



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 40

**An Act to establish the permanent
list of electors and amending the
Election Act and other legislative
provisions**

Introduction

**Introduced by
Mr Guy Chevrette
Minister responsible for Electoral Reform**



**Québec Official Publisher
1994**

EXPLANATORY NOTES

This bill establishes a permanent list of electors by the constitution of a register of electors based on the list of electors used in the election held on 12 September 1994, and of a register of territories.

The bill determines the procedure for the initial entry of an elector's name on the permanent list of electors, either following comparison with information supplied by the Régie de l'assurance-maladie du Québec or using information provided by the elector. The register of territories will comprise electoral divisions, electoral precincts and polling subdivisions and of municipal and school electoral divisions.

Amendments to the Election Act will eliminate the need for enumeration, provide that the permanent list of electors will be used for all elections and introduce mechanisms for updating and revising the permanent list. As regards updating, it will be the responsibility of electors to notify the chief electoral officer of any change in the information concerning them. Updating will also be carried out on the basis of changes made to the list during the revision preceding each provincial and municipal election and the information supplied by departments and bodies with which the chief electoral officer has entered into an agreement. Regarding revision, filing offices are abolished and applications to correct information or have a name entered on or struck off the list will be presented directly to the relevant board of revisors. The Act is amended to clarify what constitutes an elector's domicile, and to provide that an elector and the elector's spouse and dependents, if they are themselves electors, may vote when the elector is posted temporarily outside Québec by the government of Québec or of Canada.

In order to adjust to the elimination of enumeration, the bill also amends the Referendum Act concerning the computation of the time that must elapse before an order is issued to call a referendum, and introduces other amendments to ensure concordance.

The legislation governing municipal and school elections is amended, in particular to require the person responsible for the election to prepare the municipal or school list of electors on the basis of the list of the electors whose names are entered on the permanent list of electors transmitted by the chief electoral officer.

Lastly, amendments to ensure concordance are introduced into the Health Insurance Act and the Jurors Act.

ACTS AMENDED BY THIS BILL:

- Health Insurance Act (R.S.Q., chapter A-29);
- Referendum Act (R.S.Q., chapter C-64.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Jurors Act (R.S.Q., chapter J-2).

Bill 40

An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT OF THE PERMANENT LIST OF ELECTORS

1. The chief electoral officer is entrusted with establishing the permanent list of electors by constituting a register of electors and a register of territories.

DIVISION I

CONSTITUTION OF THE REGISTER OF ELECTORS

2. The information contained in the list of electors used for the election held on 12 September 1994, except the indication of the profession or occupation, and the information contained in the registry of electors outside Québec as it stands on 1 January 1995 shall be converted into computerized form.

3. The computerized information relating to the name and address of each elector shall be compared with the name and address appearing on a list transmitted, on the date determined by the chief electoral officer, by the Régie de l'assurance-maladie du Québec. The list shall also indicate the sex of the person and contain the information allowing his qualification as an elector, within the meaning of the Election Act (R.S.Q., chapter E-3.3), to be established.

4. Where, after comparison, the name and address of a qualified elector correspond, they shall be entered in the register of electors

with the sex and date of birth of the elector and, where applicable, entries relating to the elector's exercise of his right to vote outside Québec.

5. Where a person's qualification as an elector cannot be established or where the names or addresses do not correspond, the chief electoral officer shall request, in writing, that the person confirm, correct or complete the information concerning him.

The request shall be sent to the address appearing on the list of electors or in the registry of electors outside Québec.

The person to whom the request is sent must join two documents of the type determined by the chief electoral officer in support of the information he transmits.

6. The chief electoral officer shall send a reminder to a person who fails to respond, within thirty days, to the request sent to him.

7. The name of every person who transmits, as requested, information allowing his identity, domicile within the meaning of the Civil Code and qualification as an elector to be established, supported by the required documents, shall be entered in the register of electors.

8. On the date determined by the chief electoral officer, the Régie de l'assurance-maladie du Québec shall transmit to him, for the purposes of the first updating of the register of electors, the changes made to the information appearing on the list referred to in section 3. It shall also transmit the name, sex and address of each person who reaches the age of 18 or who registers with the Régie after 12 September 1994, together with the other information allowing his qualification as an elector to be established.

Before entering the name of a new elector in the register, the chief electoral officer shall transmit to him the same request as that referred to in section 5. Every elector who wishes his name to be entered in the register must respond in the manner prescribed in that section.

DIVISION II

CONSTITUTION OF THE REGISTER OF TERRITORIES

9. The chief electoral officer shall enter in the register of territories the description of electoral divisions, electoral precincts and polling subdivisions.

10. Municipalities and school boards shall transmit the description of their respective electoral territories to the chief electoral officer according to the parameters he determines.

The descriptions must be transmitted not later than 30 June of the year in which the first election occurring after (*insert here the date of coming into force of this Act*) is to take place in the territory of each municipality or school board, as the case may be.

The chief electoral officer shall enter these data in the register of territories not later than 15 August of the same year.

CHAPTER II

AMENDING PROVISIONS

ELECTION ACT

11. Section 1 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by inserting, after the first paragraph, the following paragraph:

“The domicile of a person is the domicile established under the Civil Code.”;

(2) by replacing the words “registered in the registry of electors” in the first line of the second paragraph by the words “entitled to exercise his right to vote”.

12. Section 2 of the said Act is amended by striking out the words “or registered in the registry of electors outside Québec” in the fourth line.

13. Chapter II of Title I of the said Act is repealed.

14. Section 16 of the said Act is amended by replacing the words “in force” in the third line by the word “used”.

15. Chapter III of Title II of the said Act is repealed.

16. The said Act is amended by inserting, after section 40, the following title:

“TITLE II.1

“PERMANENT LIST OF ELECTORS

“CHAPTER I

“DESCRIPTION

“**40.1** The permanent list of electors consists of the information contained in the register of electors and the register of territories.

“**40.2** The information contained in the register of electors shall include the name, domiciliary address, sex and date of birth of each elector and, where applicable, entries relating to the exercise of his right to vote outside Québec.

The information shall also include, for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the date on which the elector established his domicile in the territory of the municipality or a statement that he has been domiciled in the municipality for at least twelve months.

“**40.3** The information contained in the register of territories shall include

(1) for the purposes of this Act and the Referendum Act (chapter C-64.1), the description of electoral divisions, electoral precincts and polling subdivisions;

(2) for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the electoral divisions or the wards of the municipalities to which Title I of this Act applies or the entire territory of any such municipality whose territory is not divided for electoral purposes;

(3) for the purposes of the Act respecting school elections (chapter E-2.3), the electoral divisions.

“CHAPTER II

“UPDATING

“**40.4** The information relating to electors shall be updated on the basis of the information transmitted to the chief electoral officer by electors and by any department or public body with which the chief electoral officer has entered into an agreement.

The information shall also be updated on the basis of the changes transmitted by returning officers or by the person responsible for a

municipal poll following the revision of a list of electors or referendum list.

“40.5 Each elector is responsible for communicating to the chief electoral officer any change in the information entered in his respect on the permanent list of electors.

“40.6 An elector may, at any time, request that his name be entered on or struck off the permanent list of electors, or that any information entered in his respect be corrected.

Two documents of the type determined by the chief electoral officer must be joined to the request in support of the information communicated.

“40.7 Every department or public body that has entered into an agreement with the chief electoral officer shall transmit to him any information that is necessary for the updating of the information relating to electors, on the conditions determined in a written agreement consistent with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“40.8 Before entering the name of a new elector, otherwise than at the request of the elector or following a revision under this Act or the Referendum Act, the chief electoral officer shall inquire, in writing, whether the elector wishes to have his name entered.

Every elector who wishes to have his name entered must confirm, correct or complete the information concerning him and join two documents of the type determined by the chief electoral officer in support of the information he transmits.

“40.9 Before incorporating into the permanent list of electors any change resulting from a revision made for a municipal poll, the chief electoral officer may contact the elector concerned for confirmation of the change he intends to incorporate.

“40.10 The information relating to territories shall be updated on the basis of the changes made to the descriptions of electoral divisions, electoral precincts and polling subdivisions.

The information shall also be updated on the basis of the changes made to the descriptions of the electoral territories of municipalities and school boards and transmitted to the chief electoral officer by the municipalities and school boards on the conditions he determines.

“CHAPTER III
“CONFIDENTIALITY

“40.11 Information relating to electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.

“40.12 No person may use for purposes other than those provided for in this Act or in the Referendum Act, or communicate or allow to be communicated to any person not legally entitled thereto, any information relating to an elector.

“40.13 The chief electoral officer shall not, except with the consent of the person concerned, communicate, or enter into an agreement for the purpose of communicating, nominative information contained in the permanent list of electors for purposes other than those provided for in this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Jurors Act (chapter J-2).”

17. Section 131 of the said Act is amended

(1) by replacing the words “seventh” and “eighth” in the first and in the third lines, respectively, of the first paragraph by the words “fifth” and “sixth”;

(2) by striking out the second paragraph.

18. Section 134 of the said Act is replaced by the following section:

“134. The chief electoral officer shall send to each dwelling, not later than the twenty-second day preceding polling day, a manual informing citizens on the right to vote, the list of electors and revision of the list, the financing of political parties and independent candidates, the control of election expenses, and voting procedures.”

19. Section 136 of the said Act is amended by replacing the words “enumerators, revisors, and the secretary and the assistant of a board of revisors” in the second and third lines of the first paragraph by the words “revisors and the revising agent and secretary of a board of revisors”.

20. Section 141 of the said Act is amended by striking out the second paragraph.

21. Divisions I, II and III of Chapter III of Title IV of the said Act are replaced by the following division:

“DIVISION I

“PRODUCTION AND TRANSMISSION

“**145.** Upon the issue of an order instituting an election, the chief electoral officer shall produce the list of electors. The list shall include the names of electors entered on the list as it stands on the date of the order.

The chief electoral officer shall transmit to each returning officer the list of electors for his electoral division.

“**146.** Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit the list of electors for his division to the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate.

The list shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.

“**147.** Not later than the twenty-third day preceding polling day, the chief electoral officer shall transmit to each returning officer a list of the electors of his division who have become entitled to vote outside Québec since the issue of the order instituting the election.

The returning officer shall transmit the list to the parties and persons referred to in section 146, in the manner prescribed therein.”

22. Division IV of Chapter III of Title IV of the said Act is replaced by the following division:

“DIVISION IV

“REVISION

“§ 1. — *Constitution and operation of boards of revisors*

“**179.** The chief electoral officer shall determine the number of boards of revisors to be established by a returning officer in his electoral division.

The returning officer shall assign to each board of revisors the polling subdivisions he designates.

“**180.** Not later than the twenty-eighth day preceding polling day, the returning officer shall select the places at which the boards of revisors will sit.

The places must be located and distributed in such a way as to accommodate the electors in the best possible manner, and must be accessible to the handicapped.

A board of revisors must be established at the office of the returning officer and at every university and general and vocational college located in the electoral division.

“181. Universities and general and vocational colleges must allow their premises to be used, free of charge, for the establishment of boards of revisors.

“182. The returning officer shall inform, without delay, the chief electoral officer, the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate, of the places selected.

“183. Each board of revisors shall be composed of three revisors, selected from among the electors of the electoral division or an adjoining division.

“184. The returning officer shall appoint two revisors not later than Wednesday of the fourth week preceding that of the polling.

The first revisor shall be appointed on the recommendation of the authorized party that ranked first in the last election or of the independent Member elected as such if his nomination paper has been filed.

The second revisor shall be appointed on the recommendation of the authorized party that ranked second in the last election.

“185. In a new electoral division, an electoral division the boundaries of which have changed since the last election, an electoral division in which no authorized party ranked second in the last election or an electoral division in which the independent Member has not filed his nomination paper, the chief electoral officer shall decide, according to the criteria prescribed by regulation, which parties or candidates are entitled to recommend the appointment of revisors.

“186. The recommendations are made by the leader of the party or the independent Member, as the case may be, or by the person designated by him in writing for such purpose.

The recommendations must be received by the returning officer not later than Tuesday of the fourth week preceding that of the polling.

Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.

“187. The two revisors appointed by the returning officer shall select the third revisor not later than Thursday of the fourth week preceding that of the polling, failing which the returning officer, after consulting the chief electoral officer, shall himself select and appoint the third revisor.

As soon as the two revisors have selected the third revisor, they shall inform the returning officer, who shall appoint him.

“188. The revisor recommended by the authorized party that ranked first in the last election or by the independent Member elected as such shall act as chairman of the board of revisors.

The revisor recommended by the authorized party that ranked second in the last election shall act as vice-chairman.

“189. The returning officer shall post, in his office, the list of revisors appointed to each board of revisors and transmit it to the chief electoral officer, the authorized parties represented in the National Assembly, any other party having so requested, the independent Member and each candidate.

“190. The returning officer shall appoint a secretary to each board of revisors.

The returning officer shall appoint a sufficient number of teams composed of two revising officers and assign them to one or more boards of revisors.

At the request of the board of revisors, the returning officer shall appoint such additional personnel as necessary.

Sections 184 to 186 apply to the appointment of revising officers.

“191. The secretary of the board of revisors shall have, in particular, the duty of drawing up notices of hearing and summonses of witnesses, assisting the board in the performance of its work and recording all decisions of the board.

“192. The revising officers shall have, in particular, the duty of serving notices of hearing and summonses on witnesses and gathering, at the request of a board of revisors, any information relevant to the making of a decision.

“193. The revising officers shall work together; in no case may they act individually. In the event of disagreement, the matter shall be submitted to the board of revisors, which shall decide it immediately, and the revising officers are bound by the decision.

“194. The board of revisors shall sit from 10:00 a.m. to 9:00 p.m., from Monday of the third week to Thursday of the second week preceding that of the polling.

However, applications must be filed not later than Tuesday of the second week preceding that of the polling.

“195. Two revisors constitute a quorum.

Every question submitted to the board of revisors shall be decided by a majority vote.

In the case of a tie-vote, the chairman, or in his absence, the vice-chairman, shall have a casting vote.

“§ 2.—Revision process

“196. Not later than the twenty-second day preceding polling day, the returning officer shall send to each dwelling a printed copy of the list of electors for that polling subdivision.

The entries relating to the date of birth and sex of electors shall be omitted from the list of electors distributed.

The list shall be distributed with information relating to the dates and procedure for revision, and give the address of the board of revisors to which the polling subdivision is assigned and the place, dates and times for advance polling.

“197. The owner, administrator, superintendent or caretaker of a multiple-dwelling building shall allow and facilitate access to the building by the persons entrusted with distributing the list of electors.

The same rule applies to the executive director of an institution referred to in section 3 with regard to any facility maintained by the institution.

“198. An elector who finds that his name is not entered on the list of electors for the polling subdivision in which he is domiciled on the day on which the order was issued may apply in person to the board of revisors to which his polling subdivision is assigned to have his name entered on the list.

“199. An elector who finds an error in his respect on the list of electors must apply in person to the board of revisors to which his polling subdivision is assigned to have the list corrected.

“200. An elector who finds that his name is entered on the list of electors for a polling subdivision though he is not entitled thereto, must apply in person to the board of revisors to which his polling subdivision is assigned to have his name struck off the list.

An elector who does not wish his name to be on the list of electors shall apply to the board of revisors to have his name struck off the list. He shall indicate whether he wishes that his name be struck off the permanent list of electors.

“201. An elector who is the spouse or *de facto* spouse of, or a relative of, or a person cohabiting with an elector may present, with the elector's authorization, any application concerning the elector on the latter's behalf. The application shall be presented to the board of revisors to which is assigned the polling subdivision of the elector on whose behalf the application is made.

In this section, “relative” means the elector's father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter.

“202. An elector domiciled or living in a facility referred to in section 3 who wishes to avail himself of the provisions of that section may apply in writing to the returning officer to have his name entered on or struck off the list of electors or for a correction thereto.

The returning officer shall transmit the applications received to the board of revisors to which is assigned the polling subdivision in which the facility is situated.

“203. An elector who finds that the name of a person is entered on the list of electors of his electoral division though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision to have the name of that person struck off the list.

The elector shall declare under oath that, to his knowledge, the person whose name he is applying to have struck off the list is not entitled to have his name entered on the list of electors for that polling subdivision.

“204. Every application presented to a board of revisors must be made under oath.

The board of revisors may require from an applicant any evidence necessary for the making of its decision.

Applications to have a name entered on the list and applications made under section 202 must be accompanied with two documents of the type determined by the chief electoral officer in support of the information contained in the application.

“205. The board of revisors shall examine forthwith the applications made to it and, in all the cases in which it is able to make an immediate decision, it shall communicate that decision to the elector.

“206. In examining the applications submitted to it, the board of revisors, or any revisor duly authorized by the board, is entitled to make inquiries and summon witnesses.

The summons of a witness shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at his address.

A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.

“207. Before striking off or refusing to enter a person’s name, the board of revisors must convene the person by way of a written notice stating the grounds for the decision it intends to make, except where the person is present.

The notice must be of at least one clear day and shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at the address entered on the list of electors or at any other place where the board of revisors or the revising officers have reason to believe the person may be found.

A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.

“208. The person concerned by an application, and the witnesses summoned by the board of revisors, have the right to be assisted by an advocate.

“209. Before entering the name of an elector on the list of electors, the board of revisors must ascertain that the elector’s name is not already entered thereon.

If the name is already entered, the board of revisors shall first strike it off, in which case it is not necessary to send the notice provided for in section 207.

In the case of an application made under section 3, the board of revisors shall indicate that a name is entered and, where applicable, struck off only for the current election.

“210. If, on examining an application to have a name struck off the list, the board of revisors concludes that the person concerned is entitled to have his name entered on the list of electors of another polling subdivision, the board of revisors shall enter the person’s name thereon after striking it off the list on which it was originally entered.

“211. Where the board of revisors must decide whether a person is a Canadian citizen, the burden of proof shall be upon that person.

“212. The board of revisors shall transmit its decisions to the returning officer in accordance with the directives of the chief electoral officer.

“213. Not later than Saturday of the second week preceding that of the polling, the returning officer shall transmit the revised list of electors to each candidate.

The list must allow the changes made during revision to be identified, and identify the electors who have become entitled to vote outside Québec since the issue of the order.

The revised list of electors shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.”

23. Sections 227 to 231 of the said Act are replaced by the following sections:

“227. The returning officer shall establish a special board of revisors at his office. He may, by reason of the distance or area involved, establish another such board after consulting the chief electoral officer.

“228. The returning officer may, if needed, appoint a team of two revising officers to the special board of revisors.

“229. The special board of revisors shall sit from 10:00 a.m. to 9:00 p.m. from Wednesday of the second week to Thursday of the week preceding that of the polling.

However, applications must be filed not later than Wednesday of the week preceding that of the polling.

“230. Only the elector concerned may file an application with the special board of revisors.

“231. An elector whose name has been refused for entry on the list or has been struck off during revision may not apply to have his name entered during the special revision.

“231.1 An elector whose name is entered on the list during the special revision may not exercise his right to vote in the advance poll.

“231.2 Upon completing its work, the special board of revisors shall transmit to the returning officer an abstract of the changes it has made to the revised list of electors.

The abstract shall subsequently be transmitted to each candidate.

“231.3 The provisions of Division IV, adapted as required, apply.”

24. Section 233 of the said Act is replaced by the following section:

“233. For the purposes of updating the permanent list of electors, each returning officer shall transmit, to the chief electoral officer, the revised list of electors and the abstracts of changes, which must specify, where applicable, that the elector has availed himself of section 3 or that the striking of the elector’s name off the list is effective for the current election only.”

25. Section 293 of the said Act is replaced by the following sections:

“293. An elector who has left Québec temporarily and who meets the conditions set out in this subdivision is entitled to exercise his right to vote outside Québec for two years after his departure.

However, the two-year time limit does not apply

(1) to an elector who is posted outside Québec to a position with the government of Québec or of Canada;

(2) to an elector who is posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution;

(3) to the spouse, or *de facto* spouse, and the dependents of an elector referred to in paragraph 1 or 2, provided they are themselves electors.

“293.1 An elector who wishes to exercise his right to vote outside Québec must file a signed application containing the following information:

- (1) his name, sex and date of birth;
- (2) the address of his last domicile in Québec;
- (3) the date of his departure from Québec;
- (4) the projected date of his return to Québec;
- (5) his postal address outside Québec.

A statement by the elector that he intends to return to Québec and two documents of the type determined by the chief electoral officer must be joined to the application in support of the information communicated.

In the case of an elector referred to in the second paragraph of section 293, proof of the posting outside Québec must be joined to the application.

“293.2 The chief electoral officer shall incorporate into the permanent list of electors the information necessary for the exercise of the right to vote outside Québec by every elector who qualifies therefor.

“293.3 Every elector who returns to Québec is responsible for advising the chief electoral officer thereof.

“293.4 The chief electoral officer shall strike from the permanent list of electors the information necessary for the exercise of the right to vote outside Québec where it concerns an elector who has returned to Québec or who has been outside Québec for more than two years, excepting, in the latter case, an elector referred to in the second paragraph of section 293.

“293.5 Not later than the twenty-fourth day preceding polling day, the chief electoral officer shall send, to each elector entitled on that date to exercise his right to vote outside Québec, a ballot paper in the form prescribed by Schedule IV on which he shall indicate the name of the elector’s electoral division.”

26. Section 296 of the said Act is amended by replacing the words “previous residence” in the third line by the words “last domicile in Québec”.

27. Section 298 of the said Act is amended by replacing the words “for registration in the registry” in the third line of the first paragraph by the words and figure “provided for in section 293.1”.

28. Section 340 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) whose name has been entered or corrected by a board of revisors.”

29. Section 427 of the said Act is amended by replacing the first two paragraphs by the following paragraphs:

“**427.** For the purposes of sections 426, 457 and 457.1, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of an order instituting an election and the number of electors whose names are entered on the list following revision.

Each returning officer shall transmit to the chief electoral officer a certificate evidencing the number of electors whose names are entered on the list following revision and shall inform each candidate of that number.”

30. Section 429 of the said Act is repealed.

31. Section 456 of the said Act is amended by replacing the words “lists of electors after enumeration” in the second and third lines by the words “list of electors produced upon the issue of an order instituting an election”.

32. Section 486 of the said Act is amended

(1) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) see to the updating of the information contained in the permanent list of electors;”;

(2) by striking out the words “the enumeration,” in subparagraph 2 of the first paragraph.

33. Section 489.1 of the said Act is amended by striking out the words “preparation and” in the fourth line.

34. Section 523 of the said Act is amended by striking out the words “or enumeration period” in the second line of the second paragraph.

35. Section 549 of the said Act is amended by inserting, after paragraph 1, the following paragraph:

“(1.1) establish a tariff of fees payable for the production of a list to be used for a municipal or school poll or the registration of qualified electors;”.

36. Section 551 of the said Act is replaced by the following sections:

“551. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years:

(1) every owner, administrator, superintendent or caretaker of a multiple-dwelling building who limits, restricts or fails to facilitate access to the building by a person entrusted with distributing the list of electors;

(2) every executive director of an institution referred to in section 3 who limits, restricts or fails to facilitate access to a facility maintained by that institution by a person entrusted with distributing the list of electors;

(3) every person who, knowingly, enters on the permanent list of electors or on a list of electors the name of a person who is not qualified as an elector or who is not entitled to have his name entered where it is entered;

(4) every person who, knowingly, omits to enter on the permanent list of electors or on a list of electors the name of a person whose name should be entered;

(5) every person who applies to have the name of a person he knows to be fictitious or deceased, or of a person who is not qualified as an elector or who is not entitled to have his name entered, entered on the permanent list of electors or on a list of electors;

(6) every person who applies to have his name entered on the list of electors for a polling subdivision knowing that he is not entitled thereto;

(7) every person who, knowing that his name is entered on the list of electors for a polling subdivision though he is not entitled thereto, omits to take the necessary steps to have his name struck off;

(8) every person who applies to have the name of a person he knows is entitled to have his name entered struck off the list of electors;

(9) every person who strikes off the permanent list of electors or off a list of electors the name of a person he knows is entitled to have his name entered;

(10) every revisor who refuses or neglects to perform his duties according to law;

(11) every person who uses information relating to electors for purposes other than those provided for in this Act, or communicates or allows it to be communicated to a person not legally entitled thereto.

“551.1 Every person who uses the list of electors for commercial or lucrative purposes is liable to a fine of \$1 000 to \$10 000.”

37. Section 553 of the said Act is amended by inserting, after paragraph 4, the following paragraph:

“(4.1) every person who votes elsewhere than in the polling subdivision in which he is entitled to vote;”.

38. Section 556 of the said Act is amended by striking out paragraph 3.

39. Section 570 of the said Act is amended

(1) by striking out the first and second paragraphs;

(2) by replacing the words “list of electors” in the second line of the third paragraph by the words “permanent list of electors or in a list to be used in an election”.

HEALTH INSURANCE ACT

40. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 17 of chapter 51 of the statutes of 1993, by section 12 of chapter 8 of the statutes of 1994, by section 16 of chapter 12 of the statutes of 1994, by section 34 of chapter 15 of the statutes of 1994, by section 50 of chapter 16 of the statutes of 1994 and by section 76 of chapter 17 of the statutes of 1994, is again amended by replacing the words “and the Commission des normes du travail” in the fourteenth and fifteenth lines of the fifth paragraph by the words “, the Commission des normes du travail and the chief electoral officer”.

REFERENDUM ACT

41. Section 7 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by striking out the third paragraph.

42. Section 14 of the said Act is amended by replacing the words “eighteenth day following the day on which the National Assembly was informed of the question or bill” in the second and third lines by the words “eleventh day following the day on which the National Assembly adopted the text of the question or of the bill”.

43. Chapter V of the said Act is repealed.

44. Appendix 2 to the said Act is replaced by the appendix appearing in the schedule to this Act.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

45. The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting, after section 36, the following section:

“**36.1** Upon the coming into force of the by-law of the municipality or the decision of the Commission dividing the territory of the municipality into electoral districts, the clerk or secretary-treasurer or, as the case may be, the secretary of the Commission shall transmit the description of the electoral districts to the chief electoral officer according to the parameters he determines.”

46. Section 68 of the said Act is amended by striking out the word “enumerator,” in the fourth line.

47. Sections 100 and 101 of the said Act are replaced by the following sections:

“100. The returning officer shall request in writing that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors and who are entitled to vote at the election.

The request shall describe, in the manner determined by the chief electoral officer, the territory concerned by the election. It shall be transmitted not less than 15 days before the date on which the list must be produced.

The chief electoral officer shall transmit the list requested not later than the date on which it must be produced.

The costs relating to the production of the list, established under section 549 of the Election Act, shall be charged to the municipality.

“101. Not later than 30 days before polling day, the returning officer shall draw up the list of electors, adding to the list transmitted by the chief electoral officer the names of the persons entitled to have their names entered on the list by reason of ownership of an immovable or occupancy of a place of business.

“101.1 The list shall be prepared, where applicable, by electoral districts or by wards.

The list of electors of the municipality shall, in that case, consist of all the lists prepared by district or by ward.”

48. Section 103 of the said Act is amended by replacing the first paragraph by the following paragraph:

“103. The list shall contain the name and address of the elector and, so far as it may be obtained, his date of birth.”

49. Section 107 of the said Act is repealed.

50. Section 108 of the said Act is amended by replacing the words “pay to the municipality the amount of the prescribed charge for the issuance of those copies” in the second and third lines by the words “return the copies obtained to the municipality”.

51. Section 109 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Each party or ticket whose authorization or recognition is withdrawn and which obtained free copies of the list of electors must return all copies obtained to the returning officer.”

52. Section 140 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph:

“The abstract must allow the changes relating to electors domiciled in the territory of the municipality to be identified. It must specify, where applicable, that the elector has availed himself of section 50 or that the elector’s name has been struck off the list because he has not been domiciled in the territory of the municipality for at least twelve months.”;

(2) by replacing the word “second” in the first line of the third paragraph by the word “third”.

53. The said Act is amended by inserting, after section 142, the following section:

“142.1 The returning officer shall transmit an abstract of the changes concerning the electors domiciled in the territory of the municipality to the chief electoral officer in the manner determined by the latter.”

54. Section 546 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraphs:

“For this purpose, the clerk or the secretary-treasurer may request that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors for the territory of the municipality or for the sector concerned. The request must specify, in the manner determined by the chief electoral officer, the territory concerned and the date of reference, and must be transmitted at least 15 days before the date on which the list must be produced.

The chief electoral officer shall transmit the list requested not later than the date on which it must be produced.

The costs relating to the production of the list, established under section 549 of the Election Act, shall be charged to the municipality.”;

(2) by replacing the word “paragraph” in the second line of the second paragraph by the words “or second paragraph”.

55. Section 563 of the said Act is amended by striking out the words “every enumerator,” in the first line.

56. Section 565 of the said Act is amended by striking out the words “and every enumerator” in the first line of the first paragraph.

57. Section 580 of the said Act is amended by striking out the words “the enumerator,” in the first line of subparagraph 4 of the first paragraph.

58. Section 631 of the said Act is amended by striking out the words “an enumerator or” in the third line of paragraph 3.

59. Section 659 of the said Act is amended by inserting the words “, except a list of electors or referendum list,” after the words “this Act” in the second line of the first paragraph.

60. The said Act is amended by inserting, after section 659, the following section:

“659.1 No person may use for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in a list of electors, referendum list or list of the qualified voters entitled to have their names entered on a referendum list.”

ACT RESPECTING SCHOOL ELECTIONS

61. Section 5 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by replacing the word and figure “1 September” in the first line by the word and figure “30 June”;

(2) by adding the following paragraph:

“Once the division has been made, the council shall transmit the description of the electoral divisions to the chief electoral officer according to the parameters he determines.”

62. Section 38 of the said Act is amended by replacing the figure “90” in the first line by the figure “75”.

63. Section 39 of the said Act is replaced by the following sections:

“39. The returning officer shall request, in writing, that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors and who are domiciled in the territory concerned by the election.

The request shall describe, in the manner determined by the chief electoral officer, the territory concerned by the election. It shall be transmitted not less than 15 days before the date on which the list must be produced.

The chief electoral officer shall transmit the list requested not later than the date on which it must be produced.

The costs relating to the production of the list, established under section 549 of the Election Act, shall be charged to the school board.

“39.1 The returning officer shall draw up the list of electors for each electoral division between the seventy-fifth and the forty-fifth day before polling day, on the basis of the list transmitted by the chief electoral officer.”

64. Section 200 of the said Act is amended

(1) by striking out the second paragraph;

(2) by replacing the words “forty-fifth” in the fourth line of the third paragraph by the words “seventy-fifth”.

65. Section 212 of the said Act is amended by replacing paragraphs 5 and 6 by the following paragraph:

“(5) uses for purposes other than those provided for in this Act, or communicates or allows to be communicated to any person not legally entitled thereto, any information contained in the list of electors.”

66. Section 282 of the said Act is amended by adding the following paragraph:

“The information contained in the list of electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

67. The said Act is amended by inserting, after section 282, the following section:

“282.1 No person may use for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in the list of electors.”

JURORS ACT

68. Section 1 of the Jurors Act (R.S.Q., chapter J-2) is amended by striking out paragraph *e*.

69. Section 3 of the said Act is amended by replacing the words “electoral list” in paragraph *c* by the words “list of electors transmitted pursuant to section 7.1”.

70. Section 7 of the said Act is replaced by the following sections:

“7. The sheriff shall, not later than 15 September each year, transmit to the chief electoral officer a list of the local municipalities whose territories are comprised in his district.

“7.1 Not later than 30 September of the same year, the chief electoral officer shall transmit to the sheriff a list of the electors whose names are entered on the permanent list of electors for each polling subdivision comprised in the territories of the municipalities appearing on the list transmitted to him by the sheriff.”

71. Section 8 of the said Act is amended by replacing the words “copies of the electoral lists sent to him by the returning officer pursuant to the Election Act (chapter E-3.3)” in the second and third lines by the words “list of electors transmitted to him by the chief electoral officer”.

72. Section 9 of the said Act is replaced by the following section:

“9. Upon receiving the list of electors, the sheriff must approve it in accordance with the form prescribed by the Minister.”

73. Section 10 of the said Act is replaced by the following section:

“10. From its approval by the sheriff, the list of electors constitutes the jury list and such list remains in force in the district until the next list is approved.”

74. Section 17 of the said Act is amended by striking out the words “of each of the electoral lists constituting the jury list” in the first and second lines of the third paragraph.

CHAPTER III

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

75. If an order instituting an election or a referendum is issued before 1 July 1995, the list of electors used for the election held on 12 September 1994, in computerized form if available, shall be used for the revision to take place before the poll without it being necessary to make an enumeration.

In such a case, the poll shall be held on the fifth Monday following the issue of the order if the order is issued on a Monday, Tuesday or Wednesday, and on the sixth Monday if the order is issued on any other day.

[[**76.** The sums required for the carrying out of this Act shall be taken out of the consolidated revenue fund.]]

77. The Régie de l'assurance-maladie du Québec shall transmit the information necessary for the constitution of the register of electors to the chief electoral officer in the manner determined by written agreement.

Section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information does not apply to an agreement under the first paragraph.

78. This Act comes into force on (*insert here the date of assent to this Act*), except sections 11 to 39 and 44 to 74, which will come into force on 1 July 1995.

SCHEDULE

(Section 44)

REFERENDUM ACT

“APPENDIX 2

(Sections 44, 45)

PROVISIONS APPLICABLE TO THE HOLDING OF A REFERENDUM

ELECTION ACT (chapter E-3.3)

SECTIONS

AMENDMENTS

1

2

3

4

46

Replace the first paragraph by the following paragraph:

“46. An official agent may resign by sending a written notice to that effect to the chairman of the national committee.”

Replace the words “Within 30 days of resigning, the official representative shall file with the party, the party authority or the independent candidate” in the second paragraph by the words “Within 30 days of resigning, the official agent shall file with the national committee”, and the words “financial report” by the words “return of regulated expenses”.

Replace the words “an authorized entity no longer has an official representative, another official representative” in the third paragraph by the words “a national committee no longer has an official agent, another official agent”.

Replace the words "official representative or of a delegate" in the fourth paragraph by the words "official agent".

60 Replace the section by the following section:

"60. The official agent of a national committee is authorized to solicit and collect contributions until polling day.

After polling day, the official agent is authorized to solicit and collect contributions only for the purpose of paying the debts arising from his regulated expenses and to dispose, in accordance with the second paragraph of section 441, of the sums and property derived from his referendum fund."

66 Replace the section by the following section:

"66. Where the chairman of a national committee resigns, he shall so notify the chief electoral officer in writing without delay."

87 Strike out the second paragraph.

88 Replace the first paragraph by the following paragraph:

"88. Sums of money donated to a national committee and services rendered and goods furnished to it for the purposes of promoting an option submitted to a referendum are deemed to be contributions."

Strike out subparagraphs 2 and 3 of the second paragraph.

Replace subparagraph 4 of the second paragraph by the following subparagraph:

"(4) a loan granted to a national committee at the current market rate of interest at the time it is granted by an authorized political party;"

Strike out subparagraphs 5 and 6 of the second paragraph.

Replace subparagraph 7 of the second paragraph by the following subparagraph:

“(7) air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to national committees by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter, provided he offers such service equitably as to quality and quantity to each national committee;”.

Replace subparagraph 8 of the second paragraph by the following subparagraph:

“(8) transfers of funds between:

(a) an authorized party and the referendum fund of a national committee;

(b) the referendum fund of a national committee and the referendum fund put at the disposal of a local agent.”

90

91 Replace the first paragraph by the following paragraph:

“**91.** The total of contributions to each national committee by the same elector in the same referendum shall not exceed the amount of \$3 000.”

Replace the words “an authorized entity” in the second paragraph by the words “a national committee”.

92 Replace the first paragraph by the following paragraph:

“**92.** Contributions shall not be solicited except under the responsibility of the official agent of a national committee, or except through persons designated in writing by the official agent.”

Replace the word “representative” in the second paragraph by the word “agent”.

93 Replace the words “representative of the authorized entity” by the words “agent of the national committee”.

94 Replace the section by the following section:

“94. The local agent has, for the electoral division for which he is appointed, the powers conferred on the official agent of the national committee by sections 92, 93 and 96.”

95

96 Replace the word “representative” by the word “agent”.

97 Replace the words “authorized entity” by the words “national committee”.

98 Replace the words “authorized entity” by the words “national committee”.

99 Replace the words “authorized entity” by the words “official agent”.

100

104 Replace the words “representative of an authorized entity” by the words “agent of a national committee”.

105 Add, after the second paragraph, the following paragraph:

“The principal of, and interest on, every loan must be paid before the return of the regulated expenses is sent.”

131

132 Replace the words “party authority at the level of the electoral division” in the first paragraph by the words “authority, at the level of the electoral division, of an authorized party in the National Assembly”.

133 Replace the word “election” by the word “referendum”.

134

Replace, in the second paragraph,

(1) the words “political parties and of candidates” by the words “national committees”;

(2) the words “election expenses” by the words “regulated expenses”.

135 Replace the words “particulars that will be contained
in” in the fourth and fifth lines by the words “question
that will appear on”.

136

137 Strike out the second paragraph.

Replace the word “election” in the third paragraph by
the word “referendum”.

138

to

144

145 Replace the word “election” in the first paragraph by
the word “referendum”.

146

Replace the section by the following section:

“146. Not later than the twenty-seventh day
preceding polling day, the returning officer shall
transmit the list of electors for his division to the
national committees and to each official delegate.

The list shall be transmitted in computerized form or
in duplicate copies, as specified to the returning officer.

For the purposes of this Act, “official delegate” means
a person appointed as such by the chairman of a
national committee to represent him in an electoral
division.”

147

Replace the word “election” in the first paragraph by
the word “referendum”.

Replace the word “parties” in the second paragraph by
the words “national committees”.

179

to

181

182

Replace the section by the following section:

“182. The returning officer shall inform the chief
electoral officer, the national committees and each
official delegate of the places selected.”

183

184

Replace the section by the following section:

“184. The returning officer shall appoint two revisors not later than Wednesday of the fourth week preceding that of the polling.

The first revisor shall be appointed on the recommendation of the official delegate of the national committee which has the greatest number of Members of the National Assembly.

The second revisor shall be appointed on the recommendation of the official delegate of the national committee which has the second greatest number of Members of the National Assembly.”

186 Strike out the first paragraph.

187

188 Replace the section by the following section:

“188. The revisor recommended by the national committee which has the greatest number of Members of the National Assembly shall act as chairman of the board of revisors.

The revisor recommended by the national committee which has the second greatest number of Members of the National Assembly shall act as vice-chairman.”

189 Replace the section by the following section:

“189. The returning officer shall post, in his office, the list of revisors appointed to each board of revisors and shall transmit it to the chief electoral officer, the national committees and each official delegate.”

190

to
208

209 Replace the word “election” in the third paragraph by the word “referendum”.

210

to
212

213 Replace the word “candidate” in the first paragraph by the words “official delegate”.

227
to
231.1

231.2 Replace the word “candidate” in the second paragraph by the words “official delegate”.

231.3

233 Replace the word “election” by the word “referendum”.

248 Replace the first and second paragraphs by the following paragraphs:

“248. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the chairman of a national committee or as an official delegate. The request may be made at any time from the date of the writ instituting the holding of a referendum.

The employee’s leave begins on the day requested by the employee and ends on the thirtieth day following polling day.”

249 Replace the first and second paragraphs by the following paragraphs:

“249. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of a national committee. The request may be made at any time from the date of the writ instituting the holding of a referendum.

The employee’s leave begins on the day requested by the employee and ends on the ninetieth day following polling day.”

250

251 Replace the words “a candidate or” by the words “the chairman of a national committee, an official delegate or an”.

252
to
255

260

Replace the section by the following section:

“260. Upon receipt of a copy of the writ, the returning officer shall publish a notice of poll.

The notice of poll shall set forth

(1) the text of the question put to the electors;

(2) the days and hours of polling at advance polling stations;

(3) the day and hours of polling at polling stations;

(4) the name of every national committee and, for each of them, the given name and surname of the chairman and of the official agent, and, for the division, the given name and surname of the official delegate and of the local agent.”

261

Replace the words “candidate or his mandatary” by the words “official delegate”.

262

Replace the words “candidate and each party authority at the level of the electoral division” in the first paragraph by the words “official delegate”.

263

Replace the figure “317” by the figures “310, 312 to 317”.

264

to
269

270

Replace the words “the candidates” by the words “each official delegate”.

271

Replace the words “candidate or his mandatary; the latter may attend and may affix their” in the third paragraph by the words “official delegate; he may attend and may affix his”.

272

273 Replace the words “general election” in the first paragraph by the word “referendum”.

Replace the words “of his domicile” in the third paragraph by the words “where the house of detention is situated”.

274

Replace the words “chief electoral officer” in the third paragraph by the words “returning officer of the electoral division concerned”.

Add, after the third paragraph, the following paragraph:

“The returning officer shall ensure that the list remains confidential.”

275

276 Replace the words “authorized party” by the words “official delegate of a national committee”.

278

Replace the section by the following section:

“278. The returning officer referred to in section 275 shall give the deputy returning officer a sealed ballot box containing the ballot papers, the list of electors of the house of detention, the poll book and the materials required for the poll. He shall also give him directives on the work of the polling officers.”

279

280

Strike out the second paragraph.

282

Replace the section by the following section:

“282. The counting of the votes shall be effected in accordance with section 272.”

286

to

289

290

Replace the word “candidates” by the words “official delegates”.

291
to
293.4

293.5 Strike out the words “in the form prescribed by Schedule IV”.

296
to
299

300 Replace the section by the following section:

“300. The counting of the votes of electors outside Québec shall be proceeded with in accordance with section 272, adapted as required.

However, the counting shall be proceeded with at the place and time fixed by the chief electoral officer.

The deputy returning officer shall, for each electoral division, draw up a statement of votes and an abstract from such statement that he shall deliver to the chief electoral officer or the person designated by him, together with the ballot box.

The chief electoral officer shall forthwith communicate the results to each returning officer concerned and transmit to him the abstract from the statement of votes which concerns him.”

302 Replace the word “candidate” in the fourth paragraph by the words “official delegate”.

303
to
305

306 Replace the words “an election” in the first paragraph by the words “a referendum”.

307
to
309

310 Replace the section by the following section:

“310. In every polling station, the returning officer shall appoint, as deputy returning officer, the person

recommended by the official delegate of the national committee which has the greatest number of Members in the National Assembly.

He shall appoint, as poll clerk, the person recommended by the official delegate of the national committee which has the second greatest number of Members in the National Assembly.

Where the two national committees have an equal number of Members in the National Assembly, the chief electoral officer shall determine, by a drawing of lots, which committee is deemed to have the greatest number of Members or, as the case may be, the second greatest number of Members in the National Assembly.”

312

313 Replace the word “candidate” in the first paragraph by the words “official delegate”.

Replace the word “candidates” in the second paragraph by the words “official delegates”.

314

315

316

Replace the section by the following section:

“316. The official delegate of each national committee may designate a person and give him a power of attorney to represent the national committee before the deputy returning officer or the officer in charge of information and order, or before each of them.”

317

Replace the words “candidate or his mandatary” by the words “official delegate”.

318

Replace the words “A candidate” by the words “The official delegate of each national committee”.

319

Replace the words “candidate or his mandatary” by the words “official delegate”.

320

Strike out the words “in accordance with the model provided in Schedule III and” in the first paragraph.

321
to
323

324

Replace the section by the following section:

“324. The ballot paper must contain on the obverse a space specially reserved for the wording of the question.”

325
to
327

328

Replace the word “candidates” in the second paragraph by the words “national committees”.

329
to
333

334

Replace the words “candidates and their mandataries” by the words “chairmen of national committees and their official delegates”.

335
to
341

342

Replace the word “candidate” by the words “national committee”.

343
to
347

348

Replace the words “then indicate to him the order in which the candidates appear on the ballot paper and the indications entered under their names, where such is the case” by the words “read the question and indicate to him the order in which the options appear on the ballot paper”.

349

350

Replace the word “candidate” in the first paragraph by the words “national committee”.

Replace the word “election” in subparagraph 3 of the first paragraph by the word “referendum”, the words “a candidate” in subparagraph 4 of the first paragraph by the words “an option” and the word “election” in subparagraph 5 of the first paragraph by the word “referendum”.

351

352

Strike out the word “political” and replace the words “a party or candidate” in the first paragraph by the words “one of the options submitted to the referendum”.

353

to

355

356

Replace the section by the following section:

“356. No elector may, on the premises of a polling station, indicate, in any manner, the option in favour of which he intends to vote or has voted.”

357

Replace the section by the following section:

“357. No official delegate, representative or election officer may, on the premises of a polling station, attempt to learn the option in favour of which an elector intends to vote or has voted.”

358

Replace the section by the following section:

“358. No official delegate, representative, election officer or elector who has given assistance to another elector may disclose the option for which the elector has voted.”

359

Replace the word “whom” by the words “which option”.

360

Replace the word “candidate” by the words “official delegate”.

361
to
363

364 Replace the word “candidate” in subparagraph 4 of the second paragraph by the word “option” and the words “a person who is not a candidate” in subparagraph 5 of the second paragraph by the words “an option which is not one of the options submitted to the referendum”.

365

366 Replace the words “a candidate or the representative of a candidate” by the words “an official delegate or his representative”.

367 Replace the word “candidate” in the first paragraph by the word “option”.

368 Replace the word “candidate” by the words “official delegate”.

369

370

371 Replace the words “candidate or his mandatary” in the first paragraph by the words “official delegate”.

Replace the words “candidate, mandatary” in the second paragraph by the words “official delegate”.

372 Replace the word “candidate” in the first paragraph by the word “option”.

Replace the figure “285” in the second paragraph by the figure “300”.

373

374

375 Replace the words “declare elected the candidate who” in the first paragraph by the words “announce the option which”.

377 Replace the words “declare elected the candidate who” and the word “candidate” in the first paragraph by the

words “issue a declaration indicating the option which” and the words “official delegate”, respectively.

378 Replace the word “election” in the first paragraph by the word “referendum”.

379 Replace the word “election” by the word “referendum”.

380 Replace the section by the following section:

“380. The chief electoral officer shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating, for each electoral division, the number of votes for each of the options appearing on the ballot paper.”

381 Replace the word “election” which appears twice in the first paragraph by the word “referendum”.

402 Replace the section by the following section:

“402. The cost of any goods or services used during the referendum period to promote or oppose, directly or indirectly, an option submitted to a referendum is a regulated expense.”

403 Replace the words “election period” by the words “referendum period”.

Replace the words “election expenses” by the words “regulated expenses”.

404 Replace the section by the following section:

“404. The following are not regulated expenses:

(1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other publication, provided that they are published without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the referendum and that the circulation and frequency of publication are as what obtains outside the referendum period;

(2) the cost at fair market value of producing, promoting and distributing a book that was planned to

be put on sale at the prevailing market price regardless of the issue of the writ;

(3) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;

(4) the reasonable expenses incurred by a person, out of his own money, for meals and lodging while travelling for referendum purposes, if the expenses are not reimbursed to him;

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

(6) the reasonable expenses incurred for the publication of explanatory commentaries on this Act and the regulations thereunder, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an option submitted to a referendum;

(7) the reasonable ordinary expenses incurred for the day-to-day operations of not more than two permanent offices of an authorized party the addresses of which are entered in the registers of the chief electoral officer;

(8) interest accrued from the beginning of the referendum period to the day occurring 90 days after polling day, on any loan lawfully granted to an official agent for regulated expenses, unless the official agent has declared them as regulated expenses in his return of regulated expenses;

(9) the costs of holding a meeting, which must not exceed \$600, including the cost of renting a hall and of convening the participants, provided the meeting is not directly or indirectly organized on behalf of a national committee.

For the purposes of subparagraph 7 of the first paragraph, the permanent office of an authorized party is the office where the employees of the party or of a body associated with it for the purpose of attaining its

objects and recognized by the leader of the party for such a purpose by a letter addressed to the chief electoral officer before the seventh day following the issue of the writ, work on a permanent basis, outside the referendum period, at ensuring the dissemination of the party's political program and coordinating the political action of the party members."

405

Replace the words "election expenses, an authorized party" in the first paragraph by the words "regulated expenses, a national committee".

Replace the second paragraph by the following paragraph:

"The official agent shall be appointed by the chairman of the national committee who shall notify it to the chief electoral officer."

Replace the words "leader of the party" in the third paragraph by the words "chairman of the national committee".

Replace the words "a party" in the fourth paragraph by the words "a national committee".

406

Replace the section by the following section:

"406. Only one official agent is appointed for each national committee.

However, the official agent may, with the approval of the chairman of the national committee, appoint the required number of deputies and, for each electoral division, a local agent. He shall notify the chief electoral officer and the returning officer thereof in writing.

The official agent may authorize them to incur or authorize regulated expenses up to the amount he fixes in their deeds of appointment. The amount may be changed at any time, in writing, by the official agent before he files his return of regulated expenses.

Any regulated expense incurred by the deputy of the official agent or by a local agent is deemed to be incurred by the official agent up to the amount fixed in the deed of appointment.

The deputy and the local agent shall provide the official agent of the national committee with a detailed statement of expenses incurred or authorized by them.”

407 Replace the first paragraph by the following paragraph:

“407. An official agent or local agent may, in writing, authorize an advertising agency to incur or order regulated expenses up to the amount he fixes in the authorization. That amount may be changed, by the official agent or the local agent, as the case may be, in writing, at any time before he files his return of regulated expenses.”

Insert the words “or the local agent, as the case may be” after the word “agent” in the second paragraph.

410 Replace the section by the following section:

“410. If the official agent dismisses a local agent, he shall notify it in writing to the returning officer. He may appoint another local agent.”

411 Replace the words “an official agent” in the first paragraph by the words “a local agent”.

Replace the words “an official agent” and the words “candidate or his mandatary” in the second paragraph by the words “a local agent” and the words “official delegate”, respectively.

412 Replace the section by the following section:

“412. No person may act as the official agent of a national committee, his deputy or a local agent unless he is qualified to vote.”

413 Replace the section by the following section:

“413. During a referendum period, only the official agent of a national committee, his deputy or a local agent may incur or authorize regulated expenses.”

414 Replace the section by the following section:

“414. An official agent, his deputy or a local agent shall pay the cost of regulated expenses only out of a referendum fund.”

415 Replace the section by the following section:

“415. No goods or services whose cost is wholly or partly a regulated expense contemplated in section 403 may be used during a referendum period except by the official agent of a national committee, his deputy or a local agent, or with his authorization.”

416 Replace the section by the following section:

“416. No person may accept or execute an order for regulated expenses not given or authorized by the official agent of a national committee, his deputy, a local agent or authorized advertising agency.”

417 Replace the words “election expense” and “election period” in the first paragraph by the words “regulated expense” and “referendum period”, respectively.

421 Replace the words “an election” in the first paragraph by the words “a referendum”.

Replace the words “or deputy” in the first, second and third paragraphs by the words “, deputy or local agent”.

422 Replace the words “the official agents of several candidates”, the word “official”, and the word “party” by the words “several local agents”, the word “local” and the words “national committee”, respectively.

424 Replace the word “election” in the first paragraph by the word “regulated”.

425 Replace the first and second paragraphs by the following paragraphs:

“425. Every person to whom an amount is due for regulated expenses shall present his claim to the official agent or the local agent not later than sixty days after polling day. In no case may the regulated expenses be paid by the official agent or the local agent if the claim is presented to him after that period has expired.

Where the official agent or local agent has died or resigned and has not been replaced, the claim shall be presented within the same time to the chairman of the national committee or to the official agent, as the case may be.”

426 Replace the section by the following section:

“**426.** Regulated expenses shall be limited so as never to exceed for a national committee, during one referendum, \$1 per elector for all the electoral divisions.”

427 Replace the section by the following section:

“**427.** For the purposes of section 426, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of a writ instituting a referendum and the number of electors whose names are entered on the list following revision.

The number is established by the chief electoral officer who shall draw up a certificate thereof and send a copy of the certificate to the chairman and the official agent of each national committee.”

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434 Replace the first paragraph by the following paragraph:

“**434.** The official agent of each national committee and, through him, each local agent he has appointed shall, within 90 days after polling day, deliver to the chief electoral officer a return of the regulated expenses incurred or authorized by them.”

Insert, after the second paragraph, the following paragraph:

“The return must, in addition, indicate the name, the complete address of the domicile of, and the amount paid by, each elector whose total contribution to a national committee exceeds \$200.”

- 435 Replace the word “election” and the words and figure “sections 432 and” by the word “regulated” and the word “section”, respectively.
- 436 Replace the words “sections 432 and” in the first paragraph by the word “section”.
- Replace the words “leader of the party or to the candidates if they so request” in the second paragraph by the words “chairman of the national committee if he so requests”.
- 437 Replace the section by the following section:
- “**437.** In addition to regulated expenses, the official agent and the local agent must indicate in the returns prescribed in section 434 the source of the sums paid into the referendum fund put at their disposal.
- They must also indicate
- (1) the financial institutions with which the sums collected by the national committee have been deposited and the account numbers used;
- (2) the total amount of contributions of \$200 or less;
- (3) the total amount of contributions of over \$200;
- (4) the total of the amounts transferred or loaned by the official representative of an authorized party.”
- 438 Replace the words and figure “sections 432 and” in the first paragraph by the word “section”.
- Replace the word “election” in the second paragraph by the word “referendum”.
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- 440 Replace the second paragraph by the following paragraph:
- “If the claim is not contested by the official agent, he shall forward to the chief electoral officer the necessary additional sum, out of his referendum fund, to enable him to discharge the claim.”

- 441 Replace the section by the following section:
- “**441.** On filing the return prescribed by section 434, the official agent of a national committee shall keep the remaining sums or goods in his referendum fund.
- The sums and goods may be used only for political, religious, scientific or charitable purposes.”
- 443 Replace the words “a candidate or party leader” in the second paragraph by the words “the chairman or official agent of the national committee”.
- 444 Replace the words “a candidate or party leader” by the words “the chairman or official agent of a national committee”.
- Strike out the figure and word “432 or”.
- 445 Replace the section by the following section:
- “**445.** Before filing the return and declaration prescribed in section 434, an official agent and a local agent must have discharged all the claims received within the period prescribed in section 425 unless they contest them and indicate them as contested.
- In no case may the official agent, the local agent or the national committee pay a claim so contested. Only the official agent may pay the claim in execution of a judgment of a competent tribunal in favour of the creditor after the hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.
- The chief electoral officer may, if no national committee objects, authorize the official agent of a national committee to pay a contested claim if the refusal or failure to pay results from *bona fide* error.”
- 446 Insert the words “or local agent” after the word “agent”.
- 447 Replace the word “representative” and the words “return of election expenses” by the word “agent” and the words “returns of regulated expenses”, respectively.
- 448 Replace the section by the following section:

“448. The judge having jurisdiction to decide an application under sections 443 to 446 is the chief judge of the Court of Québec.

No application under the first paragraph may be heard without a notice of at least three clear days to the chief electoral officer and to the chairman of each national committee.”

- 485 Strike out the second, third and fourth paragraphs.
- 486
- 487 Replace the section by the following section:
- “487.** In respect of the financing of national committees and the control of regulated expenses, he shall, in particular,
- (1) verify that the national committees, official agents and their deputies and local agents are complying with the provisions of the Act;
- (2) receive and examine the return of regulated expenses;
- (3) inquire into the legality of contributions and regulated expenses.”
- 488 Replace the words “political parties” in paragraph 4 by the words “national committees”.
- Replace, in paragraph 5, the words “political party” by the words “national committee”, the word “candidates” by the word “committees” and the word “parties” by the words “national committees”.
- 488.1 Replace the word “election” in the first line and in the last line by the word “referendum” and replace the words “this Act” by the words “the Referendum Act (chapter C-64.1)”.
- 489.1 Replace the words “authorized parties represented in the National Assembly” by the words “national committees” and strike out the words “, the filing of nomination papers”.
- 490 Replace the words “election period” in the first paragraph by the words “referendum period”.

Replace the second paragraph by the following paragraph:

“However, he shall first inform the national committees, the official delegates and the electors concerned of the decision he intends to make.”

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Strike out the first paragraph.

In the second paragraph, change in French; no change necessary in English.

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Replace the words “at the same election” in paragraph 2 by the words “in the same referendum”.

Replace the word “candidate” in paragraph 6 by the words “national committee”.

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Replace the word “election” in paragraph 2 by the word “referendum”.

Strike out the words “of election” in paragraph 3.

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Strike out paragraph 4.

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Replace the word “election” by the word “referendum”.

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Replace the words “every candidate or every person who later becomes a candidate” in subparagraph 1 of the first paragraph by the words “every official delegate”.

Replace the words “a candidate” in subparagraph 2 of the first paragraph by the words “an option”.

Replace the word “election” in subparagraph 1 of the second paragraph by the word “regulated”.

Replace the words “the election of a candidate at an election” in subparagraphs 1 and 2 of the second paragraph by the words “an option submitted at a referendum”.

559 Insert, after the word “agent”, the words “or any local agent”.

Replace the word “election” in paragraph 1 by the word “regulated”.

560 Replace the words “candidate or party leader” by the words “chairman or official delegate of a national committee” and the word “election” by the word “regulated”.

563 Replace the section by the following section:

“563. Every person who fails to file a report or return of regulated expenses is liable to a fine of \$50 for each day of delay.”

564 Replace the section by the following section:

“564. Every person who contravenes any of sections 66, 87, 88, 90 to 93, 95 to 97, 99, 100, 104, 410, 413 to 417, 421, 424 and 430 is guilty of an offence and is liable to a fine of not less than \$100 and of not more than \$10 000.”

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567 Strike out the following in the first paragraph: “, in paragraph 4 of section 556”.

Replace the word “election” in the second paragraph by the word “regulated” and insert after the word “agent” the words “or the local agent”.

568 Strike out the second paragraph.

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Replace the words “an election” in the first paragraph by the words “a referendum”.

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