



CHAPTER 6

Referendum Act

[Assented to 23 June 1978]

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

CHAPTER I

INTERPRETATION

- Interpre-
tation:
"Conseil
du référen-
dum";
"referen-
dum";
"writ";
"national
commit-
tee";
"official
agent";
"local
agent";
"refer-
endum
period";
"ballot-
paper";
"elector",
"polling-
subdivi-
sion",
"list", etc.:
- 1.** In this act, unless otherwise required by the context,
- (a) "Conseil du référendum" means the Conseil established by section 2;
- (b) "referendum" means a referendum ordered and held under this act;
- (c) "writ" means a writ of referendum issued in accordance with section 13;
- (d) "national committee" means a committee established in accordance with Division I of Chapter VIII;
- (e) "official agent" means a person appointed in accordance with section 30;
- (f) "local agent" means a person appointed by the official agent in accordance with section 31;
- (g) "referendum period" means the period beginning on the day fixed for issuing a writ and ending on the day for its return;
- (h) "ballot-paper" means the ballot-paper described in section 20;
- (i) "elector", "polling-subdivision", "urban polling-subdivision", "rural polling-subdivision", "list", "annual electoral list", "second revision", "revisors", "period of the annual enumeration",

“official delegate”, “electoral district”, “election”, “general elections”, “domicile”, “to be domiciled”, “polling”, “director general of elections”, “returning-officer”, “election-clerk”, “assistant election clerk” and “election officer” have the same meaning as in the Election Act (Revised Statutes, 1964, chapter 7) as it applies to a referendum;

“director general”, “authorized party”, “official representative”.

(j) “director general of the financing of political parties”, “authorized party” and “official representative of a political party” have the same meaning as in the Act to govern the financing of political parties (1977, chapter 11) as it applies to a referendum.

CHAPTER II

CONSEIL DU RÉFÉRENDUM

2. A Conseil du référendum is established. It is composed of three judges of the Provincial Court, one of whom is the chairman, designated by the chief judge of that Court.

If one of the members of the Conseil du référendum is unable to act, the chief judge of the Provincial Court shall designate another judge of the Court to replace him.

3. The Conseil du référendum shall have exclusive jurisdiction to hear any judicial proceeding relating to a referendum and to the application of this act.

Its decisions are final and without appeal.

However, an appeal lies to the Court of Appeal, on a question of law, from a decision rendered by the Conseil du référendum by virtue of section 41 or 42.

This appeal is heard by preference, and the decision of the Court is final and without appeal.

This appeal is governed by articles 491 to 524 of the Code of Civil Procedure, so far as they are applicable.

4. Only the President or a member of the Assemblée nationale du Québec may apply to the Conseil du référendum to render a decision on the subject of a referendum for the purposes of section 12.

The Conseil must render a decision within ten days of this application, failing which the subject of the referendum is deemed to be not substantially similar to that of a referendum held during the same Legislature.

Adoption
by
Ass. nat.
prevails.

Such application must be made and, as the case may be, the decision must be rendered before the Assemblée nationale du Québec adopts the question contemplated in section 8 or the bill contemplated in section 10.

Opinion to
Government.

5. The Conseil du référendum must give its opinion on any question of law or technical question submitted to it by the Government respecting the holding of a referendum.

Requests
and
opinions
made
public.

Upon the tabling in the Assemblée nationale du Québec of a question contemplated in section 8 or a bill contemplated in section 10, every request for an opinion on that question or bill, as well as the opinion given by the Conseil du référendum, shall be made public by the latter.

Temporary
assistance.

6. The chairman of the Conseil du référendum may call upon the services, on a temporary basis, of any person he considers necessary for the carrying out of its functions in respect of the holding of a referendum.

CHAPTER III

SUBJECT OF THE REFERENDUM

Question
or bill
passed in
Ass. nat.

7. The Government may order that the electors be consulted by referendum

(a) on a question approved by the Assemblée nationale du Québec in accordance with sections 8 and 9, or

(b) on a bill adopted by the Assemblée nationale du Québec in accordance with section 10.

Motion by
Prime
Minister.

8. On a motion of the Prime Minister, the Assemblée nationale du Québec may adopt the text of a question which is to be the subject of a referendum. The debate on this motion is privileged, and takes precedence over every other question, except the debate on the inaugural message.

Rules of
debate.

9. During debate of the motion contemplated in section 8, a member may propose a motion of amendment or sub-amendment, but the latter motion does not restrict the right of another member to introduce a similar motion, or to address the main motion and the motions of amendment or sub-amendment at the same time. The rule that a member may speak only once does not apply. Upon thirty-five hours of debate, the President of the Assemblée

nationale du Québec, after conferring with the house leaders of the recognized parties, must put the subsidiary motions and the main motion to the vote, in such order as he may determine.

Bill must contain question when tabled.

10. A bill adopted by the Assemblée nationale du Québec cannot be submitted to a referendum unless it contains, at the time of being tabled, a provision to that effect, as well as the text of the question submitted for the referendum.

No assent before referendum.

This bill cannot be presented for assent until it has been submitted to the electors by way of a referendum.

Assent after prorogation not after dissolution.

11. A bill submitted to a referendum may be assented to after the prorogation of the session during which it was adopted, provided that it be before the dissolution of the Legislature which voted its adoption.

No duplication in same Legislature.

12. There shall not be, during the same Legislature, more than one referendum on the same subject or on a subject which, in the opinion of the Conseil du référendum, is substantially similar to the former subject.

CHAPTER IV

ISSUING THE WRITS

Writ of referendum.

13. Every referendum is instituted by a writ according to form 1, addressed by the director general of elections to each returning-officer.

Dates of writ and polling.

The Government shall fix the day on which such writ shall be issued, that on which the polling is to be held and the ultimate date for the return of the writs. Such dates must be the same for all electoral districts.

Restricted period, writ.

14. No writ shall be issued before the twentieth day following that on which the Assemblée nationale du Québec has approved the motion contemplated in section 8 or the bill contemplated in section 10.

Idem.

No writ may be issued between the first day of the period of the annual enumeration and Sunday of the second week following that of such enumeration.

Restricted period, polling.

Where a writ is issued between Sunday of the second week following that of the annual enumeration and 1 January, the

polling shall not be held before the twenty-eighth day following that on which the writ was issued.

Restricted
period
polling.

Where a writ is issued between 1 January and the first day of the period of the annual enumeration, the polling shall not be held before the thirty-fifth day following that of the issue of the writ.

Idem.

No polling may take place between the first day of the period of annual enumeration and the end of the fifth week following that of the enumeration.

Maximum
referen-
dum
period.

Not more than sixty days may elapse between the date on which the writs are issued and that of the polling.

Writ of
general
election
voids writ
of refer-
endum.

15. From the time a writ instituting a general election is issued, every writ instituting a referendum becomes void and no writ may be issued before the general election is held.

CHAPTER V

ELECTORAL LISTS

Lists
under
Election
Act and
App. 2.

16. The electoral lists of urban and rural polling-subdivisions, prepared and revised in accordance with the Election Act, and, where required, in accordance with the relevant provisions of Appendix 2, are the only lists that may be used for a referendum.

House of
deten-
tion list.

17. The warden of a house of detention must, within three days after the writs are issued, provide the returning-officer with a list of the persons qualified as electors at a referendum who are detained in such establishment.

Status,
revision,
office.

Such list constitutes an electoral list for the purposes of this act and the returning-officer must forward a copy of it to the official delegate of each national committee without delay. Such list must be revised in accordance with the provisions of Appendix 2 that apply to revision of the lists of urban polling-subdivisions and the returning-officer shall open, in such establishment, an office to receive applications for the entry and striking off of names and for corrections on the list. Such office must be open from Monday to Saturday of the third week prior to that of the polling, during the hours and in the manner proper to the nature of the establishment.

Agree-
ments.

For the purposes of this section, the director general of elections may make any agreement considered necessary with the

wardens of houses of detention established under an act of the Parliament of Canada.

Amended
electoral
boundaries.

18. Where, following the adoption of an act amending the limits of electoral districts for the following general election, the annual enumeration has been made taking into account the limits so amended, the holding of a referendum must be made in accordance with the limits as so amended and the returning-officers appointed by anticipation are competent to act as such for the purposes of the referendum; similarly, the polling-subdivisions which have been defined by anticipation are those that are to be used for the purposes of the referendum.

CHAPTER VI

RIGHT TO VOTE

Voting
qualifica-
tions.

19. Every person has the right to vote at a referendum, who

(a) is entered on an electoral list in force and used at the polling;

(b) is of the full age of eighteen years on polling-day;

(c) is a Canadian citizen at the time of voting;

(d) has been domiciled in Québec for at least one year before the day of issue of the writs and is still so at the time of voting, or who, after establishing his domicile outside Québec for the discharge of duties on behalf of the Gouvernement du Québec or the Government of Canada, is again domiciled in Québec at the time of voting;

(e) is not affected by any disqualification provided for in the law, at the time of voting.

CHAPTER VII

BALLOT-PAPERS

Question in
French and
English.

20. The ballot-paper is a printed paper on which is entered, in French and in English, the question put to the electors.

Space for
mark.

The ballot-paper also contains a space specially and solely reserved for the mark by which the voter expresses his choice.

Question also in language of native majority.

21. Notwithstanding section 20, the question entered on the ballot-papers used in polling-stations situated in an Indian reserve or in a place where an Amerind or Inuit community lives, must be drawn up in French, in English and in the language of the native majority of the place, to the extent that the returning-officer may have the ballot-papers printed in such language.

Idem.

The returning-officer shall determine which native language must be used and cause a translation of the question entered on the ballot-paper to be made into such language.

CHAPTER VIII

THE REFERENDUM CAMPAIGN

DIVISION I

NATIONAL COMMITTEES

Director general of elections informed.

22. Upon the adoption of the text of a question or of a bill that is to be submitted to the referendum by the Assemblée nationale du Québec, the secretary general of the Assemblée must inform the director general of elections of it, in writing.

MNA's have seven days to register option.

He shall also, within three days, send to each member of the Assemblée nationale du Québec a notice to the effect that the latter may, within seven days after the adoption of the question or of the bill, register with the director general of elections in favour of one of the options submitted to the referendum.

Registered MNA's form provisional committee.

23. All the members of the Assemblée nationale du Québec who, within seven days after the adoption of a question or of a bill that is to be submitted to the referendum, register with the director general of elections for one of the options, shall form the provisional committee in favour of such option.

Electors invited to form provisional committee.

Where, at the end of the delay provided for in the first paragraph, no member of the Assemblée nationale du Québec has registered in favour of one of the options, the director general of elections may invite not less than three nor more than twenty electors to form the provisional committee in favour of such option. Such electors must be chosen from among the persons publicly identified with such option.

By-laws and chairman of national committee.

The director general of elections shall, with the least possible delay, call a meeting of each provisional committee at the place, day and time he indicates. At such meeting, the members

of each provisional committee shall adopt the by-laws to govern the national committee in favour of such option and appoint the chairman thereof.

Establishment, name, operation of national committee.

24. The by-laws governing a national committee may determine any matter relating to its proper operation, including the name under which it is to be known and the manner in which it is to be established.

Branches.

Such by-laws may also provide for the setting up of local branches of this committee in each electoral district, provided that each of these branches is authorized by the chairman of the national committee.

Affiliation of groups.

These by-laws must furthermore provide for the affiliation to the committee of groups which are favourable to the same option and see to the establishment of the norms, conditions and formalities governing the affiliation and financing of these groups.

Majority resolution of provisional committee.

25. The resolution of a provisional committee appointing the chairman of a national committee and that adopting the by-laws thereof must be certified by the signature of the majority of the members of such provisional committee. They shall take effect when they are forwarded to the director general of elections. They shall be replaced or amended only in accordance with the same procedure.

DIVISION II

THE RIGHT TO INFORMATION

Explanatory booklet to electors.

26. Not later than ten days before the holding of a poll, the director general of elections must send the electors a single booklet explaining each of the options submitted to the referendum, wherein the text is established by each national committee, respectively. Equal space, as fixed by the director general, must be given in this booklet to each option.

DIVISION III

REGULATED EXPENSES

"regulated expenses".

27. All the expenditures incurred during a referendum period to directly or indirectly promote or oppose an option submitted to the referendum are "regulated expenses", within the meaning of this act.

Exclu-
sions.

28. The following shall not be deemed regulated expenses:

(a) the publishing in a newspaper or other periodical of editorials, news, reports or letters to the editor, provided that they are published in the same manner and under the same rules as outside the referendum period, without payment, reward or promise of payment or reward, that the newspaper or other periodical is not established for the purposes of the referendum or with a view to the referendum and that the circulation and frequency of publication thereof do not differ from what obtains outside the referendum period;

(b) the transmission by a radio or television station of a broadcast of news or comment, provided that such broadcast be made in the same manner and under the same regulations as outside the referendum period, without payment, reward or promise of payment or of reward;

(c) the reasonable expenses incurred by a person, out of his own money, for his lodging and food during a journey for the purposes of the referendum, if such expenses are not reimbursed to him;

(d) the transportation costs of any person paid out of his own money, if such costs are not reimbursed to him;

(e) the reasonable expenses incurred for the publication of explanatory commentaries on this act and the instructions issued under its authority, provided that such commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an option submitted to the referendum;

(f) the reasonable expenses usually incurred for the current operation of the permanent office of an authorized party on the island of Montreal and in the city of Québec, if the leader of such party, before the seventh day following the issue of the writs, has given written notice to the director general of the financing of political parties of the existence of such office, of its exact address and of any change of address;

(g) interest accrued, from the day following the polling, on any loan lawfully granted to an official agent for regulated expense purposes;

(h) the expenditures, not greater than \$300, incurred for holding a meeting, including the cost of renting a hall and the convening of participants, provided that such meeting is not directly or indirectly organized on behalf of a national committee.

Permanent
office of
an author-
ized
party.

For the purposes of subparagraph *f* of the first paragraph, the permanent office of an authorized party is the office where, in order to ensure dissemination of the political programme of such party and to coordinate the political activity of its members, employees of the party or of a body associated therewith work on

a permanent basis outside the referendum period, for the attainment of its objects, and which the leader of the party has recognized for such purpose by a letter sent to the director general of the financing of political parties before the seventh day following the issue of the writs.

"regulated expenses".

29. The expenditures incurred before a referendum for literature, objects or materials of an advertising nature, used during the referendum period for the purposes contemplated by the definition of the expression "regulated expenses", are regulated expenses.

Official agent.

30. A national committee wishing to incur regulated expenses during the referendum period must have an official agent.

Appointment.

Such official agent is appointed by the chairman of the national committee, who shall notify the director general of the financing of political parties of it. The director general shall then give notice of it in the *Gazette officielle du Québec*.

One official agent per committee.

31. Only one official agent shall be appointed for each national committee.

Deputies and local agents.

However, such official agent may, with written approval of the chairman of the national committee, appoint deputies in sufficient number, and a local agent for each electoral district.

Disqualifications.

32. No person may be the official agent of a national committee, or his deputy or his local agent, if

- (a) he is not of full age;
- (b) he is not a Canadian citizen;
- (c) he has not been domiciled in Québec for at least one year;
- (d) he is affected by any disqualification under the law from participating in a referendum.

Exclusive right to authorize expenses.

33. During a referendum period, no person other than the official agent of a national committee, his deputy or his local agent may incur or authorize regulated expenses.

No unauthorized expenses.

It is forbidden for any person to accept or execute an order for regulated expenses not given or authorized by such an official agent, deputy or local agent or in his name by his publicity agency recognized by the director general of the financing of political parties.

Regular prices only.

No person shall claim or receive for regulated expenses a price different from his regular price for similar work or merchandise

outside the referendum period nor shall he accept a different remuneration or renounce the same.

Volunteer work.

Any individual may however contribute without remuneration his personal services and the use of his vehicle provided that he does so freely and not as part of his work in the service of an employer.

No application to civil servant.

Subject to section 55 of the Civil Service Act (1965, 1st session, chapter 14), nothing in this section relates to the services rendered by a functionary of the civil service.

Limit on expenses.

34. Regulated expenses must be limited so as never to exceed for a national committee, during the same referendum, fifty cents per elector in the aggregate of the electoral districts.

Limit for local agent or deputy.

Where an official agent appoints a local agent in an electoral district or appoints a deputy, he shall, in his deed of appointment, indicate the maximum amount of regulated expenses that such agent or deputy may incur or authorize on behalf of the national committee. The official agent may, however, revise this amount at any time during the referendum period.

Number of electors.

35. For the purposes of the first paragraph of section 34, the number of electors is the total number entered on the lists drawn up by the enumerators before any revision. However, in the case of a referendum at which there is a second revision, the number of electors is the total number entered on the lists after the annual revision.

Certificate.

Such number is established by the director general of the financing of political parties, who shall prepare a certificate and send a copy of it to the chairman and the official agent of each national committee.

DIVISION IV

REFERENDUM FUND

Payment solely from fund.

36. The official agent, his deputy or the local agent shall not pay the cost of a regulated expense except out of a special fund called the "referendum fund" for the purposes of this act.

Sole payments into fund.

37. Only the following amounts shall be paid into the referendum fund put at the disposal of an official agent:

(a) the subsidy provided for in section 40;

(b) the amounts transferred or loaned to such fund by the official representative of a political party authorized under the Act to govern the financing of political parties, provided that the total sum of the amounts so transferred and loaned does not exceed twenty-five cents per elector in the aggregate of the electoral districts;

(c) the contributions directly paid by an elector out of his own property.

Number of electors. For the purposes of subparagraph *b* of the first paragraph, the number of electors is that provided for in section 35.

Sole payments into fund. **38.** Only the following amounts shall be paid into the referendum fund put at the disposal of a local agent:

(a) the amounts transferred to such fund by the official agent out of the fund contemplated in section 37;

(b) the contributions directly paid by an elector out of his own property.

Limit on individual contributions. **39.** The total amount of contributions that an elector may make during the same referendum shall not exceed \$3 000 for the aggregate of the referendum funds.

Volunteer work. Volunteer work and the goods or services produced by such work are not considered to be a contribution within the meaning of this act.

DIVISION V

GOVERNMENT SUBSIDY

Equal subsidies. **40.** The Ministre des finances shall, within three days after a writ of referendum is issued, send to the official agent of each national committee the amount of subsidy that the Assemblée nationale du Québec may fix at the time when it adopts the text of a question or a bill that is to be submitted to the referendum. The amount of such subsidy must be the same for each of the national committees.

CHAPTER IX

CONTESTATIONS

Recount. **41.** Only the chairman of a national committee may apply for a recount of the votes before a judge.

Applica-
tion for
recount.

Such application shall be made before the Conseil du référendum, which has exclusive and ultimate jurisdiction to hear it. It must be made within fifteen days after that of the polling. The application for a recount of the votes before a judge may be limited to one or several electoral districts.

Receiv-
ability.

The Conseil du référendum shall receive such application only to the extent that it is of opinion that the facts alleged, were they true, would be susceptible of changing the total result of the referendum.

Recount
procedure.

Where the Conseil du référendum receives an application for a recount of the votes before a judge, such recount shall be made, in each electoral district contemplated, as if the referendum had been an election, *mutatis mutandis*. No security shall be necessary and no costs may be awarded; in the case of a tie-vote between the options, the returning-officer shall not give a casting vote; even where all the ballot-papers are rejected by the judge, there shall not be a new referendum.

Contesta-
tion of
validity.

42. Only the chairman of a national committee may, upon application made before the Conseil du référendum within fifteen days after that of the polling, contest the validity of a referendum.

Receiv-
ability of
applica-
tion.

The Conseil du référendum shall receive such application only to the extent that it is of opinion that the facts alleged, were they true, would be susceptible of changing the total result of the referendum.

Procedure.

Where the Conseil du référendum receives an application for the contestation of the validity of a referendum, such application must be tried before the Conseil du référendum, which has exclusive and ultimate jurisdiction to hear it, in accordance with the provisions of the Provincial Controverted Elections Act (Revised Statutes, 1964, chapter 8) to the extent that they are applicable, except sections 59 to 63.

Applicable
provisions.

New writs.

Where a referendum is declared invalid, a new referendum shall be held only if new writs are issued in accordance with this act.

CHAPTER X

MISCELLANEOUS

Powers of
director
general of
elections,
etc.

43. The director general of elections, the acting director general, his assistants and his personnel have with respect to the

holding of a referendum powers similar to those granted to them by the Election Act with respect to elections.

Powers of election officers.

The same applies to returning-officers and the other election officers.

Powers of dir. gen. of fin. of polit. parties, etc.

The director general of the financing of political parties and the person replacing him have with respect to national committees and their agents powers similar to those granted to them by the Act to govern the financing of political parties with respect to political parties, their authorities and their representatives.

Applicable provisions.

44. Except to the extent that this act provides otherwise, every referendum shall be governed by the provisions of the Election Act and of the Act to govern the financing of political parties that are enumerated in Appendix 2, with, where necessary, the amendments indicated therein.

Special version of Election Act.

45. The director general of elections must cause a special version of the Election Act to be printed, striking out therefrom the sections not appearing in Appendix 2, incorporating therein the sections of the said act appearing in the said Appendix and making the amendments indicated in the said Appendix.

Amendment of titles.

In preparing such version, the director general of elections may amend the titles and sub-titles of the said act and the forms provided for therein in order to adapt them to the holding of a referendum.

Amendments respecting tariff.

Furthermore, subject to subsection 1 of section 423 of the Election Act, he may also amend the sections on the tariff to adapt them to the holding of a referendum.

Special version of Act to govern the financing of political parties.

46. The director general of the financing of political parties must cause a special version of the Act to govern the financing of political parties to be printed, striking out therefrom the sections not appearing in Appendix 2, incorporating the sections of the said act appearing in the said Appendix and making the amendments indicated in the said Appendix.

Amendment of titles.

In preparing such version, the director general of the financing of political parties may amend the titles and sub-titles of the said act in order to adapt them to the holding of a referendum.

Measures of concordance.

47. The director general of elections and the director general of the financing of political parties must execute, in addition to the obligations imposed by sections 45 and 46, such measures of concordance as are necessary in pursuance of this act, in the versions of the acts contemplated in those sections.

Prior consultation with Commission de refonte.

No such measures may be executed before consultation with the Commission de refonte des lois et des règlements established by Chapter 11 of the statutes of 1976.

Source of moneys.

48. The moneys necessary for the application of this act shall be taken out of the consolidated revenue fund.

R.S., c. 7, s. 48, am.

49. Section 48 of the Election Act (Revised Statutes, 1964, chapter 7), amended by section 4 of chapter 12 of the statutes of 1965 (1st session), by section 4 of chapter 5 of the statutes of 1966, by section 38 of chapter 11 of the statutes of 1968, by section 1 of chapter 13 of the statutes of 1969 and by section 18 of chapter 6 of the statutes of 1972, replaced by section 11 of chapter 8 of the statutes of 1975 and amended by section 6 of chapter 9 of the statutes of 1975 and by section 126 of chapter 11 of the statutes of 1977, is again amended by replacing paragraph *a* by the following paragraph:

“(a) the director general of elections, the acting director general, his assistants, the director general of the financing of political parties, his assistants, the returning-officer except when there is a tie-vote and he has to give a casting vote, the election-clerk, any assistant election-clerk and the revisors of urban polling-subdivisions;”.

R.S., c. 7, s. 48, mod.

50. Section 134 of the said act is replaced by the following section:

Disqualified persons.

“**134.** The following persons shall not take part in elections:

(a) the persons mentioned in section 48, except election officers as to the performance of their duties;

(b) the judges of the Supreme Court of Canada, the Federal Court, the Court of Appeal or the Superior Court, the judges of the sessions, the judges of the Provincial Court, the judges of the Social Welfare Court, municipal judges, the Public Protector, any permanent prosecutor of the Attorney-General.”

1977, c. 11, s. 83, am.

51. Section 83 of the Act to govern the financing of political parties (1977, chapter 11) is amended by adding at the end of paragraph *i*, the following: “or, during a referendum, the total sum of the amounts transferred and loaned to a national committee;”.

Coming into force.

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

APPENDIX 1

Form 1 — (Section 12)

Writ for the holding of a referendum

QUÉBEC

(Official title of the Sovereign)

To Mr....., returning-officer for the electoral district of

GREETING:

Whereas, by the advice of Our Executive Council for Québec, We have ordered a referendum to be holden;

Whereas, with the approval of the Assemblée nationale du Québec, the following question(s) will be put to the electors of Québec at such referendum:

.....
.....
.....;

Whereas, by the advice of Our Executive Council for Québec, We have ordered that such referendum be held on.....

We command you that, notice of the time and place of a referendum being duly given, you do cause a referendum to be held according to law for the aforesaid electoral district, in accordance with Our orders and approval hereinabove mentioned and do submit to our director general of elections at Québec, as soon as possible and not later than on the....., a report making known to him the number of valid votes in favour of each of the options submitted to the referendum.

In testimony whereof, We have caused these Our Letters to be made Patent and the Great Seal of our said Québec to be hereunto affixed.

Witness: Our Trusty and Well Beloved (name), Lieutenant-Governor (or Administrator of the Government) of Québec.

Given at Our Government House at Québec, this..... in the year of Our Lord 19.... and of Our Reign the.....

By order:

The director general of elections, Québec.

(Endorsement)

Received the within writ, on the

Returning-Officer

APPENDIX 2

PROVISIONS APPLICABLE TO THE HOLDING OF A REFERENDUM

1. ELECTION ACT

SECTIONS

AMENDMENTS

- 2, par. (1)
- (2) Replace, in paragraph *b*, the last five lines by the following: "meration or during the second revision of the list, for ninety days prior to the date of issue of the writ of referendum;"
Replace, in the sixth line of paragraph *f*, the words "at general elections", by the words "at a referendum"
- (4)
- (5)
- (6) Strike out the word "enumerator" in the second line and the words "An enumerator, however, is not an election officer except during the enumeration and the preparation of the electoral list;" in the fifth, sixth and seventh lines.
- (7)
- (8)
- (9)
- (10) Replace the word "candidate" in the second line by the words "national committee".
- (11) Replace the words "an election in virtue of this act" in the second and third lines by the words "a referendum under the Referendum Act (1978, chapter 6)".
- (12)
- (14) Replace the words "of a candidate" in the third line by the words "of an option represented by a national committee".
- (15)
- (16)
- (17)
- (18)
- (21)

(22)

(23)

(24)

(25)

(26)

(28) Add after paragraph 27 the following paragraphs:

(28) "referendum", "Conseil du referendum", "national committee", "official agent", "local agent", "referendum period", "writ" or "referendum writ", "ballot" or "ballot-paper" have the meaning given to such words or expressions by the Referendum Act;

(29) "official delegate" means the person appointed as such by the chairman of a national committee to represent him in an electoral district.

3a.

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6

Add, at the end of the first paragraph, the words "as it may be amended for the purpose of a referendum by the director general of elections by virtue of his powers under the Referendum Act."

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11.

Replace the words "any general election or annual enumeration" in the fifth and sixth lines of the second paragraph by the words "any referendum"

12

Replace the section by the following:

"12. Before entering upon their duties, the persons appointed under section 11 must make oath well and faithfully to perform the duties of their office, without partiality or favour."

14.

Replace the words "election period and during the annual enumeration period" in the first and second lines by the words "referendum period"

In subsection 1, add the words "and the Election Act" after the words "conferred by this act"

In subsection 2, add the words "and the Election Act" after the words "by this act".

15

Replace, in the first and second lines of subsections 1 and 6, the words "election period and during the annual enumeration period" by the words "referendum period."

16

Add at the end the words "at a referendum"

- 20 Replace the words “writ of election” by the words
“writ of referendum”
- 21
- 24 Strike out the words “for a candidate” in the fourth
line of subsection 1 and the words “an enumerator”
in the tenth and eleventh lines of the same subsection
- 32 Replace the section by the following:
 “**32.** Not later than on the day following the date
of issue of a writ of referendum, the director general
of elections shall forward, by registered mail, to the
chairman of each national committee a certified copy
of the list of polling-subdivisions in each electoral
district which is to be used in the referendum.”
- 33 Replace the words “for the purposes of the election”
in the sixth and seventh lines of the second paragraph
by the words “for the purposes of the referendum”
- 34 Replace the word “election” in the fifth line of sub-
section 1 by the word “referendum”;
 Replace the words “persons who recommend the
urban enumerators under section 49 or who recom-
mend the rural revisors under section 118” in the
third, fourth, fifth and sixth lines of subsection 3
by the words “official delegate of each national com-
mittee”
- 37
- 38 Replace the last six lines by the words “officer, or
resign or is dismissed, a new writ may be issued.”
- 40 Replace the section by the following:
 “**40.** Immediately after the issue of a writ of refer-
endum, the director general of elections shall for-
ward to each returning-officer a sufficient quantity:
 (a) of copies of the Referendum Act, the special
version of this act and of the Act to govern the
financing of political parties provided for in sec-
tions 45, 46 and 47 of the Referendum Act, and
the instructions approved by the Lieutenant-
Governor in Council, to which shall be attached a
detailed alphabetical index;
 (b) of extracts from the Referendum Act and from
the said special versions, for the use of the

various election officers, containing the provisions to which such officers have special need to refer in the performance of their duties;

- (c) such books, forms and other accessories as are necessary for the revisors and, as the case may be, deputy returning-officers and poll-clerks."

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42

Replace the words "writ of election" in the first line of subsection 1 by the words "writ of referendum"

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Replace the words "during the election period or during the annual enumeration period" in the second and third lines by the words "during the referendum period"

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47

Replace the word "election" in the fifth line of paragraph 1 and in the fourth line of paragraph 2 by the word "referendum"

Replace the words "an election" in the second and third lines of subparagraph *c* of paragraph 2 by the words "a referendum"

48

Replace paragraph *a* by the following:

"(a) the director general of elections, the acting director general, the assistants to the director general, the director general of the financing of political parties, his assistants, the members of the Conseil du référendum, the returning officers, the election-clerks and the revisors of the urban polling-subdivisions;"

Strike out paragraph *d*

75

Replace the words and figures "Subject to section 75a, as soon as an election is instituted, requiring, under subsection 3 of" in the first three lines of subsection 1 by the words "As soon as a referendum is ordered, requiring, under"

Replace the words "writs of election" in the third and fourth lines of the second paragraph of subsection 1 by the words "writs of referendum"

77

Replace the words "persons mentioned in subsection 3 of section 74" in the fourth and fifth lines of the

first paragraph of subsection 1, by the words "official delegate of each national committee".

Strike out the second paragraph of subsection 1.

Replace the first paragraph of subsection 2 by the following:

"(2) Not later than Saturday of the week following that of the issue of the writs of referendum when a second revision is made, the returning-officer shall forward to each elector one printed copy of the list of his polling-subdivision, by mail or by any other means deemed suitable by the director general of elections."

80 Replace the words "following that during which the annual enumeration has been made" in the fifth and sixth lines of the first paragraph of subsection 1 by the words "preceding that of the polling, when a second revision is made during a referendum period"

Strike out the second paragraph of subsection 1

81

82

Replace subsection 1 by the following:

"(1) The director general of elections shall, when a second revision of the lists is necessary, send to the chairman of each national committee, not later than the third day following that of the issue of a writ of referendum, a complete list of the places where a board of revisors is to be established, indicating the electoral district where each board is to sit. The chairman of each national committee contemplated in subsection 1 of section 171 or the official delegate designated by him in writing in each electoral district may, on the eighth day following that of the issue of the writ, recommend in writing to the returning-officer a person to act as a member of each board of revisors.

In the electoral districts of Abitibi-Est, Abitibi-Ouest, Duplessis and Saguenay, more than one official delegate may be designated in writing to the returning-officer provided that the territory assigned to each of them is clearly defined.

The returning-officer shall then appoint as member of each board of revisors the two persons so recommended; if he has received no written recommendation, he shall choose the two revisors himself; if he has received only one recommendation he shall choose the other revisor himself. As soon as such

appointments are made, the returning-officer shall so inform the chief returning-officer in writing.”

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Replace the section by the following:

“(1) Where a referendum is ordered after 1 January and the polling for it is fixed for any day prior to the first day of the period of the next annual revision, the second revision shall take place from ten o’clock in the morning to half-past twelve, from half-past two to half-past five o’clock in the afternoon and from seven to ten o’clock in the evening from Thursday of the third week to Saturday of the second week preceding that of the polling, at the place fixed by the returning-officer.

(2) If such hours are insufficient to enable the board to complete its revision of the lists, it shall take whatever additional time is necessary during the same week.”

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Replace the words “an election period” in the third line of paragraph *b* of subsection 4 and in the fifth line of subsection 5 by the words “a referendum period”

Replace the words “an election period” in the third line of paragraph *b* of subsection 3 by the words “a referendum period”

- 102 Replace the words “each of the persons mentioned in subsection 3 of section 74” in the third and fourth lines of the second paragraph of subsection 1 by the words “the official delegate of a national committee”
- Strike out the words “when the revision is made during an election period” in the ninth, tenth and eleventh lines of the second paragraph of subsection 1.
- Replace subsection 3 by the following:
- “(3) The returning-officer must forward immediately, by registered letter or messenger, to each official delegate of a national committee, five copies of each of the abstracts he has received from the board of revisors.”
- 102a
- 103 Replace the words “for the election” in the sixth line by the words “for the referendum”
- 104 Strike out subsection 1
- 113a Replace the words “Subject to section 113b, as soon as an election is instituted” in the first and second lines of the first paragraph of subsection 1 by the words “As soon as a referendum is ordered”
- Replace the word “election” in the third line of the second paragraph of subsection 1 by the word “referendum”
- 116 Replace the words “persons mentioned in subsection 3 of section 113” in the fourth and fifth lines of the first paragraph by the words “official delegate of each national committee”
- Strike out the second paragraph
- 118 Replace subsections 1 and 2 by the following subsections:
- “(1) When a referendum is ordered after 1 January and polling for it is fixed for any day prior to the first day of the period of the next annual enumeration, a new revision of the lists shall take place from four o’clock to six o’clock in the afternoon and from seven o’clock to nine o’clock in the evening, at the place designated by the returning-officer, from Monday of the third week to Saturday of the second week preceding that of the polling.

(2) Such revision shall, in each polling-subdivision, be done jointly by two revisors appointed by the returning-officer, upon the written recommendation of the chairman of each national committee contemplated in subsection 1 of section 171 or of the official delegate appointed by him in writing, made not later than the eighth day following that of the issue of the writs of referendum.

In the electoral districts of Abitibi-Est, Abitibi-Ouest, Duplessis and Saguenay, more than one official delegate may be designated in writing to the returning-officer provided that the territory assigned to each of them is clearly defined.

If, within the delay prescribed by this subsection, the returning-officer does not receive any recommendation in writing or if the person recommended as a revisor is not qualified for such office, the returning-officer shall make the appointment without awaiting a recommendation in writing or, as the case may be, without taking account of that made to him."

119 Replace the words "an election period" in the fourth and fifth lines of the second paragraph of subsection 4 by the words "a referendum period"

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Replace subsection 6 by the following subsection:

"(6) The returning-officer must send immediately, by registered mail or messenger, to the official delegate of each national committee a copy of each of the abstracts he has received from the revisors."

123

Replace the first two lines by the following: "The abstract of the changes"

Replace the word "election" in the seventh line by the word "referendum".

125

Replace the section by the following section:

"**125.** The electoral lists for urban and rural polling-subdivisions come into force immediately after revision."

126

Replace the words "election papers" by the words "documents" in the fourth line of subsection 2

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Strike out paragraphs *a*, *b*, *d*, *i*, *j* and *k* of subsection 1

129

Strike out the words "enumeration of electors or the preparation or" in the third and fourth lines

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- 134 Replace the word “elections” in the first line by the word “referenda”
- 135 Replace the section by the following:
 “**135.** No person shall vote who, before or during the current referendum, has accepted any gift, payment, compensation, office, employment, promise or guarantee, made or given by any person with intent to influence his vote, or which if he voted would influence his vote, or who expects to receive during or after such referendum any gift, payment, compensation, office or employment in consideration of his vote.
 No person shall vote at a referendum who during any period of a previous annual enumeration or since the date fixed for the issuing of the writs has committed or participated in any fraudulent act.”
- 136 Replace the section by the following section:
 “**136.** Immediately after receiving the writ of referendum, the returning-officer shall make known by a proclamation:
 (a) the text of the question put to the electors;
 (b) the day on which the poll for taking the votes of the electors is to be held;
 (c) the day, the time and place where the votes are to be counted according to the returns of the deputy returning-officers;
 (d) the name, occupation and address of the election-clerk.”
- 137 Replace the word “election” in the fourth line of the first paragraph by the word “referendum”.
- 167 Replace the word “candidate” in the third line of subsection 3 by the words “official delegate”
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- 171 Replace the section by the following section:
 “**171.** (1) In each polling-subdivision, the returning-officer shall appoint as deputy returning-officer the person recommended for such purpose by the official delegate of the national committee having the greatest number of members in the Assemblée

nationale du Québec and as clerk, the person recommended for such purpose by the official delegate of the national committee having the second greatest number of members in the Assemblée nationale du Québec.

(2) The recommendations contemplated in subsection 1 must be made in writing fourteen days before polling day.

(3) If two national committees have an equal number of members in the Assemblée nationale du Québec, the director general of elections shall determine by a drawing of lots which of the two committees will be deemed for the purposes of subsection 1 to have the greatest number, or the second greatest number, as the case may be, of members in the Assemblée nationale du Québec.”

172

Replace the section by the following:

“**172.** If the returning-officer does not receive the recommendation provided for in subsection 2 of section 171, or if the persons recommended are not qualified, he shall personally appoint persons whom he deems competent to act as deputy returning-officers or poll-clerks, as the case may be.”

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Replace the words “of this act” in the first line of paragraph *b* by the words “of the Referendum Act and the special version of this act provided for in section 45 of the Referendum Act”

Replace paragraph *e* by the following:

“(e) a list of the persons to whom he has remitted duplicates or copies of the electoral list.”

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Replace the last two lines by the following:

“clerk or representatives appointed by the official delegate of each national committee.”

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178

Replace the section by the following section:

“**178.** (1) Not later than the tenth day preceding the day fixed for the polling as regards the electoral districts of Duplessis and Saguenay, and not later

than the seventh day preceding the day fixed for the polling as regards the other electoral districts, the returning-officer shall

- (a) furnish each official delegate with a certified list of all the deputy returning-officers and poll-clerks appointed by him and the number and address of the polling-station where each of them is to act;
 - (b) post up in his office a list of the deputy returning-officers and poll-clerks, showing the address and the profession or occupation of each of them and the polling-station where he is to act.
- (2) Whenever the returning-officer is obliged to make changes in the appointments of deputy returning-officers or poll-clerks after he has furnished such list to such persons and posted it up, he shall so notify each of such persons forthwith and correct the list posted up, as the changes are made."

179 Replace the word "candidate" in the fifth line by
the words "official delegate"

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191 Replace the word "election" in the fourth line by
the word "referendum"

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197 Replace the words "an election" in the second line
by the words "a referendum"

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Replace the words "general election" in the first line by the word "referendum", and strike out the last sentence

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Replace the words "the candidates duly nominated and who have not withdrawn and one agent for each of them" in the ninth, tenth and eleventh lines of the first paragraph by the words "and one agent appointed by the official delegate of each national committee"

Replace the word "candidate" in the third line of the second paragraph by the words "official delegate of the national committee"

Strike out the third paragraph

Strike out the words ", mentioning the name of the candidate represented by each," in the first, second and third lines of the fourth paragraph

220

Replace the word "a candidate" in the third and in the fifth lines by the words "an official delegate"

- 221 Replace the word “candidates” in the fourth and in the sixth lines of subsection 1 by the words “official delegate”
- 222 Replace the words “A candidate” in the first line by the words “The official delegate of a national committee”
- 223 Replace the words “names of the candidates for whom” in the third and fourth lines by the words “option in favour of which”
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- 227 Strike out the words “candidates or their” in the third and fourth lines of subsection 1
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- 236 Replace the word “election” in the sixth line of subsection 2 by the word “referendum”
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- 238 Replace the words “, a candidate or a candidate’s” in the eighth and ninth lines by the words “or an”
Replace the word “candidate” in the second line of paragraph *b* of subsection 2 by the words “national committee”
- 239 Replace the words “one of the candidates or his agent” in the fourth and fifth line of subsection 1 by the words “or an agent”
Replace the word “election” in the seventeenth line of subsection 1 by the word “referendum”
Strike out the words “at the election” in the third and fourth lines of subsection 3 and the word “candidate,” in the eleventh line of the same subsection

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Replace the word "candidate" in the sixth line of subsection 1 by the words "national committee"

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Replace the word "candidate" in the fifth line of subsection 1 by the words "national committee"

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Replace the words "candidates" in the ninth line of subsection 1 by the words "national committees"

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Replace paragraph *a* by the following paragraph:

"(a) Every person who votes or takes part in a referendum without being entitled to do so;"

Replace the word "election" in the second line of paragraph *b* by the word "referendum"

Strike out the word "candidate," in the first line of paragraph *g*

Strike out the word "candidate's" in the first line of paragraph *i*

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Replace the word "election" in the fifth line of paragraph *f* of subsection 1 by the word "referendum"

Replace the words "an election" in the sixth and seventh lines of paragraph *g* of subsection 1 by the words "a referendum"

Replace the words "an election" in the fourth line of paragraph *h* of subsection 1 by the words "a referendum"

Replace paragraph *i* of subsection 1 by the following:

“(i) being authorized by a returning-officer to print the ballot-papers for a referendum, prints with fraudulent intent more than the quantity authorized;”

Replace the word “candidates” in the third line of paragraph *q* of subsection 1 by the words “official delegate of a national committee”

Strike out the word “,candidates” in the fourth line of paragraph *r* of subsection 1

Strike out the word “candidate” in the fourth line of paragraph *s* of subsection 1

Replace the word “election” in the fifth line of paragraph *t* of subsection 1 by the word “referendum”

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Replace the word “candidate” in the third line by the words “option or national committee”

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Replace the word “election” in the tenth line of subsection 3 by the word “referendum” and strike out the words “candidate or his” in the fourteenth line of the said subsection, replace the word “candidate” in the sixteenth line of the said subsection by the word “option”, and strike out the words “candidates and their” in the seventeenth and eighteenth lines of the same subsection

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Strike out paragraph *g*.

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266

Replace subsection 1 by the following:

“(1) The deputy returning-officer shall take note of every objection made by any agent or elector to any ballot-paper found in the ballot-box, and shall at once decide every question arising out of the objection. His decision is final, and cannot be overturned except on a recount of the votes before a judge.”

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Replace the word “candidate” in the third and in the sixth and seventh lines of subsection 1 by the word “option”.

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Replace the words “candidates or to his agent or, in the absence of a candidate and his agent, to the

- electors representing the candidates” in the third, fourth, fifth and sixth lines of subsection 1 by the words “agents or electors present at the counting of votes”.
- Replace the word “candidate” in the seventh and eighth lines of subsection 1 by the word “option”
- Replace the word “candidate” in the third line of subsection 2 by the words “official delegate of a national committee”
- 271 Replace the word “election” in the fourth line by the word “referendum”
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- 274 Strike out the words “candidates or their” in the sixth line of subsection 2
- Replace the word “election” in the third line of paragraph *e* of subsection 3 by the word “referendum”
- 275
- 276 Replace the words “immediately after the nomination of candidates” in the third and fourth lines by the words “not later than twelve days before that of the poll”
- 277 Replace subparagraph 3 by the following:
“(3) Not later than twelve days before the poll, the returning-officer shall give to the official delegate of every national committee a written notice of the exact places where such attestations will be issued.”
- 278 Replace the words “Also within the two days following the date of nomination of candidates, the returning-officer must furnish each candidate” in the first, second, third and fourth lines by the words “Also, not later than twelve days before the poll, the returning-officer must furnish the official delegate of every national committee”
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- 283 Replace the word “election” in the thirteenth and fourteenth lines by the word “referendum”

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285

Replace the words “each candidate” in the sixth line of subparagraph 3 by the words “the official delegate of every national committee”

286

Replace the word “election” in the fifth line of subsection 1 by the word “referendum”

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Replace the words “by one of the candidates or his” by the word “an”

Replace the word “election” in the eighth and in the nineteenth lines of the second paragraph by the word “referendum”

Strike out the words “where the enumeration takes place during an election period or” in the fifteenth and sixteenth lines of the second paragraph

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293

Replace the word “candidates” in the fourth line of paragraph *e* of subsection 1 by the word “option”

Strike out the words “candidate or” in the first line of each of subsections 2 and 4

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Strike out the figure “, xvii” in the fourth line

Strike out the words “and the re-addition of votes before a judge” in the seventh and eighth lines

Strike out the word “election” in the eighth line and the word “electoral” in the eleventh line

298

Replace the words “the candidates or their agents, if present, or of at least two electors if the candidates or their agents are not present” in the sixth, seventh, eighth, and ninth lines of subsection 1 by the words “the agents or, if not present, at least two electors”

Replace the word “candidate” in the tenth line of subsection 1 by the word “option”

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- 302 Replace the word “candidate” in the eighth line by the word “option”
- 303
- 304 Replace the word “candidate” in the eighth line by the word “option”.
- 305 Replace the word “candidate” in the sixteenth line of subsection 1 and in the sixth line of subsection 2 by the word “option” and replace the word “candidates” in the fourteenth and fifteenth lines of subsection 2 by the words “official delegates of the national committees”.
- 306 Replace the word “candidate” in the sixth line by the word “option”.
- 307 Replace the words “shall return as elected the candidate who appears to have obtained the greatest number of votes” in the fifth, sixth and seventh lines by the words “determine the number of votes appearing to have been given in favour of each option ”
- Replace the word “candidate” in the thirteenth line by the word “option”.
- 308
- 337 Replace subsection 1 by the following subsection:
“(1) The returning-officer must, within three days after the day on which he has re-addeditioned the votes, make a return in the form prescribed by the director general of elections certifying the number of votes given for each option mentioned on the ballot-paper and address it, along with the writ, to the director general of elections.”
- Replace the word “candidates” in the third line of subsection 2 by the words “official delegates of the national committees”
- 339 Replace the words and figures “sections 337 and 338” in the third and fourth lines by the words and figure “section 337”
- 340
- 341 Replace the word “election” in the ninth line by the word “referendum”
- 342

- 343 Replace the words "in which the nomination of candidates was held, the ballot-boxes used at the election" in the fifth, sixth and seventh lines by the words "who was holding them, the ballot-boxes used for the referendum."
- 346 Replace the section by the following:
"346. The director general of elections, on receiving the returns from returning-officers on a referendum, must enter those returns in a special register and, as soon as he has received such returns, add the votes given in favour of each option mentioned on the ballot-paper and publish a detailed result thereof in the *Gazette officielle du Québec*."
- 348 Replace the word "election" in the first line of each of paragraphs *a* and *b* by the word "referendum"
- 349 Strike out the word "candidate" in the first line and replace the word "candidate" in the sixth line by the word "option"
- 350 Replace the words "name of the candidate for whom" in the fourth and fifth lines by the words "option for which"
- 351 Replace the words "name of the candidate for or against whom he has marked it" in the sixth and seventh lines by the words "option for which he votes."
- 352 Strike out the word "candidate" in the first line and replace the words "name of the candidate for whom" in the fifth line by the words "option for which".
- 353 Strike out the word "candidate" in the first line and the words "of a candidate" in the second line and replace the words "name of the candidate for whom" in the seventh line by the words "option for which"
- 354
- 355 Replace the section by the following section:
"355. No person who has voted at a referendum shall in any legal proceeding questioning the referendum be required to state how he voted."
- 356 Replace the word "election" in the eighth line of subsection 1 by the word "referendum".
- 357 Replace subsection 1 by the following:

“(1) No person shall be allowed to inspect any ballot-paper in the custody of the director general of elections, except under an order of the Conseil du référendum, the Provincial Court or a judge of that court.”

Replace the words “an action which has been filed and which contests the validity of an election or an election return” in the eighth, ninth and tenth lines of subsection 2 by the words “a request which has been filed to contest the validity of a referendum.”

358 Replace the words “until the day after the closing of the election” in the third and fourth lines by the words “the day of the poll”

359 Replace the words “at the election” in the seventh line by the words “during a referendum” and replace the words “a candidate” in the eighth line by the words “the official delegate of a national committee”

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361 Replace the words “at the election” in the sixth line by the words “during a referendum”

362 Strike out the words “nomination day and” in the first line of subsection 1, the words “in the room where candidates are nominated” in the seventh and eighth lines of the said subsection 1 and the words “of the place of nomination of candidates or” in the ninth and tenth lines, and the words “, as the case may be” in the eleventh line, of the said subsection 1

363 Replace the word “election” in the seventh line by the word “referendum”

364

365 Replace the words “candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate” in the eighth, ninth and tenth lines of subsection 1 by the words “option submitted to a referendum”

366 Replace the words “candidate or of the political or other opinions entertained or supposed to be entertained by such candidate” in the seventh, eighth and ninth lines of subsection 1 by the words “option submitted to a referendum”

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- 369 Replace the words “an election” in the fourth line of subsection 1 by the words “a referendum”
- 370 Replace the words “an election” in the eighth line of subsection 1 by the words “a referendum”
- 371 Replace the words “an election committee or election meeting” in the second and third lines by the words “a committee or meeting in connection with a referendum”
- 391 Replace the words “an election” in the eleventh and twelfth lines of paragraph *a*, in the tenth line of paragraph *b*, in the ninth line of paragraph *c*, in the seventh line of paragraph *d*, in the tenth line of paragraph *e*, in the ninth and tenth lines of paragraph *f* and in the first line of paragraph *g* of subsection 1 by the words “a referendum”
- Replace the words “procure the election of any person to serve in the National Assembly” in the seventh and eighth lines of paragraph *c* by the words “support an option submitted to a referendum”
- Replace the words “to procure the election of any person to serve in the National Assembly” in the fifth and sixth lines of paragraph *d* by the words “the winning of an option submitted to a referendum”.
- Replace the words “an election” in the seventh line of paragraph *g* of subsection 1 by the words “a referendum”
- Strike out paragraph *h* of subsection 1
- Strike out subsection 3.
- 393 Replace subsections 1, 2 and 3 by the following subsections:
- “**393.** (1) Every person who, during a referendum period, by himself or by another, directly or indirectly, corruptly gives, or provides, causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred to give or provide to or for any person, any meat, drink, refreshments or provisions, in order to influence such person or another to vote or refrain from voting at such referendum shall be guilty of an offence in this act called treating.
- (2) Subsection 1 shall not apply to any person who, at his own expense, supplies food such as sandwiches,

cakes, biscuits, and beverages such as tea, coffee, milk or non-alcoholic liquors at a meeting of electors held to incite them to vote for one of the options submitted to a referendum.

(3) Every person who is found guilty of such offence shall be liable, in addition to any other penalty to which he is liable for such offence under any other provision of this act, to a fine of two hundred dollars and, in default of payment of such fine, to imprisonment of not more than six months."

- 394 Replace the word "election" in the eighth line of subsection 3 by the word "referendum"
- 395 Strike out the words "nomination-day or" in the second and third lines of subsection 1
- 396 Replace the words "an election" in the ninth line of paragraph *a*, in the fourth and fifth lines of paragraph *b* and in the third line of paragraph *c* of subsection 1 by the words "a referendum"
- 397
- 398 Replace the words "an election" in the first and second lines of paragraph *a* by the word "a referendum".
- Replace paragraph *b* by the following:
 "(*b*) having voted at a referendum, applies for a ballot-paper in his own name to vote again at that referendum in the same or another electoral district."
- 399
- 400 Replace the word "candidate" in the first line by the words "official delegate of a national committee"
- 401 Replace the words "an election" in the fourth line of subsection 1 by the words "a referendum" and the word "election" in the fourth line of subsection 2 by the word "referendum."
- 404 Replace the figure "402" in the second line by the figure "401"
- 412 Strike out the words "other than a candidate" in the first and second lines
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- 416 Replace the word "election" in the fourth line by the word "referendum"
- 417 Replace the word "election" in the fourth line by the word "referendum" and the words "election and of the nomination of any person named in such certificate, or mentioned as candidate in the admission" in the tenth, eleventh, twelfth and thirteenth lines by the word "referendum"
- 418 Replace the words "an election contestation, the court or judge having cognizance of the contestation" in the third, fourth and fifth lines by the words "a referendum contestation, the Conseil du référendum"
- 419 Replace subsection 1 by the following:
- (1) Whenever a referendum is contested and it appears to the Conseil du référendum that any person has infringed any provision of this act, it may order that such person shall be summoned to appear before such court or judge at the place, on the day and at the hour fixed in such summons for hearing the charge."
- Replace the word "election" in the fourth line of subsection 2 by the word "referendum".
- Replace the words "court or judge" in the second line of subsection 3 by the words "Conseil du référendum"
- Replace the words "court or judge" in the second and third lines of subsection 4 by the words "Conseil du référendum"
- Replace the word "whom" in the third line of subsection 6 by the words "what option".
- 420 Replace the words "the candidate is declared elected" in the seventh line of subsection 1 by the words "polling is held" and the word "déclaration" in the eighth line of the French text by the word "date".
- 421 Replace the words "application of this act" in the third and fourth lines by the words "holding of a referendum "
- 422

- 423 Replace the words “election fees, costs and expenses” in the third and fourth lines of subsection 1 by the words “the fees, costs and expenses for the holding of a referendum and”.
- 424 Replace the words “annual enumeration period or an electoral period” in the third line by the words “referendum period”.
- 425
- 426 Strike out the word “une” in the first line of the French text and replace the word “election” in the fourth line by the word “referendum”.
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- 431 Replace the section by the following:
 “**431.** If, through accident, irresistible force, riot, removal of documents or other similar cause, the voting cannot commence at the hour fixed, is interrupted or cannot be completed by insufficiency of ballot-papers, the returning-officer and the deputy returning-officer, each in so far as he is concerned, shall resume the polling and hold it even on the following day until it has lasted ten hours, so that all the electors who wish to vote may have time so to do.”
- 432 Replace the section by the following:
 “**432.** No referendum shall be declared invalid by reason of non-compliance with the provisions of this act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in Schedule 1 to this act, or by reason of the lack of qualification of an election officer, if it appears to the Conseil du référendum having cognizance of the question that the referendum was conducted in accordance with the principles laid down in this act and that such non-compliance, mistake or lack of qualification did not affect the result of the referendum.”
- 433 Replace the section by the following:
 “**433.** No referendum shall be declared invalid by reason of non-compliance with the provisions of

this act regarding delays, unless it appears to the Conseil du référendum that such non-compliance may have affected the result of the election.”

434 Strike out the words “enumerators or” in the first and second lines

435 Replace the word “election” in the first line by the word “referendum”

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2. AN ACT TO GOVERN THE FINANCING OF POLITICAL PARTIES

SECTIONS

AMENDMENTS

1, par. *c* Replace paragraph *c* by the following:

“(*c*) “authorized party” means a party holding an authorization from the director general;”

f Replace the words “political party, a district association or an independent candidate” in the second, third and fourth lines by the words “national committee, one of its authorities or one of its agents”, and the words “for political purposes” in the fifth and sixth lines by the words “in order to promote an option submitted to a referendum”

g Replace the words “for political purposes by a political party, an association or a candidate” in the second, third and fourth lines by the words “for a referendum by a national committee, one of its authorities or one of its agents”

h

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Add at the end, the following paragraph:

“(*k*) “official agent”, “local agent” and “referendum fund” have the same meaning as in the Referendum Act (1978, chapter 6).

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Add at the end the words “during a referendum”

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Add at the end of the first paragraph the words “during a referendum”

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Replace the words “official representative or a delegate” in the first and second lines of the first paragraph and the words “official representative or of a delegate” in the fourth line of the second paragraph by the words “official agent or a local agent”

64

Strike out the first paragraph and replace the words “party, a district association or a candidate” in the

- second and third lines of the second paragraph by the words “national committee, one of its authorities or one of its agents”
- 65 Replace the words “authorized parties, associations or independent candidates” in the second and third lines by the words “a national committee, one of its authorities or one of its agents”
- 66 Replace the section by the following section:
- “66.** Contributions shall not be solicited except under the responsibility of the official agent of a national committee nor except through persons designated in writing by the official agent.
- Every person authorized to solicit contributions must, on demand, exhibit a certificate signed by the official representative attesting his authority.”
- 67 Replace the words “representative of the authorized party, association or independent candidate” in the second, third and fourth lines by the words “agent of the national committee”
- 68 Replace the section by the following:
- “68.** The local agent of a national committee has, for the electoral district for which he is appointed, the powers conferred on the official agent of a national committee by sections 66, 67 and 70.”
- 69
- 70 Replace the word “representative” in the second line by the word “agent”
- 71 Replace the words “authorized party, association or independent candidate” in the second, third and fourth lines by the words “national committee”
- 72 Replace the words “party, association or independent candidate” in the second and third lines by the words “national committee”
- 73 Replace the words “chosen by the authorized parties, associations or independent candidates” in the fifth, sixth and seventh lines by the words “in a special account used solely for the referendum fund, chosen by the official agent of the national committee”
- 74
- 75 Replace the words “authorized parties, associations or candidates” in the seventh and eighth lines of

- the first paragraph by the words “national committees”, and the words “equitable basis, qualitatively and quantitatively, to all the authorized parties or, in the same electoral district, to all the authorized associations or candidates” in the ninth, tenth, eleventh, twelfth and thirteenth lines of the first paragraph by the words “equal basis, qualitatively and quantitatively, to each of the national committees”
- 97 Replace the words and figures “45, 54, 62 to 67, 69 to 71 or 73 to 76” in the second and third lines by the words and figures “64 to 67, 69 to 71 or 73 to 75”
- 98
- 100 Replace paragraph *a* by the following:
“(a) “official agent”, “local agent” and “regulated expenses” have the same meaning as in the Referendum Act;”
- 106 Replace the word “election” in the third and fourth lines of the first paragraph by the word “referendum”, and the words “an election” in the second and ninth lines of the second paragraph and in the third line of the third paragraph by the words “a referendum”

Replace the word “election” in the first line of the third paragraph by the word “regulated”
- 107 Replace the word “election” in the second line of subsection 1 and in the first line of subsection 3 by the word “regulated”
- 108 Replace the word “election” in the first line of subsection 1 and in the second line of subsection 3 by the word “regulated”

Insert the words “or to the local agent” after the word “agent” in the third line of subsection 3

Replace subsection 4 by the following:
“(4) If the official agent or the local agent has died and has not been replaced, the claim shall be forwarded within the same delay to the chairman or to the official agent of the national committee, as the case may be.”
- 113 Replace the first paragraph by the following:
“**113.** The official agent of each national committee and, through him, each of the local agents he has appointed, within sixty days following that of the

polling, shall deliver to the director general, in accordance with the form prescribed by him, a return of the sums deposited in the referendum fund and of the regulated expenses they incurred or authorized."

Strike out the words "of election expenses" in the second line of the third paragraph and add at the end of the third paragraph the words "or of the local agent, as the case may be"

Replace the fifth paragraph by the following paragraphs:

"The receipts issued for contributions, whatever the amount, must, however, remain confidential.

At the expiration of the period mentioned in the fourth paragraph, the director general shall deliver the invoices and vouchers to the chairman of the national committee if the latter so requests; if not, he may destroy them."

115 Replace the words "candidate or party leader" in the second and third lines of the first paragraph by the words "chairman or official agent of a national committee", and the words "a candidate or party leader" in the first line of the second paragraph by the words "the chairman or official agent of a national committee", and strike out the figure and word "112 or" in the seventh line of the second paragraph

116 Insert the words "or a local agent" after the word "agent" in the third line of the first paragraph and in the first line of the second paragraph and strike out the word and figure "112 or" in the second line of the first paragraph

Replace the words "party leader or candidate" in the second line of the second paragraph by the words "local agent or the chairman of the national committee"

Replace the word and figure "section 119" in the ninth line of the third paragraph by the words "the Referendum Act"

117 Replace the section by the following:

"**117.** The judge having jurisdiction to take cognizance of an application under the two preceding sections is the chief judge of the Provincial Court.

No such application may be heard without notice of at least three clear days to the director general and to the chairman of each of the national committees."

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Replace the words "election agent who incurs election expenses exceeding the maximum fixed by section 109" in the first, second and third lines of the first paragraph by the words "official agent or local agent who incurs or authorizes regulated expenses exceeding the maximum fixed by the Referendum Act"

Replace the second paragraph by the following:

"The chairman of a national committee whose official agent or local agent has been guilty of any of the above mentioned acts shall also be guilty of a corrupt practice unless it is established that such action is of no great gravity and could not have affected the result of the referendum, and that the chairman of the national committee had also taken in good faith all possible and reasonable precautions to carry out the referendum honestly according to the requirements of the law."

Replace the words "A candidate or party leader" in the first line of the third paragraph and in the first line of the fifth paragraph by the words "The chairman of a national committee"

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