



CHAPITRE 57

An Act respecting electoral representation

[Assented to 13 December 1979]

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

Constitu-
tion.

1. A body, hereinafter called “the Commission”, is hereby constituted under the name of “Commission de la représentation”.

DIVISION I

FUNCTIONS AND POWERS OF THE COMMISSION

§ 1.—*Establishing electoral divisions*

Function.

2. The function of the Commission is to establish the boundaries of the electoral divisions of Québec, taking into account the principle that the vote of each elector is of equal weight.

Function.

Another function of the Commission is to establish the boundaries of the electoral precincts.

Electoral
division.

3. An electoral division is a group of electoral precincts forming a natural community consisting, as nearly as possible, of thirty-four thousand electors; however, the Commission may establish electoral divisions varying in size from twenty-four thousand to forty thousand electors.

Criteria.

The Commission shall establish such a group on the basis of demographical, geographical and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area or shape of the region, the natural local boundaries and the limits of municipalities.

Exception.

4. The Commission may, for exceptional reasons, depart from the rule set out in section 3, if it considers that, due to

special circumstances, its application would not adequately serve the purpose of this act. Such a decision shall be substantiated in writing in each case.

Iles-de-la-Madeleine. Notwithstanding section 3, the Iles-de-la-Madeleine described in paragraph 37 of section 3 of the Territorial Division Act (R.S.Q., c. D-11), as it existed before the date of the coming into force of the first list of electoral divisions established under this act, are deemed to be a group of electoral precincts constituting an electoral division.

Name. **5.** The Commission shall assign a name to each electoral division delimited by it, after consulting the Commission de toponymie established under the Charter of the French language (R.S.Q., c. C-11).

Precinct. **6.** An electoral precinct is composed of a maximum of approximately two thousand five hundred electors.

Division. **7.** The Commission, in dividing territory into electoral precincts, shall respect the socio-economic homogeneity and the natural boundaries of each locality, and the municipal boundaries.

Municipality. **8.** An electoral precinct must not contain more than one municipality. However, it may include a non-organized territory or a part thereof.

Assistance. **9.** The Commission shall furnish to the director general of elections the necessary technical assistance to establish the boundaries of the polling subdivisions in conformity with the Election Act (1979, c. 56).

Directory. **10.** The Commission, using the descriptions of the electoral precincts and the polling subdivisions, shall prepare a directory of the streets, avenues, boulevards, hills, squares, lanes, ranges or other public roads of each electoral division.

Map. After publication in the *Gazette officielle du Québec* of the list of electoral divisions, the Commission shall cause a map of the divisions to be printed; the Commission may also cause a map of each such division to be printed, with an indication of the electoral precincts comprised in it.

Distribution. **11.** The boundaries of the electoral precincts of each electoral division of Québec, and the alterations made to them, shall be sent to the leaders of the authorized parties; the boundaries and the alterations to the electoral precincts of an electoral division shall be sent to each authorized association, to every

independent member of the Assemblée nationale and to the municipality concerned.

Applic-
ability.

This section applies to the directory and map contemplated in section 10.

Applic-
ability.

The description of the boundaries of the electoral precincts shall be available, on demand, to the public.

“author-
ized asso-
ciation”
and “au-
thorized
party”.

For the purposes of this section and section 12, “authorized association” and “authorized party” have the same meaning as in the Act to govern the financing of political parties (R.S.Q., c. F-2).

§ 2.—*Information of the public*

Informa-
tion.

12. Another function of the Commission is to inform the public; for that purpose, it shall, in particular,

(a) give advice and information respecting the application of this act to any person requesting it;

(b) maintain a full-time information centre on the boundaries of the electoral divisions;

(c) regularly hold information meetings for the benefit of the authorized parties, regional and municipal bodies and the public;

(d) make any advertisement necessary for the application of this act.

DIVISION II

COMPOSITION OF THE COMMISSION

Composi-
tion.

13. The Commission consists of the director general for representation, who shall act as chairman, and of two other members.

Qualifi-
cation.

The members of the Commission are chosen from among persons qualified as electors.

Exception.

Notwithstanding the second paragraph, the director general of elections may be a member of the Commission.

Appoint-
ment.

14. On a motion of the Prime Minister, the Assemblée nationale du Québec, by a resolution approved by two-thirds of its members, shall appoint the director general for representation and the two other members, and fix their salaries, additional salaries or allowances, as the case may be.

Term.

15. The members of the Commission shall be appointed for a term of office of five years.

- Contin-
uance. At the expiry of their terms, the members of the Commission shall remain in office until they are reappointed or replaced.
- Oath. **16.** Before taking office, the members of the Commission shall make the oath or solemn affirmation provided for in Schedule A, before the President of the Assemblée nationale du Québec.
- Exclusive
service. **17.** The director general for representation shall exercise his functions on a full-time basis.
- Resigna-
tion. **18.** A member of the Commission may resign at any time by giving notice in writing to the President or to the Secretary General of the Assemblée nationale du Québec.
- Dismissal. He shall not be dismissed except by a resolution of the Assemblée nationale approved by two-thirds of its members.
- Replace-
ment. **19.** If the director general is temporarily unable to act, the Government may designate one of the two other members of the Commission to fulfil the function of director general for representation for a period not exceeding six months.
- Vacancy. In the case of a vacancy, the Government may designate a substitute for a period not exceeding six months.

DIVISION III

STAFF OF THE COMMISSION

- Secretary. **20.** The Commission may appoint a secretary and retain the services of any person.
- Staff. The staff of the Commission shall be appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).
- Striking. Striking is prohibited for the staff of the Commission.
- Temporary
staff. **21.** The director general may also retain, on a temporary basis, the services of any person he considers necessary.
- Oath. **22.** Before taking office, the secretary and the other members of the staff of the Commission shall make the oath or solemn affirmation provided for in Schedule A, before the director general for representation.
- Immunity. **23.** No member of the Commission or of its staff may be prosecuted for any official act performed in good faith in the exercise of his functions.

Authenticity.

24. The minutes of the sittings of the Commission, if approved by it and certified by the director general or the secretary, are authentic. The same holds true for documents or copies emanating from the Commission or filed in its records, if signed by the director general or the secretary of the Commission.

DIVISION IV

PROCEDURE FOR THE ADOPTION OF THE BOUNDARIES OF THE ELECTORAL DIVISIONS

Report.

25. Within twelve months following the date of a general election, the Commission shall submit to the President or to the Secretary General of the Assemblée nationale du Québec a report in which it shall propose the boundaries of the electoral divisions of Québec.

Tabling.

The report shall be made public immediately. If the Assemblée nationale is in session, it shall be tabled immediately; in the opposite case, it shall be tabled within fifteen days from resumption or from the beginning of the next session.

Diffusion.

26. The Commission shall take the necessary steps to ensure the best possible diffusion of the proposed boundaries of the electoral divisions submitted in its report.

Hearing.

27. Within twelve months following the tabling of its report, the Commission shall hear the representations made by the members of the Assemblée nationale and by interested individuals and organizations.

Standing committee.

28. The report must be submitted to the standing committee on the Assemblée nationale.

Assistance.

29. When the standing committee examines such a report, the Commission shall furnish it with all the required documents and information and be at its disposal to assist it in carrying out its work.

Public hearing.

30. The Commission must hold public hearings in the various regions of Québec to examine the representations made to it by interested organizations and individuals, after giving notice of the holding of these hearings.

Report.

31. After considering the representations made to it by the members of the Assemblée nationale, and by individuals and organizations, the Commission shall table before the Assemblée nationale du Québec a report indicating the boundaries of the electoral divisions.

Debate. Within five days following the tabling, the report shall be the subject of a debate limited to five hours carried on in one sitting or two consecutive sittings of the Assemblée nationale; if it is not then in session, the debate, subject to the same time limits, shall take place in the standing committee on the Assemblée nationale, within ten days from the tabling of the report contemplated in the first paragraph, and all the Members are members of the standing committee for the purposes of that debate.

Motion. No motion, except a motion of adjournment or of suspension, may be presented during the debate.

Electoral divisions. **32.** Not later than the tenth day following the debate, the Commission shall establish the boundaries of the electoral divisions and assign names to them.

Publication. The Commission shall publish, in the *Gazette officielle du Québec*, the list of the electoral divisions, indicating the name and the boundaries of each; it may also mention the municipalities and Indian reserves included in each electoral division.

Proof. **33.** Publication of the list of electoral divisions in the *Gazette officielle du Québec* is absolute proof of its existence and of its content, and every person is required to take cognizance of it.

Coming into force. **34.** The list of electoral divisions published in the *Gazette officielle du Québec* comes into force upon the dissolution of the Assemblée nationale du Québec, unless the dissolution occurs before Monday of the week following the week of the enumeration contemplated in section 36.

Returning officer. **35.** Upon publication in the *Gazette officielle du Québec* of the list of electoral divisions, the director general of elections shall assign one of the divisions to each returning officer in office and appoint a returning officer to each unassigned division, if any.

Term. Appointments made under this section are effective until new returning officers are appointed in conformity with the Election Act (1979, c. 56).

Enumeration. **36.** Upon publication in the *Gazette officielle du Québec* of the list of electoral divisions, the director general of elections and the returning officers shall establish the boundaries of the polling subdivisions in conformity with the Election Act (1979, c. 56) and make an enumeration and a revision in conformity with the Act respecting electoral lists, taking the new electoral divisions into account.

Enumeration period. The period for making the enumeration begins on the date fixed by the director general of elections and terminates on the

day of the sending of the statement of the changes made to the list in the course of the revision, in conformity with subsections 1 and 3 of section 105 of the Act respecting electoral lists and subsections 4 and 6 of section 130 of the said act, and all the operations connected therewith shall be made within the time fixed by the director general of elections; the latter shall not, however, reduce the period provided by the Act respecting electoral lists for applications for the entry or striking off of names or for corrections of the electoral list.

Limit. However, the enumeration period must be terminated not later than the last day of the sixth month after the publication of the list of electoral divisions in the *Gazette officielle du Québec*.

Returning officers. Returning officers appointed or assigned under section 35 shall act for the purposes of this section.

Annual enumeration. **37.** As soon as the enumeration period contemplated in section 36 begins, the period of annual enumeration provided by the Act respecting electoral lists which has begun or which immediately follows, as the case may be, shall be cancelled, and that of the following year, if it takes place, shall be conducted while taking into account the new electoral divisions published in the *Gazette officielle du Québec*.

Official lists. **38.** Only the electoral lists drawn up and revised following the last enumeration made while taking into account the new electoral divisions are official and may be used at a general election.

Presumption. The enumeration period contemplated in section 36 is deemed to be the period of an annual enumeration for the purposes of the Act respecting electoral lists.

By-election. **39.** If a by-election is instituted during an enumeration period contemplated in section 36 or in section 37 and polling day is fixed after that period, the enumeration period shall be cancelled in the electoral division in which the election is conducted and a second revision of the electoral lists drawn up and revised following the last annual enumeration made while taking into account the electoral divisions then in force must be made. The second revision takes place within the same time and in the same manner as under the Act respecting electoral lists.

DIVISION V

TRANSITIONAL AND FINAL PROVISIONS

40. Notwithstanding sections 25 to 27, after hearing the representations of the members of the Assemblée nationale and of

Electoral divisions. interested individuals and organizations, the Commission shall not later than 31 March 1980 establish the boundaries of the electoral divisions and assign names to them based on the work of the Standing Commission on Reform of the Electoral Districts as of the date of the coming into force of this act.

Jurisdiction. **41.** The Superior Court has no jurisdiction in matters arising out of the application of this act, and no extraordinary recourse or provisional remedy provided by the Code of Civil Procedure lies against the Commission or one of its members in the performance of his duties.

Annulment. A judge of the Court of Appeal may, on motion, summarily annul a writ, order or injunction issued or granted contrary to this section.

R.S.Q., c. C-36, replaced. **42.** This act replaces the Act respecting the Standing Commission on Reform of the Electoral Districts (R.S.Q., c. C-36), except sections 2 to 5, which are repealed.

Staff. The Commission succeeds to that body for all intents and purposes; the staff employed by that body at the time of the coming into force of this section is attached to the Commission without other formality and the Civil Service Act (1978, c. 15) becomes applicable to that staff without other formality.

R.S.Q., c. D-11, s. 1, am. **43.** Section 1 of the Territorial Division Act (R.S.Q., c. D-11) is amended by striking out paragraph 1.

R.S.Q., c. D-11, s. 3, repealed. **44.** Section 3 of the said act is repealed.

R.S.Q., c. L-1, s. 6, replaced. **45.** Section 6 of the Legislature Act (R.S.Q., c. L-1) is replaced by the following section:

Electoral division. **“6.** Each of the electoral divisions established in accordance with the Act respecting electoral representation (1979, c. 57) forms one electoral division and shall send one member to represent it in the Assemblée nationale.”

Funding. **46.** The sums required for the carrying out of this act are taken out of the consolidated revenue fund.

Coming into force. **47.** This act will come into force on the date to be fixed by government proclamation, except sections 43, 44 and 45 which will come into force at the same time as the first list of electoral divisions established under this act, and except sections 13 to 24 and section 40 which come into force on the day of the sanction of this act. (*)

(*) Sections 1 to 12, 25 to 39, 41, 42, 46 and 47 of this act came into force on 10 January 1980 (Gazette officielle du Québec, 1980, page 591).

SCHEDULE A

Oath or affirmation of allegiance and office

I, A. B., swear (or solemnly affirm) that I will be loyal and bear true allegiance to constituted authority and that I will fulfil the duties of my office of honestly and justly, and that I will not receive any sum of money or consideration for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of anything whatsoever by or with the Government, other than my salary or what may be allowed me by law or by an order of the Government.

Oath or affirmation of discretion

I, A. B., further swear (or solemnly affirm) that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the discharge of my duties.