



CHAPTER 39

An Act to amend the Act respecting the 1978 elections
in certain municipalities and amending
the Cities and Towns Act

[Assented to 22 June 1979]

HER MAJESTY, with the advice and consent of the Assemblée
nationale du Québec, enacts as follows:

1978, c. 63,
title
replaced.

1. The title of the Act respecting the 1978 elections in
certain municipalities and amending the Cities and Towns Act
(1978, chapter 63) is replaced by the following title:

“An Act respecting elections in certain municipalities and
amending the Cities and Towns Act”.

1978, c. 63,
Part I,
heading,
replaced.

2. The heading of Part I of the said act is replaced by the
following heading:

“ELECTIONS IN CERTAIN MUNICIPALITIES”.

1978, c. 63,
s. 1, am.

3. Section 1 of the said act is amended by replacing the
second paragraph by the following paragraph:

Applica-
bility.

“It also applies, in whole or in part, in conformity with
section 121, to every municipality referred to in this section.”

1978, c. 63,
s. 3, am.

4. Section 3 of the said act is amended by replacing the first
paragraph by the following paragraph:

Electoral
districts.

3. Before 15 August 1979, the council of a municipality
must adopt, put into force and transmit to the Commission a by-
law dividing the municipality into electoral districts. However,
this paragraph does not apply to a municipality in which a general
election took place in 1978.”

1978, c. 63,
s. 10, am. **5.** Section 10 of the said act is amended by replacing subsection 1 by the following subsections:

Number of
electoral
districts. **"10.** (1) In a municipality whose population, on the date of the passing of the by-law contemplated in section 3, is under 20 000, the number of electoral districts must not be less than 6 nor more than 8.

Number of
electoral
districts. (1a) In a municipality whose population on that date is 20 000 or over but under 50 000, this number must not be less than 8 nor more than 12."

1978, c. 63,
s. 10-1,
added. **6.** The said act is amended by inserting, after section 10, the following section:

Exception. **"10-1** The Ministre des affaires municipales may authorize a municipality applying therefor to divide its territory into a greater number of electoral districts than the maximum number of electoral districts provided for in its case by section 10."

1978, c. 63,
s. 13, am. **7.** Section 13 of the said act is amended by replacing the first paragraph of subsection 1 by the following paragraphs:

Electoral
districts
estab-
lished by
the Com-
mission. **"13.** (1) Should the municipality fail to pass, before the intended date, a by-law in accordance with section 3 and the recommendations contemplated in section 8, the Commission must divide the municipality into electoral districts and transmit a copy of its decision to the municipality. Furthermore, should the municipality, having passed such a by-law, fail to put it into force before the intended date, the Commission must either

(a) divide the municipality into electoral districts and transmit a copy of its decision to the municipality, or

(b) put the by-law passed by the municipality into force.

Provisions
not
applicable. In such cases, sections 4 to 8 do not apply and, where required, the approval provided for in the third paragraph of section 11 is deemed to have been received."

1978, c. 63,
s. 13-1,
added. **8.** The said act is amended by inserting, after section 13, the following section:

Applicable
provision. **"13-1** Section 10 of the Act respecting the Standing Commission on Reform of the Electoral Districts applies to this act."

1978, c. 63,
s. 19,
replaced. **9.** Section 19 of the said act is replaced by the following section:

Assistance
from
director
general. **"19.** The director general of elections may, on request, provide the returning-officer with any assistance the latter may need in the discharge of his duties."

1978, c. 63,
s. 21, am. **10.** Section 21 of the said act is amended by adding, at the end, the following paragraph:

Date. “The nomination of candidates for the 1979 general election takes place on 21 October 1979.”

1978, c. 63,
s. 34-1,
added. **11.** The said act is amended by inserting, after section 34, the following section:

Applicable provisions. **“34-1** Sections 16 to 24 of the Act respecting the financing of political parties apply, *mutatis mutandis*, to this chapter.”

1978, c. 63,
s. 57-1,
added. **12.** The said act is amended by inserting, after section 57, the following section:

Delegation of powers. **“57-1** The director general may delegate to one of his assistants, to the returning-officer or to the clerk of the municipality concerned the powers and duties assigned to him by sections 43, 46 and 47.”

1978, c. 63,
s. 118,
replaced. **13.** Section 118 of the said act is replaced by the following section:

Inoperative provision. **“118.** A provision of a general law or special act, of letters patent or of a by-law, contemplated in section 117, that prohibits the provision or wearing of objects that proclaim a person's membership in a party or his support of a party or a candidate at the time of an election, is inoperative.”

1978, c. 63,
s. 121, am. **14.** Section 121 of the said act is amended by replacing the second and third paragraphs by the following paragraphs:

Municipal-ities of 20 000 or over. “Chapters I, VII and VIII of Part I of this act apply to a municipality having a population of 20 000 or over, whatever the act governing it may be, except a county municipality, where a general election must take place in 1979 under this act. Such a municipality may, by by-law of its council adopted and put into force in accordance with the act governing it, order that Chapters II, III, IV, V and VI of Part I of this act apply to it as well.

Municipal-ities of less than 20 000. Any municipality having a population of less than 20 000, whatever the act governing it may be, except a county municipality, where a general election must take place in 1979 under this act may, by by-law of its council adopted and put into force in accordance with this act and approved by the Ministre des affaires municipales, order that Chapters I, II, III and VIII of Part I of this act apply to it.

Effect. The provisions made applicable to a municipality by a by-law adopted in conformity with this section become effective in this municipality on the date of the coming into force of such by-law.

Copy of the
by-law.

Where Chapter II of Part I of this act applies to a municipality under a by-law adopted in conformity with this section, a certified true copy of such a by-law must be transmitted without delay to the Standing Commission on Reform of the Electoral Districts."

R.S.,
c. 193,
s. 68j, am.

15. Section 68j of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted by section 119 of chapter 63 of the statutes of 1978, is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

"(a) to which Part I, or certain chapters of Part I, of the Act respecting elections in certain municipalities and amending the Cities and Towns Act (1978, chapter 63) apply;"

Coming
into force.

16. This act comes into force on the day of its sanction.