as a town under the name of "The Town of Dorion" (1916, 1 st session, chapter 59)	Sections 8 and 11
32. Dorval	An Act to consolidate the charter of the town of Dorval (1950, chapter 120)	Sections 8 to 21
	An Act to amend the charter of the town of Dorval (1953-54, chapter 97)	Section 2

Municipality	Title of the Act	Provisions repealed
33. Duparquet	An Act to incorporate the town of Duparquet (1933, chapter 136)	Sections 5 to 7, 9 to 11 and 14
34. East-Angus	An Act to incorporate the town of East-Angus (1912, 1 st session, chapter 72)	Section 8 Section 9 replaced by section 1 of chapter 102 of the statutes of 1919-20
	An Act to amend the charter of the town of East-Angus (1952-53, chapter 95)	Section 4
35. Estérel	An Act to incorporate the town of Estérel (1958-59, chapter 107)	Sections 6 and 9
36. Farnham	An Act to consolidate and amend the charter of Farnham (1956-57, chapter 93)	Sections 10 to 12 and 18
37. Fossambault-sur-le-Lac	An Act respecting the town of Fossambault-sur-le-Lac (1975, chapter 102)	Sections 1 to 4
38. Gagnon	An Act to incorporate the town of Gagnon, The Catholic school commission of the town of Gagnon and the Protestant board of school trustees of the town of Gagnon (1959-60, chapter 161)	Sections 5 and 8 to 10 Section 11 replaced by section 1 of chapter 96 of the statutes of 1964 Sections 18a and 18b, enacted by section 2 of chapter 96 of the statutes of 1964 Section 19
39. Gatineau	Charter of the city of Gatineau (1974, chapter 88, section 18)	Section 9

Municipality	Title of the Act	Provisions repealed
40. Granby	An Act respecting the village of Granby and to erect it as a city under the name of the City of Granby (1916, 2 nd session, chapter 70)	Section 10 replaced by section 8 of chapter 98 of the statutes of 1925 and by section 1 of chapter 75 of the statutes of 1951-52
		Section 15 replaced by section 2 of chapter 75 of the statutes of 1951-52
		Sections 16 to 22
		Sections 29, 30 and 32
		Section 33 replaced by section 9 of chapter 98 of the statutes of 1925
		Section 10
	An Act to amend The Granby City Charter (1925, chapter 98)	Section 10
	An Act to amend the charter of the city of Granby (1951-52, chapter 75)	Section 5
	An Act to amend the charter of the city of Granby (1955-56, chapter 79)	Sections 7 to 9 and 17
41. Grand-Mère	An Act to amend the charter of the city of Grand'Mère (1955-56, chapter 87)	Section 2
42. Greenfield-Park	An Act to incorporate the town of Greenfield Park (1911, chapter 68)	Section 6 replaced by section 2 of chapter 104 of the statutes of 1953-54

Municipality	Title of the Act	Provisions repealed
		Sections 8 and 12
	An Act to amend the charter of the town of Greenfield Park (1953-54, chapter 104)	Sections 4, 5 and 7 to 14
	An Act to amend the charter of the town of Greenfield Park (1958-59, chapter 87)	Sections 6 to 9
43. Hampstead	An Act to amend the charter of the town of Hampstead (1958-59, chapter 88)	Sections 3 and 6 to 9
44. Hull	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	The words "composed of the mayor and eight councillors, one for each ward described in subsection 2" in paragraph <i>a</i> of subsection 1 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975 Subsection 2 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975
45. Huntingdon	An Act to amend the Cities and Towns Act respecting the town of Huntingdon (1957-58, chapter 98)	Sections 2, 5 and 6

Municipality	Title of the Act	Provisions repealed
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	Last paragraph of section 30 replaced for the town of Huntingdon by section 1 of chapter 98 of the statutes of 1957-58
46. Iberville	An Act to consolidate the charter of the town of Iberville (1907, chapter 72)	Sections 13, 16 and 17 Sections 17 <i>a</i> and 17 <i>b</i> , enacted by section 1 of chapter 63 of the statutes of 1943 Section 18 replaced by section 2 of chapter 63 of the statutes of 1943 Sections 18 <i>a</i> to 18 <i>d</i> , enacted by section 3 of chapter 63 of the statutes of 1943 Sections 19 to 21
47. Île-Cadieux	An Act to incorporate the Town of Île Cadieux (1922, 1 st session, chapter 115)	Sections 5 to 12 and 14 to 19
48. Île-Dorval	An Act to incorporate the town of Dorval Island (1915, chapter 106)	Sections 3, 4 and 8 to 16
49. Île-Perrot	An Act to erect as a town corporation the municipality of Île Perrot (1954-55, chapter 96)	Sections 9 and 12 to 24

Municipality	Title of the Act	Provisions repealed
50. Joliette	An Act to amend the charter of the city of Joliette and to annex new territories to the school municipality of the town of Joliette (1946, chapter 63)	Section 8
51. Jonquière	Charter of the city of Jonquière (1974, chapter 88, section 1)	Section 7
52. Kirkland	An Act to incorporate as a town under the name of Kirkland the municipality of the parish of Saint-Joachim de la Pointe-Claire (1960-61, chapter 131)	Sections 12 to 16
53. Lac Delage	An Act to incorporate the town of Lac Delage (1958-59, chapter 109)	Section 8
54. Lac-des-Seize-Îles	An Act to incorporate the municipality of Sixteen-Island Lake (1913-14, chapter 98)	Sections 3, 8 and 9
55. Lachine	An Act to consolidate and amend the charter of the town of Lachine and to incorporate it as a city (1909, chapter 86)	Section 11 replaced by section 11 of chapter 57 of the statutes of 1912 (2 nd session), by section 1 of chapter 79 of the statutes of 1913-14, by section 2 of chapter 126 of the statutes of 1930-31, by section 3 of chapter 120 of the statutes of 1935 and by section 1 of chapter 61 of the statutes of 1946 Section 13

Municipality	Title of the Act	Provisions repealed
		Sections 19 and 21 replaced by sections 10 and 11 of chapter 78 of the statutes of 1945
		Section 23 replaced by section 5 of chapter 120 of the statutes of 1935, by section 1 of chapter 108 of the statutes of 1937, by section 1 of chapter 80 of the statutes of 1942 and by section 2 of chapter 61 of the statutes of 1946
		Sections 24 to 26 replaced by sections 3 to 5 of chapter 80 of the statutes of 1942
		Sections 27 to 29
		Section 32 replaced by section 1 of chapter 116 of the statutes of 1921
	An Act to amend the charter of the city of Lachine (1912, 1 st session, chapter 61)	Section 4
	An Act to amend the charter of the city of Lachine (1913-14, chapter 79)	Section 21 and form I

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Lachine (1915, chapter 96)	Section 1 Section 2 replaced by section 6 of chapter 80 of the statutes of 1942
	An Act to amend the charter of the city of Lachine (1916, 2 nd session, chapter 69)	Sections 3 to 5
	An Act to amend the charter of the city of Lachine (1930-31, chapter 126)	Section 3
	An Act to amend the charter of the city of Lachine (1935, chapter 120)	Sections 4 and 6
	An Act to amend the charter of the city of Lachine (1937, chapter 108)	Section 8
	An Act to amend the charter of the city of Lachine (1945, chapter 78)	Section 10 replaced by section 3 of chapter 72 of the statutes of 1951-52 Section 12 Section 13 replaced by section 5 of chapter 72 of the statutes of 1951-52
	An Act to amend the charter of the city of Lachine (1949, chapter 82)	Sections 6, 16 and 17
	An Act to amend the charter of the city of Lachine (1951-52, chapter 72)	Section 1

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Lachine (1953-54, chapter 71)	Sections 1, 4 to 6 and 9 Section 11 replaced by section 7 of chapter 56 of the statutes of 1958-59
	An Act to amend the charter of the city of Lachine (1956-57, chapter 76)	Sections 8 to 10
	An Act to amend the charter of the city of Lachine (1957-58, chapter 58)	Section 1
	An Act to amend the charter of the city of Lachine (1958-59, chapter 56)	Section 1
56. Lac-Mégantic	An Act to amend the charter of the town of Mégantic (1957-58, chapter 84)	Section 2
	An Act to amend the charter of the town of Lac Mégantic (1965, 1 st session, chapter 102)	Section 4
57. Lac-Paré	An Act to erect the municipality of the parish of Lac Paré (1949, chapter 105)	Sections 3, 6 to 9, 13 and 14
58. Lac-Poulin	An Act to erect The municipality of the village of Lac Poulin (1958-59, chapter 119)	Sections 8 to 14
59. Lac-Saint-Joseph	An Act to incorporate the town of Lake St. Joseph (1936, 1 st session, chapter 13)	Sections 7 to 15 and 19
	An Act to amend the Act to incorporate the town of Lake St. Joseph (1973, chapter 86)	Section 1

Municipality	Title of the Act	Provisions repealed
60. Lac-Sergent	An Act to incorporate the town of Lac Sergent (1921, chapter 128)	Sections 5 to 18
61. Lac-Tremblant-Nord	An Act to incorporate the municipality of Lac Tremblant Nord (1915, chapter 112)	Sections 3, 4, 7 and 8
62. La Malbaie	An Act to increase the powers of the corporation of the village of Malbaie (1905, chapter 50)	Section 1
63. La Pocatière	An Act respecting the town of La Pocatière (1966-67, chapter 114)	Section 1
64. La Prairie	An Act to incorporate the town of La Prairie (1909, chapter 92)	Sections 9 and 12
	An Act to amend the charter of the town of La Prairie (1958-59, chapter 86)	Section 3
65. La Salle	An Act to incorporate the town of Lasalle (1912, 1 st session, chapter 73)	Section 8
	An Act to amend the charter of the town of Lasalle (1916, 2 nd session, chapter 75)	Section 5
66. L'Assomption	An Act to incorporate the town of L'Assomption (1957-58, chapter 95)	Sections 12 to 15 and 17 to 21
67. La Tuque	An Act to incorporate the town of La Tuque (1911, chapter 69)	Section 12
	An Act to amend the charter of the town of La Tuque (1913-14, chapter 86)	Sections 4 to 16
	An Act to amend the charter of the town of La Tuque (1922, 2 nd session, chapter 99)	Section 2

Municipality	Title of the Act	Provisions repealed
68. Laval	An Act to amend the charter of the town of La Tuque (1955-56, chapter 94)	Section 7
	Charter of the City of Laval (1965, 1 st session, chapter 89)	Sections 8, 11, 14, 20 to 23 and 28 and Schedule two replaced by section 29 of chapter 96 of the statutes of 1968
	An Act to amend the charter of the city of Laval (1966-67, chapter 91)	Section 5
	An Act to amend the charter of the city of Laval (1968, chapter 96)	Sections 2, 3 and 5 to 18
	An Act to amend the charter of the city of Laval (1969, chapter 93)	Section 1
69. Lebel-sur-Quévillon	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	Sections 56 and 57 replaced for the city of Laval by section 13 of chapter 89 of the statutes of 1965 (1 st session)
	An Act to incorporate the Town and the school municipality of Lebel-sur-Quévillon (1965, 2 nd session, chapter 108)	Sections 5 and 9
	An Act respecting the Town of Lebel-sur-Quévillon (1968, chapter 108)	Section 1
70. Lemoyne	An Act to incorporate the town of Lemoyne (1949, chapter 100)	Section 5 Section 6 replaced by section 1 of chapter 100 of the statutes of 1953-54

Municipality	Title of the Act	Provisions repealed
		Section 11
	An Act to amend the charter of the town of Lemoyne (1953-54, chapter 100)	Sections 2, 3 and 5 to 13
71. Lennoxville	An Act to incorporate the town of Lennoxville (1919-20, chapter 107)	Sections 8 to 15
72. Léry	An Act to incorporate the town of DeLéry (1913-14, chapter 90)	Sections 8 and 12 to 18
73. Lévis	An Act to consolidate the charter of the city of Lévis (1956-57, chapter 84)	Section 16
74. Lorraine	An Act to incorporate the town of Lorraine (1959-60, chapter 162)	Sections 5, 8 and 17
75. Louiseville	An Act to amend the charter of the town of Louiseville (1957-58, chapter 92)	Section 2
76. Macamic	An Act to incorporate as a town the village of Macamic (1954-55, chapter 95)	Sections 5 and 11
77. Malartic	An Act to incorporate the town of Malartic (1939, chapter 124)	Sections 5 and 9 Section 11 replaced by section 2 of chapter 118 of the statutes of 1950 Sections 12 and 13 Section 15 replaced by section 3 of chapter 118 of the statutes of 1950

Municipality	Title of the Act	Provisions repealed
		Sections 17, 32 and 33
		Section 33a, enacted by section 4 of chapter 118 of the statutes of 1950
	An Act to amend the charter of the town of Malartic (1950, chapter 118)	Section 1
78. Maple-Grove	An Act to incorporate the town of Maple Grove (1917-18, chapter 94)	Section 8
79. Marievalle	An Act to incorporate the town of Marievalle (1905, chapter 47)	The second paragraph of section 6
		The words “, and the deposit required from candidates for the election to the office of alderman shall be twenty-five dollars, instead of fifty dollars” in section 10
80. Matagami	An Act to amend the charter of the town of Matagami (1981, chapter 48)	Section 1
81. Métis-sur-Mer	An Act to incorporate the village of Little Metis (1896-97, chapter 70)	Section 8
	An Act to amend the charter of the village of Little Metis (1921, chapter 135)	Sections 5 to 8

Municipality	Title of the Act	Provisions repealed
82. Mirabel	An Act respecting the vicinity of the new international airport (1970, chapter 48)	The second sentence of the first paragraph and the second paragraph of section 5
83. Mont-Joli	An Act to incorporate the town of Mont-Joli (1945, chapter 91)	Sections 10 and 11 Section 11a, enacted by section 1 of chapter 93 of the statutes of 1950-51 Section 12
	An Act respecting the town of Mont-Joli (1953-54, chapter 98)	Section 1
84. Montréal-Est	An Act to consolidate the charter of the town of Montreal East (1934, chapter 100)	Sections 8 and 9
85. Montréal-Nord	An Act to incorporate the parish of Sault-au-Recollet, under the name of the town of Montreal North (1915, chapter 108)	Sections 3, 7 and 8 Section 9 replaced by section 1 of chapter 95 of the statutes of 1917-18
	An Act respecting the corporation of the town of Montreal North (1919, chapter 109)	Section 14
	An Act to amend the charter of the town of Montreal North (1958-59, chapter 78)	Section 2
86. Montréal-Ouest	An Act to revise and consolidate the charter of the town of Montreal West (1911, chapter 65)	Sections 10 and 12 replaced by sections 1 and 3 of chapter 97 of the statutes of 1919-20

Municipality	Title of the Act	Provisions repealed
		Sections 14 to 18
	An Act to amend the charter of the town of Montreal West (1919-20, chapter 97)	Sections 4 and 6 to 21
87. Mont-Royal	An Act to incorporate Mount Royal as a town (1912, 2 nd session, chapter 72)	Section 4 replaced by section 4 of chapter 64 of the statutes of 1944
		Section 5 replaced by section 1 of chapter 102 of the statutes of 1915
	An Act to confirm the extinguishment of certain restrictions, servitudes and charges, and to amend the charter of the town of Mount Royal (1944, chapter 64)	Sections 3 and 5
	An Act to confirm the extinguishment of certain restrictions, to amend certain by-laws of the town of Mount-Royal and to amend the charter of the town of Mount Royal (1952-53, chapter 83)	Section 3
	An Act respecting the town of Mount Royal (1953-54, chapter 88)	Sections 2 and 3 to 7
	An Act to amend the charter of the town of Mount Royal (1957-58, chapter 74)	Sections 1 to 3 Paragraphs <i>a</i> and <i>b</i> of section 4
88. Nicolet	An Act to revise and consolidate the charter of the town of Nicolet (1910, chapter 57)	Sections 11 to 13 Section 14 replaced by section 1 of chapter 96 of the statutes of 1958-59

Municipality	Title of the Act	Provisions repealed
		Sections 15 and 16
89. Notre-Dame-de-la-Merci	An Act respecting the municipality of Notre-Dame-de-la-Merci (1980, chapter 54)	The third paragraph of section 6
		Section 7
90. Notre-Dame-de-l'Île-Perrot	An Act respecting the parish of Notre-Dame-de-l'Île-Perrot (1958-59, chapter 123)	Section 9
91. Outremont	An Act to amend and consolidate the charter of the town of Outremont, and to incorporate it into a city (1915, chapter 93)	Sections 8, 11 to 15 and 23
		Section 24 replaced by section 1 of chapter 92 of the statutes of 1923-24 and by section 1 of chapter 108 of the statutes of 1960-61
		Sections 25 to 32
	An Act to amend the charter of the city of Outremont (1953-54, chapter 69)	Sections 1 and 2
	An Act to amend the charter of the city of Outremont (1959-60, chapter 112)	Sections 1 and 5
	An Act to amend the charter of the city of Outremont (1960-61, chapter 108)	Sections 2 and 3
	An Act respecting the city of Outremont (1962, chapter 69)	Section 3
92. Percé	Charter of the City of Percé (1970, chapter 77)	The second sentence of the first paragraph and the second paragraph of section 5

Municipality	Title of the Act	Provisions repealed
93. Petite-Rivière-Saint-François	An Act respecting the parish municipality of Saint-François-Xavier-de-la-Petite-Rivière (1977, chapter 97)	Paragraph c of section 6 Section 7
94. Pierrefonds	An Act to incorporate the town of Pierrefonds (1958-59, chapter 110)	Sections 12 to 14, 16 and 25 to 30
	An Act to amend the charter of the Town of Pierrefonds and of the town of Dollard des Ormeaux (1960-61, chapter 132)	Section 6
95. Pincourt	An Act to incorporate as a town the village of Pincourt (1959-60, chapter 168)	Sections 9 to 13
96. Pointe-Calumet	An Act respecting the municipality of the village of Pointe Calumet (1952-53, chapter 110)	Sections 6 to 8, 10 and 11
97. Pointe-Claire	An Act to incorporate the town of Pointe Claire (1911, chapter 71)	Section 8 replaced by section 1 of chapter 79 of the statutes of 1916 (2 nd session)
	An Act to amend the charter of the town of Pointe Claire (1916, 2 nd session, chapter 79)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Pointe Claire (1951-52, chapter 86)	Sections 2, 3, 8, 9, 11, 14 to 17 and 30
	An Act to amend the charter of the town of Pointe Claire (1954-55, chapter 73)	Section 1
	An Act to amend the charter of the town of Pointe-Claire (1956-57, chapter 98)	Sections 1 to 4

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Pointe-Claire (1958-59, chapter 61)	Sections 2 and 3
98. Pointe-des-Cascades	An Act to incorporate the municipality of the village of Pointe-des-Cascades (1960-61, chapter 139)	Section 5
99. Port-Cartier	An Act to incorporate the town of Port Cartier and concerning the school commissioners of Schelter Bay (1958-59, chapter 111)	Sections 5, 8 to 12 and 22
100. Prévost	An Act to incorporate the village of Shawbridge (1909, chapter 95)	Section 5
101. Repentigny	An Act to incorporate the town of Repentigny (1956-57, chapter 125)	Sections 9, 11, 12 and 14 to 17 Section 30a enacted by section 8 of chapter 158 of the statutes of 1959-60
	An Act to amend the charter of the town of Repentigny (1959-60, chapter 158)	Section 1
102. Richmond	An Act to amend and consolidate the charter of the town of Richmond (1901, chapter 50)	The second paragraph of section 5, replaced by section 1 of chapter 81 of the statutes of 1941 The second sentence of section 7 replaced by section 2 of chapter 81 of the statutes of 1941

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the corporation of the town of Richmond (1941, chapter 81)	Section 3
	An Act to amend the charter of the town of Richmond (1957-58, chapter 93)	Sections 2 to 5
	An Act to amend the charter of the town of Richmond (1958-59, chapter 93)	Section 2
103. Rigaud	An Act to incorporate the municipality of Rigaud village as a town (1911, chapter 72)	Sections 11 to 23
104. Rimouski	An Act to revise and consolidate the charter of the town of Saint Germain de Rimouski (1904, chapter 64)	Section 6 replaced by section 5 of chapter 96 of the statutes of 1919-20
	An Act to amend the charter of the town of Saint Germain de Rimouski (1919-20, chapter 96)	Section 6
105. Rivière-du-Loup	Revised statutes, 1909	The second paragraph of section 5300 replaced by section 12 of chapter 56 of the statutes of 1910
	An Act to amend the charter of the city of Rivière-du-Loup (1949, chapter 87)	Section 3
106. Rock-Island	An Act to incorporate as a town the Corporation of the village of Rock Island, county of Stanstead (1956-57, chapter 118)	Sections 10 to 12 and 14
107. Rosemère	An Act to incorporate the town of Rosemère (1957-58, chapter 109)	Sections 8 to 14

Municipality	Title of the Act	Provisions repealed
108. Roxboro	An Act to incorporate the town of Roxboro and ratify the titles of Remi Realty Limited to certain real estate therein (1913-14, chapter 91)	Section 3 replaced by section 1 of chapter 77 of the statutes of 1916 (2 nd session) and by section 1 of chapter 104 of the statutes of 1919-20
		Sections 4 to 6, 9 and 10
		Section 11 replaced by section 5 of chapter 77 of the statutes of 1916 (2 nd session) and by section 3 of chapter 104 of the statutes of 1919-20
		Sections 12 to 16
	An Act to amend the charter of the town of Roxboro (1916, 2 nd session, chapter 77)	Section 3
109. Sainte-Agathe-des-Monts	An Act to amend the charter of the town of Roxboro (1946, chapter 74)	The third paragraph of section 4
	An Act to amend the charter of the town of Roxboro (1958-59, chapter 100)	Sections 1 and 2
	An Act to incorporate the town of Ste. Agathe des Monts (1915, chapter 103)	Section 8 replaced by section 1 of chapter 86 of the statutes of 1927
		Section 12

Municipality	Title of the Act	Provisions repealed
		Section 13 replaced by section 1 of chapter 99 of the statutes of 1974
		Sections 15 and 20
		Sections 22 to 24 replaced by sections 3 to 5 of chapter 86 of the statutes of 1927
		Section 25
		Sections 26 to 29 replaced by sections 6 to 9 of chapter 86 of the statutes of 1927
		Sections 30, 31 and 33 to 35
110. Sainte-Anne-des-Lacs	An Act to erect the municipality of the parish of Sainte-Anne-des-Lacs and the school municipality of Sainte-Anne-des-Lacs (1946, chapter 81)	Sections 5 to 15
111. Sainte-Anne-du-Lac	An Act to erect the village of Ste. Anne du Lac, in the county of Megantic, for municipal and school purposes (1949, chapter 102)	Sections 3 and 6 to 8
112. Sainte-Foy	An Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56)	The words "and shall be divided into seven wards as described in Schedule II" in section 4

Municipality	Title of the Act	Provisions repealed
		Sections 12 to 16 Schedule II
	Cities and Towns Act (Revised statutes, 1964, chapter 193)	The words "composed of the mayor and seven councillors, one for each ward described in Schedule II" in paragraph <i>a</i> of section 46 replaced by section 6 of chapter 56 of the statutes of 1976
113. Sainte-Geneviève	An Act to incorporate as a town the village of Sainte-Geneviève de Pierrefonds (1958-59, chapter 115)	Sections 13 to 16
114. Sainte-Thérèse	An Act to consolidate the charter of the town of Sainte Thérèse (1951-52, chapter 84)	Sections 6 to 8, 10, 11, 13 to 18 and 20 Section 22 replaced by section 5 of chapter 112 of the statutes of 1971
	An Act to annex certain territories to the city of Sainte-Thérèse (1959-60, chapter 124)	Section 9
115. Saint-Hubert	An Act to incorporate as a town The corporation of Saint-Hubert (1957-58, chapter 112)	Sections 4, 14 and 16 to 21
	An Act to incorporate the town of Jacques Cartier and the town of Mackayville (1947, chapter 102)	Section 8 Section 9 replaced by section 1 of chapter 100 of the statutes of

Municipality	Title of the Act	Provisions repealed
		1956-57 and amended by section 2 of chapter 80 of the statutes of 1958-59
		Sections 10 and 11
	An Act to amend the charter of the town of Mackayville (1950, chapter 114)	Section 1
	An Act to amend the charter of the town of Mackayville (1956-57, chapter 100)	Sections 3, 4 and 6 to 9
116. Saint-Jean-sur-Richelieu	An Act respecting the city of St. Johns and the town of Saint-Luc (1964, chapter 82)	Section 2
117. Saint-Jérôme	An Act to consolidate the Charter of the Town of St. Jerome and to constitute its territory a city municipality (1950, chapter 103)	Section 13
118. Saint-Joseph-de-Sorel	An Act respecting the town of Saint-Joseph-de-Sorel (1947, chapter 107)	Section 1
119. Saint-Laurent (city)	An Act to amend the charter of the town of St. Laurent (1908, chapter 94)	Section 5 replaced by section 1 of chapter 86 of the statutes of 1950-51
		Section 7 replaced by section 2 of chapter 86 of the statutes of 1951-52
	An Act to amend the charter of the town of Saint Laurent (1917-18, chapter 91)	Section 2 replaced by section 2 of chapter 97 of the statutes of 1966-67

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of St. Laurent (1922, 2nd session, chapter 97)	Section 1
	An Act to amend the charter of the town of St. Laurent (1925, chapter 99)	Section 1
	An Act to amend the charter of the town of St. Laurent (1950, chapter 106)	Section 1
	An Act respecting the town of St. Laurent, the town of Côte St-Luc and the Canadian Pacific Railway Company (1953-54, chapter 84)	Sections 1 and 12 •
	An Act to amend the charter of the city of Saint-Laurent (1959-60, chapter 110)	Section 2
120. Saint-Laurent (parish)	An Act respecting certain powers of the municipal corporation of the parish of St. Laurent (1952-53, chapter 111)	Sections 1 to 6
121. Saint-Léonard	An Act to incorporate the municipality of the parish of St. Léonard de Port Maurice as a town (1915, chapter 105)	Section 13
122. Saint-Ours	An Act to incorporate the town of St. Ours (29-30, Victoria, chapter 60)	Sections 3, 4 and 7
123. Saint-Pierre	An Act to amend the charter of the town of St. Pierre (1955-56, chapter 98)	Section 1
124. Saint-Tite	An Act to incorporate the town of St. Tite (1910, chapter 64)	Sections 7 and 9 to 16

Municipality	Title of the Act	Provisions repealed
125. Salaberry-de-Valleyfield	An Act respecting Cities and Towns (Revised statutes, 1925, chapter 102)	Paragraphs 9, 10 and 30 of section 4 replaced for the city of Salaberry-de-Valleyfield by section 4 of chapter 111 of the statutes of 1931-32
	An Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111)	Section 15 Sections 16 and 18 replaced by sections 1 and 2 of chapter 87 of the statutes of 1940
		Section 19 replaced by section 3 of chapter 87 of the statutes of 1940 and by section 3 of chapter 72 of the statutes of 1953-54 and amended by section 2 of chapter 59 of the statutes of 1958-59
		Section 58
		Section 59 amended by section 3 of chapter 78 of the statutes of 1955-56
		Section 60
		Section 61 replaced by section 1 of chapter 95 of the statutes of 1934

Municipality	Title of the Act	Provisions repealed
		Sections 62 to 76
		Sections 76 <i>a</i> and 76 <i>b</i> enacted by section 5 of chapter 59 of the statutes of 1958-59
		Sections 77 and 82
		Section 111 <i>a</i> enacted by section 1 of chapter 130 of the statutes of 1933
		Section 111 <i>b</i> enacted by section 1 of chapter 130 of the statutes of 1933 and amended by section 3 of chapter 60 of the statutes of 1954-55
		Sections 111 <i>c</i> to 111 <i>o</i> enacted by section 1 of chapter 130 of the statutes of 1933
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1954-55, chapter 60)	Section 4
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1956-57, chapter 78)	Sections 5, 6 and 9
126. Schefferville	An Act respecting the town of Shefferville (1966-67, chapter 115)	Sections 2 to 8

Municipality	Title of the Act	Provisions repealed
127. Scotstown	An Act to incorporate the town of Scotstown (1892, chapter 58)	Sections 4 to 6 and 37
128. Senneville	An Act to incorporate the village de Senneville (1894-95, chapter 60)	Section 5
	An Act to amend the charter of the village of Senneville (1935, chapter 147)	The sixth paragraph of section 1
129. Sept-Îles	An Act to erect the town of Sept-Îles, in the county of Saguenay (1950-51, chapter 69)	Sections 4 and 8 Sections 15, 16 and 21 enacted by section 1 of chapter 102 of the statutes of 1952-53
	An Act to amend the charter of the town of Sept-Îles (1956-57, chapter 117)	Section 2
130. Shawinigan	An Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, chapter 95)	Sections 12 to 14 replaced by sections 1 to 3 of chapter 56 of the statutes of 1944, by sections 1 to 3 of chapter 77 of the statutes of 1950-51 and by sections 1 to 3 of chapter 55 of the statutes of 1958-59 Section 21 replaced by section 4 of chapter 120 of the statutes of 1921

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Shawinigan (1968, chapter 100)	Sections 1 to 7
131. Sherbrooke	An Act to revise the charter of the city of Sherbrooke (1974, chapter 101)	Sections 6 and 7
132. Sillery	An Act to amend the Charter of the city of Sillery (1983, chapter 63)	Sections 4 and 5
133. Sorel	An Act to incorporate the city of Sorel (1889, chapter 80)	Sections 23, 24, 28, 58 and 98 Section 99 amended by section 8 of chapter 59 of the statutes of 1912 (1st session), by section 1 of chapter 59 of the statutes of 1943 and by section 4 of chapter 66 of the statutes of 1958-59 Section 100 replaced by section 9 of chapter 59 of the statutes of 1912 (1st session) Sections 101 to 108 and 128 to 138 Section 138a enacted by section 8 of chapter 112 of the statutes of 1931-32

Municipality	Title of the Act	Provisions repealed
		Section 139 replaced by section 10 of chapter 60 of the statutes of 1899 and by section 2 of chapter 82 of the statutes of 1956-57
		Sections 140 and 141 replaced by sections 3 and 4 of chapter 82 of the statutes of 1956-57
		Sections 142 and 143
		Section 144 replaced by section 5 of chapter 82 of the statutes of 1956-57
		Section 145
		Section 146 replaced by section 5 of chapter 67 of the statutes of 1954-55
		Sections 147 to 154
		Section 155 replaced by section 9 of chapter 60 of the statutes of 1899
		Sections 156 to 163

Municipality	Title of the Act	Provisions repealed
		Section 164 replaced by section 3 of chapter 73 of the statutes of 1962
		Sections 165 to 167
		Section 168 replaced by section 11 of chapter 59 of the statutes of 1912 (1st session) and by section 9 of chapter 112 of the statutes of 1931-32
		Sections 169 to 195
		Section 196 replaced by section 12 of chapter 59 of the statutes of 1912 (1st session) and by section 10 of chapter 112 of the statutes of 1931-32
		Section 197
		Section 197 <i>a</i> enacted by section 6 of chapter 67 of the statutes of 1954-55
		Sections 198 to 226

Municipality	Title of the Act	Provisions repealed
		Section 227 amended by section 4 of chapter 52 of the statutes of 1892
		Section 228
		Section 229 amended by section 5 of chapter 52 of the statutes of 1892
		Sections 230 to 236
		Section 237 replaced by section 13 of chapter 59 of the statutes of 1912 (1st session)
		Sections 238 to 246
		Sections 248 to 253
		Sections 256 to 274
		Sections 292 to 299
		Section 300 amended by section 6 of chapter 52 of the statutes of 1892
		Sections 301 to 303

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Sorel and to establish a body to promote industry in the region of Sorel (1958-59, chapter 66)	Sections 19 and 20
	An Act to amend the charter of the city of Sorel (1962, chapter 73)	Section 2
134. Témiscaming	An Act to incorporate the town of Kipawa (1919-20, chapter 110)	Sections 6, 9, 10 and 14 to 23
135. Terrebonne	An Act to consolidate and replace the Charter of the Town of Terrebonne (1907, chapter 75)	Section 21
	An Act to amend the Charter of the Town of Terrebonne (1951-52, chapter 94)	Section 6
	An Act to amend the Charter of the Town of Terrebonne (1960-61, chapter 125)	Sections 3 and 4
136. Thetford-Mines	An Act to incorporate the town of Thetford Mines (1905, chapter 48)	Section 9
		Section 10 replaced by section 2 of chapter 68 of the statutes of 1912 (1st session)
		Section 13 replaced by section 1 of chapter 64 of the statutes of 1946 and by section 2 of chapter 85 of the statutes of 1955-56
		Section 13a enacted by section 3 of chapter

Municipality	Title of the Act	Provisions repealed
		68 of the statutes of 1912 (1st session)
		Section 14
		Section 14a enacted by section 4 of chapter 68 of the statutes of 1912 (1st session)
	An Act to amend the charter of the city of Thetford Mines (1950, chapter 90)	Sections 3 to 7
	An Act to amend the charter of the city of Thetford-Mines (1952-53, chapter 73)	Section 2
	An Act to amend the charter of the city of Thetford Mines (1955-56, chapter 85)	Sections 3 to 5
	An Act to amend the charter of the city of Thetford Mines (1956-57, chapter 81)	Section 4
	An Act to amend the charter of the city of Thetford Mines (1959-60, chapter 118)	Section 2
137. Tracy	An Act to incorporate as a town corporation the parish of St. Joseph, county of Richelieu (1953-54, chapter 113)	Section 11
	An Act to amend the charter of the town of Tracy (1959-60, chapter 137)	Sections 2 and 4
138. Trois-Lacs	An Act to incorporate the municipality of La Rochelle for municipal purposes only (1950, chapter 125)	Sections 7 to 11

Municipality	Title of the Act	Provisions repealed
139. Trois-Pistoles	An Act to incorporate the town of Trois Pistoles (1916, 1st session, chapter 62)	Sections 10 to 15
140. Trois-Rivières	An Act to amend and consolidate the charter of the city of Three Rivers (1915, chapter 90)	Section 6 replaced by section 2 of chapter 94 of the statutes of 1965 (1st session)
		Section 33
	An Act to amend the charter of the city of Three Rivers (1937, chapter 106)	Section 5
	An Act to amend the charter of the city of Trois-Rivières (1947, chapter 84)	Section 4
	An Act to amend the charter of the city of Trois-Rivières (1965, 1st session, chapter 94)	Section 26 replaced by section 10 of chapter 99 of the statutes of 1966-67
141. Vanier	An Act to incorporate the town of Quebec West (1916, 1 st session, chapter 61)	Sections 5, 11 to 16, 30 and 31
	An Act to amend the charter of the town of Quebec West (1917-18, chapter 96)	Sections 8 and 9
142. Vaudreuil	An Act to incorporate the town of Vaudreuil (1963, 1st session, chapter 93)	Sections 8 and 12 to 14
	An Act respecting Cities and Towns (Revised Statutes, 1941, chapter 233)	The last two paragraphs of section 30 replaced for the town of Vaudreuil by section 10 of chapter 93 of the statutes of 1963 (1st session)

Municipality	Title of the Act	Provisions repealed
143. Verdun	An Act to amend the charter of the city of Verdun (1916, 1st session, chapter 48)	Section 3 replaced by section 1 of chapter 55 of the statutes of 1943 Section 7 replaced by section 2 of chapter 100 of the statutes of 1929
	An Act to amend the charter of the city of Verdun (1929, chapter 100)	Section 1
	An Act to amend the charter of the city of Verdun (1934, chapter 90)	Sections 1 and 2
	An Act to amend the charter of the city of Verdun (1937, chapter 109)	Sections 5 and 9
	An Act to amend the charter of the city of Verdun (1939, chapter 106)	Section 5
	An Act to amend the charter of the city of Verdun (1940, chapter 81)	Section 1
	An Act to amend the charter of the city of Verdun (1944, chapter 53)	Sections 2, 3, 5 and 6
	An Act to amend the charter of the city of Verdun (1945, chapter 73)	Section 10
	An Act to amend the charter of the city of Verdun (1947, chapter 82)	Section 6
	An Act to amend the charter of the city of Verdun (1960-61, chapter 103)	Section 3

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Verdun (1963, 1st session, chapter 75)	Section 20
144. Victoriaville	An Act to erect the corporation of Victoriaville into a town municipality (1936, 1st session, chapter 8)	Sections 4 to 7
	An Act to amend the charter of the town of Victoriaville (1939, chapter 116)	Sections 1 to 3
	An Act to amend the charter of the town of Victoriaville (1940, chapter 93)	Sections 1 and 3
	An Act to amend the charter of the town of Victoriaville (1953-54, chapter 86)	Sections 4 to 6 and 8 to 11
	An Act to amend the charter of the town of Victoriaville (1954-55, chapter 68)	Section 4
	An Act to amend the charter of the town of Victoriaville (1955-56, chapter 92)	Section 1
	An Act to amend the charter of the town of Victoriaville (1957-58, chapter 75)	Sections 1 to 5
145. Weedon-Centre	An Act to erect a certain portion of the parish of St. Janvier de Weedon into a village municipality (1887, chapter 23)	Section 2
146. Westmount	An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city (1908, chapter 89)	Sections 16, 18 to 22, 25 and 26
	An Act to amend the charter of the city of Westmount (1912, 1st session, chapter 60)	Sections 3, 5, 14 and 17 Schedule A (Form H-1)

Municipality	Title of the Act	Provisions repealed
147. Windsor	An Act to amend the charter of the city of Westmount (1954-55, chapter 58)	Section 1
	An Act to amend the charter of the city of Westmount (1955-56, chapter 76)	Sections 2 and 4
	An Act to incorporate the town of Windsor Mills (1899, chapter 68)	Sections 15, 16 and 18
	An Act to amend the charter of the town of Windsor (1945, chapter 87)	Sections 3 to 9
	An Act to amend the charter of the town of Windsor (1952-53, chapter 92)	Sections 5 to 8

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