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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 36

## **An Act to amend the Election Act and the Referendum Act**

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### **Introduction**

**Introduced by  
Mr Marc-Yvan Côté  
Minister for Electoral Reform**

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## EXPLANATORY NOTES

*This bill amends the rules applicable to the holding of an election and a referendum.*

*This bill amends the Election Act in order to fix at two years the period during which an elector absent from Québec retains the right to vote at an election.*

*As regards the authorization and financing of political parties, the bill provides that any representative or official agent who resigns must file a report, that no authorization may be granted to a party whose name may mislead the elector, and that any contribution made in contravention of the law must be remitted to the chief electoral officer. It specifies the conditions to be met in order that the price paid to attend or take part in an activity of a political nature be considered an entrance fee rather than a contribution.*

*All amounts prescribed by law as regards both the financing of political parties and election expenses are adjusted except the maximum amount of contributions of an elector which is maintained.*

*Several amendments are made to certain time limits and to opening hours provided for the election period; in particular, the various polling stations will close at 9:00 p.m. instead of 10:00 p.m., the recommendations of the enumerators must be transmitted one day earlier, the applications for revision of the list of electors filed by electors who wish to vote at a mobile polling station may be received until Thursday preceding the advance polling and the period fixed for the special revision will begin as soon as the ordinary filing offices are closed.*

*As regards the special revision, the bill permits the transfer of entries from one list of electors to another, according to the terms and conditions applicable for an ordinary revision; however, a name cannot be entered on the list at the request of a person who has been struck off the list and a name cannot be removed from the list at the request of a third party.*

*The bill provides that advance polling stations will serve as mobile polling stations in the morning of the days of advance polling and, where required, on the following Tuesday morning.*

*The provisions applicable to the vote of inmates are adapted to take into account the fact that several functions are carried out directly by the chief electoral officer and not by the returning officer.*

*In addition, the obligation to take an oath is extended to all electors who wish to vote in the advance poll.*

*As regards the establishment of polling stations, the bill relaxes the existing provisions on the grouping of polling stations.*

*With respect to electoral expenses, the bill eliminates the \$2 000 limit imposed on any personal expenses incurred by a candidate. Furthermore, publicity expenses will be permitted from the issue of the election order to identify premises for election purposes and to announce a meeting for the selection of a candidate. Finally, the chief electoral officer will be authorized to accept corrections to a return of election expenses despite opposition, if he is of the opinion that the opposition is not justified.*

*The bill permits the chief electoral officer to provide assistance and cooperation in election matters to other countries or to international organizations, with the authorization of the Government.*

*The chief electoral officer may, during an election period, adapt the provisions concerning the enumeration and revision and the filing of nomination papers and the holding of the advance poll in order to take into account the specific context of certain remote electoral divisions.*

*The bill amends the Referendum Act, in particular, as regards time limits. It provides that the period between the tabling of the question in the National Assembly and the issue of the writ must be at least 18 days and that the enumeration to be conducted for the referendum will take place during that period. The period between the issue of the writ and the poll may vary between 29 and 35 days, depending on the date of issue of the writ.*

*The bill provides that a new electoral map may not be put into effect for a referendum.*

*The bill grants to electors who reside outside Québec the right to vote in a referendum on the same conditions as those of an election.*

*Inmates voting in a referendum will vote on Monday of the days of advance polling rather than on polling day.*

*As regards regulated expenses, the bill proposes the adjustment of the amounts prescribed by law and amends the provisions relating to the maximum contributions and to the notion of regulated expenses so that they are consistent with the corresponding provisions applicable to elections.*

*Finally, the bill makes the concordance amendments to Appendix 2 to the Referendum Act which are required by the amendments introduced with respect to elections and referendums.*

## Bill 36

### An Act to amend the Election Act and the Referendum Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 5 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing the word “ten” in paragraph 3 by the word “two”.

**2.** Section 9 of the said Act is amended by replacing the words “must be renewed every year” by the words “is renewable each year”.

**3.** Section 12 of the said Act is amended by replacing the word “ten” in the third line by the word “two”.

**4.** The English text of section 17 of the said Act, amended by section 2 of chapter 48 of the statutes of 1991, is again amended by replacing the first paragraph by the following paragraph:

**“17.** The Commission de la représentation may, for exceptional reasons, depart from the rule set out in section 16 if it considers that its application would not adequately serve the purpose of this chapter. Every such decision shall be in writing and give reasons.”

**5.** Section 42 of the said Act is amended by striking out the second paragraph.

**6.** Section 46 of the said Act is amended

(1) by replacing the words “designated under section 42, or, if none, to the leader of the party” in the third and fourth lines of the first paragraph by the words “referred to in section 42”;

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

“Within thirty days of resigning, the official representative shall file with the party, the party authority or the independent candidate a financial report, with vouchers, covering the period during which he was in office.”

**7.** Section 50 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“The chief electoral officer shall, however, refuse to authorize a party if the name of the party includes the word “independent”.

He shall also refuse to authorize a party if the name of the party is substantially the same as that of an authorized party or of a party that has ceased to be an authorized party, and is likely to mislead electors as to which party they are supporting.”

**8.** Section 51 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The provisions of the second and third paragraphs of section 50 apply to the application.”

**9.** Section 54 of the said Act is amended by replacing the words “date of the joint application” in the third and fourth lines of subparagraph 1 of the second paragraph by the words “last day of the month preceding the date of the joint application”.

**10.** Section 61 of the said Act is amended by striking out the words “unless an application for withdrawal of the authorization is filed before that date under section 67” in the third and fourth lines of the first paragraph.

**11.** Section 82 of the said Act is amended by replacing the amount “\$0.25” in the fourth line by the amount “\$0.50”.

**12.** Section 88 of the said Act is amended

(1) by replacing the amount “\$25” in the first line of subparagraph 5 of the second paragraph by the amount “\$50”;

(2) by replacing subparagraph 6 of the second paragraph by the following subparagraph:

“(6) at the option of the official representative of an authorized entity, applied equally to all the participants, an entrance fee to a political activity or rally, where the fee is not over \$60 per day, up to one admission per person;”.

**13.** Section 89 of the said Act is amended

(1) by replacing the word and figure “and 7” in the second line by the figures and word “, 7 and 7.1”;

(2) by striking out the words and figure “and with section 418” in the second line.

**14.** Section 95 of the said Act is amended by replacing the amount “\$100” in the first line by the amount “\$200”.

**15.** Section 100 of the said Act is replaced by the following section:

**“100.** Every contribution or part of a contribution made contrary to this division shall, as soon as the fact is known, be remitted to the chief electoral officer who shall return it to the contributor if his identity is known; if his identity is not known, the money shall be paid to the Minister of Finance.”

**16.** Section 106 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Where the official representative is unable to remit the sums due to the lender because the latter cannot be found, the official representative shall comply with section 100, adapted as required.”

**17.** Section 110 of the said Act is replaced by the following section:

**“110.** The auditor of an authorized party shall examine the financial report made pursuant to section 113 and make his report as auditor in accordance with the directive issued by the chief electoral officer in that regard.”

**18.** Section 112 of the said Act is amended by replacing the amount “\$4 000” in the third line of the first paragraph and in the fourth line of the second paragraph by the amount “\$5 500”.

**19.** Section 114 of the said Act is amended by replacing the amount “\$100” in paragraphs 4 and 5 by the amount “\$200”.

**20.** Section 115 of the said Act is amended by replacing the amount “\$100” in the second line of subparagraph 3 of the first paragraph by the amount “\$200”.

**21.** Section 126 of the said Act is amended by replacing the amount “\$100” in the second line of the third paragraph by the amount “\$200”.

**22.** Section 151 of the said Act is amended by replacing the word “Wednesday” in the second line by the word “Tuesday”.

**23.** Section 156 of the said Act is amended by replacing the words “7:00 p.m. and 10:00” in the third line of the first paragraph by the words “6:00 p.m. and 9:00”.

**24.** Section 176 of the said Act is amended by replacing the words “20 copies of them to each candidate” in the second line by the words “to each candidate the number of copies requested, up to 10”.

**25.** Section 185 of the said Act is amended

(1) by replacing the words “related or allied to or cohabiting with the person in respect of whom he makes the application” in the second, third and fourth lines by the words “who is the spouse, including the *de facto* spouse, or a relative of the person in respect of whom he makes the application or who lives with that person”;

(2) by adding, at the end, the following paragraph:

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

**26.** Section 189 of the said Act is amended

(1) by replacing the words “to 10:00 p.m.” in the first line by the words “to 9:00 p.m.”;

(2) by inserting the words “, except the filing office located in the returning officer’s office which shall be open from 9:00 a.m. to 10:00 p.m.,” before the words “from Monday” in the second line.

**27.** Section 191 of the said Act is amended by replacing the words “go to meet” in the third line by the words “, until Thursday of the second week preceding the week of the poll, go to”.

**28.** Section 194 of the said Act is amended



(1) by inserting the words “or to any person designated by him” after the word “officer” in the third line;

(2) by adding, after the first paragraph, the following paragraph:

“The returning officer shall inform the candidates of such designation.”

**29.** Section 203 of the said Act is amended

(1) by striking out the words “and two assistants” in the first and second lines of the first paragraph;

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

“The returning officer shall appoint a sufficient number of teams composed of two assistants that he assigns to one or more boards of revisors.”

**30.** Section 209 of the said Act is amended by replacing the words “to 10:00 p.m.” in the second line of the first paragraph by the words “to 9:00 p.m.”.

**31.** Section 227 of the said Act is replaced by the following section:

**“227.** An elector whose name is not entered on the list of electors of the polling subdivision where he may vote, or who finds an error in the entry made in his regard may, from Sunday of the second week to Wednesday of the week preceding the week of the polling, file an application for entry or correction at the office of the returning officer of his electoral division or at any other designated place.

An elector whose application for entry was rejected or whose name was struck from the list during the revision period provided for in sections 195 to 219 may not apply for entry on the list of electors under the provisions of this division.”

**32.** Section 228 of the said Act is amended by inserting, at the end, the following words: “and transmit to them a copy of the abstracts of changes mentioned in section 223”.

**33.** Section 230 of the said Act is amended by replacing the words “, except that the board is not required to observe the time limit prescribed in section 215” in the first, second and third lines by the words “. However, no application for the striking off of a name under

section 183 is receivable and the board is not bound by the time limit fixed in section 215.”

**34.** Section 232 of the said Act is repealed.

**35.** Section 262 of the said Act is amended by striking out the words “, including mobile polling stations,” in the third and fourth lines of the first paragraph.

**36.** Section 264 of the said Act is amended by replacing the words “to 10:00 p.m.” in the first and second lines by the words “to 9:00 p.m.”.

**37.** Section 265 of the said Act is amended by striking out the words “declare under oath that they” in the second line.

**38.** Section 267 of the said Act is amended

(1) by inserting the words “, except an inmate,” after the word “elector” in the first line;

(2) by inserting the words “declare under oath that he meets the conditions prescribed for voting in the advance poll and” after the word “vote,” in the second line.

**39.** Section 275 of the said Act is amended by replacing the word “director” in the third line by the word “warden” and by adding, at the end, the following words: “, and determine the stations that may be moved within the house of detention”.

**40.** Section 277 of the said Act is amended

(1) by striking out the words “, and transmit them to the returning officer referred to in section 275” in the third and fourth lines of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“The chief electoral officer shall transmit to the returning officer referred to in section 275 the 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.”

**41.** Section 278 of the said Act is replaced by the following section:

**“278.** The returning officer referred to in section 275 shall give the deputy returning officer the ballot box mentioned in section 277 and the directives concerning the work of the polling officers.”

**42.** Section 279 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The returning officer and the warden of a house of detention may change the polling hours of the polling station.”

**43.** Section 280 of the said Act is replaced by the following section:

**“280.** At the close of the advance polling station, the procedure set out in section 269 shall be followed, with the necessary adaptations, and the deputy returning officer shall give the sealed ballot box containing the ballot papers, the list of electors, the poll book and the materials required for the poll to the returning officer.

The returning officer shall, as soon as is practicable, deliver the ballot box to the chief electoral officer or to the person designated by the latter.”

**44.** Section 286 of the said Act is replaced by the following section:

**“286.** To allow inmates to exercise their right to vote, the chief electoral officer may make any agreement he considers useful with the authorities responsible for houses of detention established under an Act of the Parliament of Canada or of Québec.”

**45.** Section 287 of the said Act is replaced by the following section:

**“287.** The returning officer shall determine which advance polling stations will serve as mobile polling stations.

When serving as a mobile polling station, the advance polling station shall consist of the deputy returning officer and the poll clerk of the polling station.”

**46.** Section 288 of the said Act is replaced by the following section:

**“288.** A mobile polling station may receive the vote of electors from 9:00 a.m. to 1:00 p.m. on Sunday, Monday and, if necessary, on Tuesday of the week preceding polling day.”

**47.** Section 289 of the said Act is replaced by the following section:

**“289.** Every elector residing in a hospital centre or reception centre may vote at a mobile polling station if

(1) he applies therefor to the returning officer, not later than Thursday of the second week preceding the week of the poll;

(2) his name is entered on the list of electors of the polling subdivision in which the centre is situated;

(3) he is unable to move about.”

**48.** Section 290 of the said Act is replaced by the following section:

**“290.** The returning officer shall prepare a list of the electors who have filed an application under section 289 and he shall send a copy thereof to the candidates.”

**49.** Section 302 of the said Act is amended

(1) by replacing the figure “300” in the third line of the second paragraph by the figure “350”;

(2) by inserting, after the second paragraph, the following paragraph:

“Where a polling subdivision comprises 300 to 350 electors, the returning officer may, where he considers it expedient, establish more than one polling station.”

**50.** Section 303 of the said Act is amended by replacing the words “Notwithstanding the foregoing,” in the first line of the second paragraph by the words “However, where a special circumstance or”.

**51.** Section 308 of the said Act is replaced by the following section:

**“308.** Deputy returning officers, poll clerks and officers in charge of information and order are polling officers.

They shall be chosen from among the electors of the electoral division but officers in charge of information and order may be chosen from among the electors of a contiguous electoral division.”

**52.** Section 327 of the said Act is amended

(1) by replacing the words “an abstract of this Act and the regulations” in the second and third lines of the first paragraph by the words “the directives concerning the work of the polling officers”;

(2) by replacing the words “a number of ballot papers equal to the number of electors entered on the list plus 25” in the second and third lines of the second paragraph by the words “a number of ballot papers at least equal to the number of electors entered on the list, without splitting a ballot paper booklet, plus 25”.

**53.** Section 330 of the said Act is repealed.

**54.** Section 401 of the said Act is amended

(1) by inserting the words “at midnight” after the word “commences” in the first line of paragraph 1;

(2) by adding, after paragraph 2, the following paragraph:

“(3) the expression “official agent” includes any person who becomes an official agent.”

**55.** Section 404 of the said Act is amended

(1) by replacing the amount “\$3 000” in the fourth line of paragraph 4 by the amount “\$4 000”;

(2) by inserting, after paragraph 7, the following paragraph:

“(7.1) the other reasonable personal expenses incurred by a candidate, other than publicity expenses, if the expenses are not reimbursed to him;”.

**56.** Section 409 of the said Act is replaced by the following section:

**“409.** Any official agent of a party who resigns shall notify, in writing, the leader of the party and the chief electoral officer of his resignation. An official agent of a candidate who resigns shall notify, in writing, the candidate and the returning officer of his resignation.

Within ten days of resigning, the official agent shall file with the leader of the party or the candidate a return of election expenses, with vouchers, covering the period during which he was in office.”

**57.** Section 414 of the said Act is amended by inserting the words “or advances paid under section 449” after the word “entity” in the second line of the second paragraph.

**58.** Section 418 of the said Act is repealed.

**59.** Section 419 of the said Act is amended by replacing the amount “\$3 000” in the last line of the first paragraph by the amount “\$4 000”.

**60.** Section 420 of the said Act is amended by replacing the amount “\$3 000” in the sixth line of the first paragraph by the amount “\$4 000”.

**61.** Section 424 of the said Act is amended by replacing the amount “\$50” in the first line of the first paragraph by the amount “\$60”.

**62.** Section 426 of the said Act is amended by replacing the amounts “\$0.20”, “\$0.25”, “\$0.55” and “\$0.80” by the amounts “\$0.25”, “\$0.50”, “\$0.70” and “\$1.00”, respectively.

**63.** Section 429 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Notwithstanding the preceding paragraph, publicity expenses are allowed from the issue of the order to identify premises used for the purposes of the election and to announce the holding of a meeting for the selection of a candidate, subject to the following conditions:

(1) the identification of premises shall consist exclusively of the name and visual identification of the party and, where applicable, the photograph of the candidate;

(2) the announcement of a meeting for the selection of a candidate shall consist exclusively of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.”

**64.** Section 443 of the said Act is amended

(1) by replacing the last sentence of the second paragraph by the following sentence: “Any opposition to the application for leave shall be submitted to the chief electoral officer.”;

(2) by adding, at the end, the following paragraph:

“If the chief electoral officer considers that the opposition is not justified, he shall allow the correction procedure to continue; otherwise, he shall refer the parties to the court of competent jurisdiction.”

**65.** Section 445 of the said Act is replaced by the following section:

**“445.** Before filing the return and the declaration prescribed in sections 432 and 434, an official agent must have discharged all the claims received within the period of time prescribed in section 425.

However, the official agent shall mention, in his return, every undischarged claim and indicate whether he contests the claim or cannot discharge it owing to insufficient election funds.

No contested claim may be discharged by the official agent, by the leader of a party or by a candidate. Only the official representative may discharge it in execution of a judgment from a court of competent jurisdiction obtained by the creditor after a hearing and not following acquiescence in the demand or a settlement agreement.

The chief electoral officer may allow the official representative of an authorized entity to discharge any claim that has not been discharged owing to insufficient election funds, and he may, if there is no objection from a party or candidate, allow him to discharge a contested claim if the refusal or nonpayment results from an error in good faith.”

**66.** Section 485 of the said Act is amended by adding, after the third paragraph, the following paragraph:

“The chief electoral officer may, with the authorization of the Government, provide assistance and cooperation to other countries or to international organizations in election matters, in particular at the material, professional or technical level.”

**67.** The said Act is amended by inserting, after section 489, the following section:

**“489.1** The chief electoral officer, with the consent of the authorized parties represented in the National Assembly, may, where circumstances so require, in particular, by reason of the area or distance involved, adapt the provisions concerning the preparation and revision of the list of electors, the filing of nomination papers or the advance poll.”

**68.** Section 542 of the said Act is amended

(1) by replacing the words “and requests” in the third line of the second paragraph by the words “, the requests”;

(2) by inserting the words “and the activities engaged in at the international level,” after the word “electors” in the fourth line of the second paragraph.

**69.** Section 558 of the said Act is amended by striking out the word “non-alcoholic” in subparagraphs 1, 2 and 3 of the second paragraph.

#### THE REFERENDUM ACT

**70.** Section 1 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by inserting the words “**“authorized entity,”**” at the beginning of subparagraph 1 of the first paragraph.

**71.** Section 7 of the said Act is amended by adding, at the end, the following paragraphs:

“As soon as the National Assembly is informed of the question or bill contemplated in the first paragraph, the Secretary General of the National Assembly shall notify the chief electoral officer thereof in writing.

The chief electoral officer shall send copy of the notice to the returning officer of each electoral division.”

**72.** Section 13 of the said Act is amended by striking out the last two paragraphs.

**73.** Section 14 of the said Act is replaced by the following section:

“**14.** No writ instituting the holding of a referendum may be issued before the eighteenth day following the day on which the National Assembly was informed of the question or bill contemplated in section 7.”

**74.** Section 16 of the said Act is replaced by the following section:

“**16.** The lists of electors shall be established within the eighteen days following the day on which the National Assembly was informed of the question or bill contemplated in section 7.”

**75.** Section 18 of the said Act is repealed.

**76.** Chapter VI of the said Act is repealed.



**77.** Section 22 of the said Act is amended

(1) by striking out the words “, within three days,” in the first line of the second paragraph;

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

**78.** Section 23 of the said Act is amended by replacing the word “seven” in the first line of the first paragraph by the word “five”.

**79.** Division III of Chapter VIII of the said Act is repealed.

**80.** Section 37 of the said Act is amended

(1) by replacing the amount “\$0.25” in the fourth line of subparagraph *b* of the first paragraph by the amount “\$0.50”;

(2) by replacing the figure “35” in the second line of the second paragraph by the figures and words “427 of the Election Act, as amended by Appendix 2”.

**81.** Section 39 of the said Act is repealed.

**82.** Section 45 of the said Act is amended by replacing the figures and word “551 and 552” in the second line of the third paragraph by the figures and word “549 and 550”.

**83.** The amendments made to the provisions of the Election Act, enacted by Appendix 2 to the Referendum Act, are amended as follows:

(1) by striking out the text opposite section 1;

(2) by striking out the text opposite section 2;

(3) by inserting, after section 4, the following sections:

“5  
to  
“7

“8

Replace the words “the issue of the order instituting the holding of an election” by the words “the notice provided for in section 7 of the Referendum Act”.

“9  
to  
“12

“13

Replace, in the second paragraph, the words “to the parties represented in the National Assembly, to every other authorized party that so requests and to every independent Member” by the words “to each national committee”, the word “candidates” by the words “to the official delegates” and the words “to the parties represented in the National Assembly and to any other party that so requests” by the words “to each national committee”.

(4) by replacing the second and third paragraphs of section 46 by the following:

Replace the words “The official representative shall, within thirty days of resigning, file with the party, the party authority or the independent candidate” in the second paragraph by the words “The official agent shall, within thirty days of resigning, file with the national committee”.

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”.

(5) by inserting, in section 131, the following:

Replace the first two paragraphs by the following:

**“131.** The polling shall take place on the fifth Monday following the issue of the writ.”

(6) by replacing section 132 by the following section:

‘132

Replace the words “a copy of the order” in the first line of the first paragraph by the words “the notice provided for in section 7 of the Referendum Act”.

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”.

(7) by replacing sections 138 to 147 by the following:

“138  
to  
“145

“146 Replace the words “the fifth week preceding that of the polling” by the words “the second week following the notice provided for in section 7 of the Referendum Act”.

“147

(8) by replacing section 148 by the following section:

“148

Replace the section by the following section:

**“148.** The two enumerators shall be appointed by the returning officer, one on the recommendation of the Prime Minister or the person designated by him, the other on the recommendation of the Leader of the Official Opposition or the person designated by him.”

(9) by striking out section 150.

(10) by replacing section 153 by the following section:

“153

Strike out the words “, to any independent Member elected as such and to the candidates,”.

(11) by replacing sections 154 to 169 by the following:

“154  
to  
“156

“157 Replace the words “the day the order is issued” in the second paragraph by the words “the last day of the enumeration”.

“158  
to  
“169

(12) by replacing section 170 by the following section:

“170 Replace the section by the following:

**“170.** Not later than two days after the issue of the writ, the returning officer shall transmit to each official delegate five certified copies of the list of electors of each polling subdivision and one copy of the statement prepared by the enumerators pursuant to section 161.

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

(13) by replacing sections 171 to 175 by the following:

“171  
to  
“173

“174 Strike out the last sentence.

“175

(14) by replacing sections 177 to 187 by the following:

“177  
to  
“180

“181 Replace the words “day of the issue of the order instituting the election” in the first paragraph by the words “last day provided for the enumeration”.

“182  
to  
“187

(15) by replacing sections 189 to 194 by the following:

“189  
to  
“193

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

(16) by striking out section 232;

(17) by striking out the text opposite section 233;

(18) by replacing sections 264, 265, 266 to 269 by the following:

“264  
to  
“269

(19) by striking out the second paragraph of section 273;

(20) by replacing section 274 by the following:

“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:

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

(21) by striking out the text opposite section 275;

(22) by inserting, in section 278, the following:

“Replace the section by the following:

**“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.”

(23) by striking out the text opposite section 279;

(24) by replacing section 280 by the following section:

- “280           Strike out the second paragraph.”
- (25) by inserting, after section 280, the following:
- “282           Replace the section by the following section:
- “282.** The counting of the votes shall be effected in accordance with section 272.”
- (26) by replacing sections 286 to 292 by the following:
- “286  
to  
“289
- “290           Replace the word “candidates” by the words “official delegates”.
- “291
- “292
- (27) by inserting, after section 292, the following sections:
- “293           Replace the words “in the form prescribed by Schedule IV, on which he shall indicate the name of the electoral division where the elector had his previous residence, the necessary envelopes and a list of the places where the elector may consult the list of candidates” by the words “on which he shall indicate the name of the electoral division where the elector had his previous residence and the necessary envelopes”.
- “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."

(28) by replacing the word "third" in section 302 by the word "fourth".

(29) by replacing section 310 by the following:

"310

Replace the section by the following:

**"310.** In every polling station, the returning officer shall appoint as deputy returning officer the person recommended by the Prime Minister or the person designated by him. He shall appoint as secretary the person recommended by the Leader of the Official Opposition or the person designated by him."

(30) by inserting, in the second paragraph of section 350, the words "the words "day of issue of the order instituting the election" in subparagraph 2 of the first paragraph by the words "last day of the enumeration," after the word "Replace".

(31) by replacing the second paragraph of section 372 by the following paragraph:

"Replace the figure "285" in the second paragraph by the figure "300".

(32) by replacing section 404 by the following section:

"404

Replace the section by the following:

**"404.** The following are not regulated expenses:

(1) the cost of publishing articles, editorials, news, interviews, columns or letter 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 paid the interest and declared it as a regulated expense 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 a body associated with it for the purpose of attaining its object 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."

(33) by replacing section 406 by the following:

Replace section 406 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."

(34) by replacing the figure and word "50 cents" in section 426 by the amount "\$1.00";

(35) by inserting, after section 426, the following:

“427            Replace the words and figures “sections 426 and 457” in the first paragraph by the word and figure “section 426”.

Replace the second and third paragraphs by the following:

“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.”

(36) by striking out section 429;

(37) by inserting, after section 488, the following:

“489.1           Strike out the following words: “, the filing of nomination papers”.

(38) by inserting, after section 573, the following:

“Schedule II

(Sections

136, 272)

Replace the words “Election Act” by the words “Referendum Act”.

**84.** Notwithstanding the provisions of the Referendum Act, the enumeration which must take place for the purposes of the referendum provided for in the Act respecting the process for determining the political and constitutional future of Québec (1991, chapter 34) shall be conducted from 31 August to 3 September 1992 if, pursuant to the latter Act, the National Assembly is informed, before 19 August 1992, of a question or bill within the meaning of section 7 of the Referendum Act.

**85.** This Act comes into force on (*insert here the date of assent to this Act*).