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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

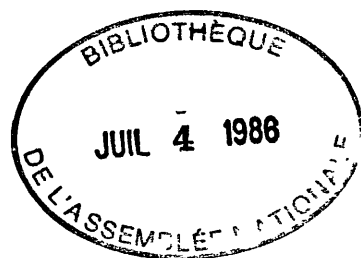
Bill 100

## **An Act respecting elections and referendums in municipalities**

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### **Introduction**

**Introduced by  
Mr André Bourbeau  
Minister of Municipal Affairs**



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**Québec Official Publisher  
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## EXPLANATORY NOTES

*This bill represents the first step in the revision of the legislation governing municipalities. It consolidates or revises all the existing provisions of such legislation having to do with elections and referendums in municipalities.*

*With regard to elections, the bill provides that henceforth, municipal general elections will be held every four years on the first Sunday in November, although they need not be held in the same year in every municipality. Every seat on a municipal council must be open for nominations at each general election.*

*It will no longer be lawful for a municipal council to have fewer than six members unless the Minister of Municipal Affairs decides otherwise. Every municipality whose territory is not divided for electoral purposes will be required to assign numbers to the council seats.*

*As to divisions of municipal territory for electoral purposes, this bill allows municipalities whose territory is not divided or is divided into wards to retain the status quo. However, any municipality wishing in future to divide its territory or to change its existing divisions will be required to adopt the electoral districts system. Furthermore, all municipalities having a population of 20 000 or over and all municipalities which must now divide their territories into electoral districts will be subject to the same requirement.*

*Every natural person of full age who is a Canadian citizen, has no voting disqualifications and has been domiciled or has owned an immovable or occupied a place of business in the municipality for at least twelve months on 1 September of election year is a qualified elector under the terms of this bill.*

*The bill provides that every elector who has been domiciled or resident in a municipality for at least twelve months on 1 September of election year is eligible for a seat on the municipal council. It also reduces the number of grounds for disqualification.*

*In addition, it will no longer be necessary to apply to the courts to have an elected municipal office-holder disqualified from office if the*

*grounds are incontestable, as in the case of his appointment to an incompatible office or his sentencing for an indictable offence.*

*As regards election procedure, this bill provides as much concordance as possible with the rules applicable to provincial elections under the Québec Election Act, allowing for the municipal context.*

*In particular, the list of electors will be revised henceforth only after the period for filing nomination papers, and then only if a poll is required.*

*With regard to the financing of municipal political parties and the control and supervision of election expenses in municipalities having a population of 20 000 or over, this bill reiterates the provisions of the existing legislation, with several technical changes to bring the rules at the provincial and municipal levels into harmony.*

*Among the novel provisions of the bill in this respect is that under which any party whose annual income is made up of anonymous gifts to the extent of over 20 % will be required to pay the excess to the municipality.*

*On the subject of referendums, this bill preserves the existing legislation which determines what acts of the municipality are subject to approval by the citizens, in what territory a referendum is to be held and the special requirements as to the number of voters or affirmative votes required for an act to be considered approved. On the other hand, it standardizes the rules on voting qualifications and the general rules of procedure for referendums.*

*The bill provides, for example, that any person domiciled in the territory concerned by a referendum or who owns an immovable or is the occupant of a place of business there is qualified to vote in the referendum. A natural person must be of full age, a Canadian citizen and free of any disqualification from voting. Under other new provisions, the right to vote on planning by-laws will no longer be restricted to property owners and lessees, nor that to vote on loan by-laws restricted to property owners.*

*The bill provides that it will be unnecessary to prepare or draft a referendum list unless a poll is required.*

*Lastly, the bill amends the various Acts which govern municipal affairs, including over one hundred special charters, in order to provide the concordance necessary for its implementation.*



## **ACTS AMENDED BY THIS BILL**

(1) An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) An Act respecting municipal contribution to railway crossing protection (R.S.Q., chapter A-15);

(3) An Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(4) An Act respecting the National Assembly (R.S.Q., chapter A-23.1);

(5) Cities and Towns Act (R.S.Q., chapter C-19);

(6) Municipal Code of Québec (R.S.Q., chapter C-27.1);

(7) An Act respecting the Commission municipale (R.S.Q., chapter C-35);

(8) An Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);

(9) An Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(10) An Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(11) Municipal Franchises Act (R.S.Q., chapter C-49);

(12) An Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);

(13) An Act respecting municipal and school debts and loans (R.S.Q., chapter D-7);

(14) Election Act (R.S.Q., chapter E-3.2);

(15) Public Officers Act (R.S.Q., chapter E-6);

(16) An Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1);

(17) An Act respecting municipal taxation (R.S.Q., chapter F-2.1);

- (18) Education Act (R.S.Q., chapter I-14);
- (19) Electricity Municipalization Act (R.S.Q., chapter M-38);
- (20) An Act to promote the regrouping of municipalities (R.S.Q., chapter R-19);
- (21) An Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21);
- (22) Municipal Works Act (R.S.Q., chapter T-14);
- (23) An Act respecting sales of municipal public utilities (R.S.Q., chapter V-4);
- (24) An Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- (25) Mining Towns Act (R.S.Q., chapter V-7);
- (26) Temperance Act (R.S.Q., 1964, chapter 45);
- (27) An Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- (28) An Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- (29) Charter of the City of Québec (1929, chapter 95);
- (30) Charter of the City of Montréal (1959-60, chapter 102).

#### **ACTS REPEALED BY THIS BILL**

- (1) An Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);
- (2) An Act respecting municipal bribery and corruption (R.S.Q., chapter F-6).

# Bill 100

## **An Act respecting elections and referendums in municipalities**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### TITLE I

#### MUNICIPAL ELECTIONS

##### CHAPTER I

###### SCOPE

**1.** This title applies to all municipalities except regional county municipalities, northern village municipalities, Cree or Naskapi village municipalities or any municipality whose council, according to the Act establishing or governing the municipality, is not composed of persons elected by its citizens.

##### CHAPTER II

###### GENERAL ELECTION TIME

**2.** An election shall be held every four years for all the seats on the council of a municipality.

The whole process by which persons are proclaimed elected to the seats on the council at the quadrennial election constitutes a general election.

**3.** The polling date for a general election is the first Sunday in November.

## CHAPTER III

### DIVISION OF TERRITORY FOR ELECTION PURPOSES

#### DIVISION I

##### MUNICIPALITIES REQUIRED TO DIVIDE THEIR TERRITORY INTO ELECTORAL DISTRICTS

**4.** Every municipality having a population of 20 000 or over on 1 January of the calendar year preceding the year in which a general election must be held shall divide its territory into electoral districts.

The same rule applies to any other municipality that, on 30 June 1987, was required to divide or had divided its territory into electoral districts.

**5.** Any municipality that is not required to divide its territory into electoral districts may submit itself to that requirement by by-law of its council passed by a two-thirds majority of its members, which must, under pain of nullity, come into force during the second calendar year preceding that in which a general election must be held.

Upon the coming into force of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy to the Minister of Municipal Affairs and the Commission de la représentation.

**6.** A municipality that is required to divide its territory into electoral districts for the purposes of a general election shall be under the same requirement for the purposes of all subsequent general elections.

**7.** The Minister of Municipal Affairs may, upon an application, exempt a municipality having a population of under 20 000 from the requirement of dividing its territory into electoral districts on the terms and conditions he determines, and he may withdraw the exemption in the same manner.

The exemption ceases to have effect when the municipality is again required to divide its territory into electoral districts because its population has reached 20 000 or it has submitted itself to the requirement.

The Minister shall publish notice of the exemption, of its withdrawal or of the cessation of its effect in the *Gazette officielle du Québec*.

**8.** For election purposes, a municipality shall divide its territory into electoral districts only.

## DIVISION II

### NUMBER AND CHARACTERISTICS OF ELECTORAL DISTRICTS

**9.** The number of electoral districts of a municipality shall be

- (1) not fewer than 6 nor more than 8 if its population is under 20 000;
- (2) not fewer than 8 nor more than 12 if its population is 20 000 or over but under 50 000;
- (3) not fewer than 10 nor more than 16 if its population is 50 000 or over but under 100 000;
- (4) not fewer than 14 nor more than 24 if its population is 100 000 or over but under 250 000;
- (5) not fewer than 18 nor more than 36 if its population is 250 000 or over but under 500 000;
- (6) not fewer than 30 nor more than 90 if its population is 500 000 or over.

The population of a municipality is its population on the date of passage of the draft by-law dividing its territory into electoral districts.

**10.** The Minister of Municipal Affairs may, upon an application, authorize a municipality to divide its territory into a smaller number of electoral districts than the minimum number or into a greater number than the maximum number.

The Minister shall publish notice of the authorization in the *Gazette officielle du Québec*.

**11.** The electoral districts shall be delimited in such a manner as to ensure that each has the greatest possible socioeconomic homogeneity, taking into account criteria such as physical barriers, population trends and parish boundaries.

Wherever possible, no electoral precinct delimited pursuant to the Act respecting electoral representation (R.S.Q., chapter R-24.1) shall be included in more than one electoral district.

**12.** Each electoral district shall be delimited in such a manner that, according to the list of electors of the municipality, the number of electors in the district is not more than 15% above or below the quotient obtained by dividing the total number of electors of the municipality by the number of districts. The percentage shall be 25% in the case of a municipality having a population of under 20 000 on the date of passage of the draft by-law dividing its territory into electoral districts.

A municipality may make exceptions to the first paragraph; the by-law dividing its territory into electoral districts shall then be subject to approval by the Commission de la représentation.

### DIVISION III

#### PROCEDURE OF DIVISION INTO ELECTORAL DISTRICTS

**13.** For the purposes of this division, the population of a municipality is its population on the date of passage of the draft by-law dividing its territory into electoral districts, and an elector is a person registered on its list of electors.

**14.** The council of a municipality required to divide its territory into electoral districts shall, by resolution, after 1 January of the calendar year preceding that in which the general election for which the division is required must be held, pass a draft by-law making the division.

Upon passage of the draft by-law, the clerk or the secretary-treasurer shall send a certified copy to the Commission de la représentation.

**15.** The draft by-law shall describe the boundaries of the proposed electoral districts, using the names of thoroughfares wherever possible, and it shall state the number of electors included in each district.

The draft by-law shall also include a map or a sketch of the proposed districts.

**16.** Within ten days of passage of the draft by-law, the clerk or the secretary-treasurer shall publish, in a newspaper circulated in the territory of the municipality, a notice setting forth

- (1) a summary of the object of the draft by-law;

(2) a description of the boundaries of the proposed electoral districts, using the names of thoroughfares wherever possible;

(3) the number of electors included in each proposed electoral district;

(4) the place, days and hours for examining the draft by-law;

(5) every elector's right to inform the clerk or the secretary-treasurer in writing of his objection to the draft by-law within fifteen days of publication of the notice;

(6) the address to which objections must be sent;

(7) the number of objections required to oblige the council to hold a public meeting to hear the persons present regarding the draft by-law.

In the case of a municipality having a population of 20 000 or over, the notice shall include a map or a sketch of the proposed electoral districts.

**17.** Within fifteen days of publication of the notice, every elector may inform the clerk or the secretary-treasurer in writing of his objection to the draft by-law.

**18.** The council shall hold a public meeting to hear the persons present regarding the draft by-law if the number of objections received within the prescribed time is equal to or exceeds

(1) 20 in the case of municipalities having a population of under 20 000;

(2) the total number of full blocks of 1 000 inhabitants in the case of municipalities having a population of 20 000 or over but under 100 000;

(3) 100 in the case of municipalities having a population of 100 000 or over.

**19.** Not later than five days before the public meeting, the clerk or the secretary-treasurer shall publish a notice in a newspaper circulated in the territory of the municipality indicating the place, day, time and purpose of the meeting, and transmit a copy of the notice to the Commission de la représentation.

**20.** The public meeting is not a sitting of the council.

A majority of the members of the council and the clerk or the secretary-treasurer shall attend the meeting.

The meeting shall be presided over by one of the council members present designated by them. The designated member may keep order in the same manner as the chairman of a sitting of the council and has the same powers.

The persons present may make representations verbally or table documents. The documents shall be treated as if they were tabled at a sitting of the council.

The clerk or the secretary-treasurer shall draw up the minutes of the meeting.

**21.** The council of the municipality shall pass a by-law dividing its territory into electoral districts after the expiry of the time in which electors may make objections to the draft by-law or after the day of the public meeting, as the case may be, and before 1 June of the calendar year preceding that in which the general election for which the division is required must be held.

Upon passage of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy to the Commission de la représentation with a copy of the list of electors of the municipality and an attestation of the number of objections required to oblige the Commission to hold a public meeting.

**22.** Where the council is obliged to hold a public meeting regarding the draft by-law, the clerk or the secretary-treasurer, within ten days after passage of the by-law, shall publish a notice in a newspaper circulated in the territory of the municipality, setting forth

- (1) a summary of the object of the by-law;
- (2) a description of the boundaries of the proposed electoral districts, using the names of thoroughfares wherever possible;
- (3) the number of electors included in each proposed electoral district;
- (4) the place, days and hours for examining the by-law;
- (5) every elector's right to inform the Commission de la représentation in writing of his objection to the by-law within fifteen days of publication of the notice;



(6) the address to which objections must be sent;

(7) the number of objections required to oblige the Commission to hold a public meeting to hear the persons present regarding the by-law.

In the case of a municipality having a population of 20 000 or over, the notice shall include a map or a sketch of the proposed electoral districts.

Upon publication of the notice, the clerk or the secretary-treasurer shall transmit a certified copy to the Commission, with an attestation of its date of publication.

**23.** Within fifteen days of publication of the notice, every elector may inform the Commission in writing of his objection to the by-law.

**24.** Upon receiving an objection, the Commission shall inform the municipality in writing.

**25.** The Commission shall hold a public meeting to hear the persons present regarding the by-law, if the number of objections received within the prescribed time is equal to or exceeds the number required to cause the holding of a public meeting of the council regarding the draft by-law.

**26.** Not later than five days before the public meeting, the Commission shall publish a notice in a newspaper circulated in the territory of the municipality, indicating the place, day, time and purpose of the meeting.

**27.** The municipality is entitled to be heard at the public meeting held by the Commission.

The persons present may make representations verbally or table documents.

**28.** The Commission shall, after the public meeting, transmit its recommendations to the municipality.

The municipality shall make the recommendations public in the manner determined by the Commission.

The Commission may order the municipality to make, within such time as it may fix, any amendment to the by-law necessary to give effect to the recommendations it indicates.

**29.** The council of the municipality shall, within the time fixed by the Commission, pass a new by-law incorporating the amendments indicated in the order and repealing the original by-law. The council is not required to pass a draft by-law if the new by-law incorporates no other amendments than those recommended.

**30.** The by-law dividing the territory of the municipality into electoral districts shall come into force in accordance with the Act governing the municipality before 1 November of the calendar year preceding that in which the general election for which the division is required must be held.

Upon the coming into force of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy to the Commission.

**31.** The Commission shall divide into electoral districts the territory of a municipality whose council has not passed a by-law to that effect within the prescribed time.

Where the council has passed the by-law but has not put it into force within the prescribed time, the Commission shall make the division or put the by-law into force.

Even after the expiry of the prescribed time, the council may pass the by-law or put it into force so long as the division made by the Commission has not come into force or the by-law has not been put into force by the Commission.

**32.** The Commission shall transmit to the municipality a certified copy of the decision whereby it makes the division into electoral districts or puts the by-law of the municipality into force.

**33.** The Commission shall publish a notice of its decision in a newspaper circulated in the territory of the municipality.

The notice shall set forth

(1) a summary of the object of the decision whereby the Commission makes the division into electoral districts or the object of the by-law of the municipality, as the case may be;

(2) a description of the boundaries of the electoral districts, using the names of thoroughfares wherever possible;

(3) the date on which the decision is made or the by-law is passed, as the case may be;

(4) the place, days and hours for examining the decision or the by-law, as the case may be.

In the case of a municipality having a population of 20 000 or over, the notice shall include a map or a sketch of the electoral districts.

**34.** The division into electoral districts made by the Commission or the by-law put into force by the Commission, as the case may be, comes into force on the day of publication of the notice.

**35.** The costs relating to a division into electoral districts which is made by the Commission shall be borne by the municipality.

**36.** The division into electoral districts applies for the purposes of the first general election following the coming into force of the by-law of the municipality or of the decision of the Commission, as the case may be. It also applies for the purposes of any subsequent by-election held before the second general election following the coming into force of the by-law or decision.

**37.** Neither the Commission nor any of its members or employees may be prosecuted by reason of any official act done in good faith in the performance of their duties.

**38.** Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be taken nor any injunction granted against the Commission or any of its members or employees acting in the performance of their duties.

A judge of the Court of Appeal may, on motion, summarily annul any writ, order or injunction issued contrary to the first paragraph.

**39.** The Commission or any of its members or employees may, in the performance of their duties, examine any document held by a municipality and obtain copy of it free of charge.

**40.** The chairman of the Commission shall coordinate and distribute the work of the members of the Commission.

Any member of the Commission designated by the chairman for that purpose may exercise any power or perform any duty indicated by the chairman.

**41.** In respect of a municipality having a population of under 20 000, the Commission may delegate the exercise of any power or the performance of any duty it may indicate to any person it designates for that purpose.

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

**42.** Every member of the Commission is entitled, for each day on which he sits, to remuneration equal to 1% of the minimum salary received annually by an administrator, Class V, employed by the Government.

The Government shall determine the expense allowance to which the members of the Commission are entitled on the basis of the allowances granted to persons holding similar offices.

#### DIVISION IV

##### MUNICIPALITIES WHOSE TERRITORY IS DIVIDED INTO WARDS

**43.** A municipality that is not required to divide its territory into electoral districts may maintain the division into wards existing on 30 June 1987.

#### CHAPTER IV

##### COMPOSITION OF THE COUNCIL

**44.** The council of a municipality whose territory is divided into electoral districts shall be composed of the mayor and one councillor for each electoral district.

**45.** The council of a municipality whose territory is divided into wards shall be composed of the mayor and the number of councillors prescribed for each ward by the Act, letters patent, by-law or other juridical instrument governing the municipality in that respect.

**46.** The council of a municipality whose territory is not divided for election purposes shall be composed of the mayor and six councillors.

**47.** On the application of a municipality whose territory is not divided for election purposes, the Minister of Municipal Affairs may determine a number of councillors under or over six, on such terms and conditions as he may determine.

In similar manner, the Minister may order the number of councillors of the municipality again fixed at six.

The Minister shall publish notice of his decision in the *Gazette officielle du Québec*.

**48.** The council of a municipality whose territory is not divided for election purposes shall give a number to the seat of each councillor.

The council of a municipality whose territory is divided into wards shall give a number to the seat of each councillor in each ward for which there is more than one councillor.

Until the council numbers the seats, each seat shall be numbered according to the alphabetical order of the names of the councillors in office on 30 June 1987 and of the last persons who held the seats that are vacant on that date.

## CHAPTER V

### PARTIES TO AN ELECTION

#### DIVISION I

##### ELECTORS

**49.** Every person of full age, being a Canadian citizen and being neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act (R.S.Q., chapter P-41), nor under the jurisdiction of the public curator, nor under any voting disqualification pursuant to this Act is an elector of a municipality upon fulfilling one of the following three conditions for at least twelve months:

(1) he is domiciled in the territory of the municipality within the meaning of the Election Act (R.S.Q., chapter E-3.2),

(2) he is the owner of an immovable situated in the territory, within the meaning of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), or

(3) he is the occupant of a place of business situated in the territory, within the meaning of the Act respecting municipal taxation.

**50.** To exercise his right to vote, an elector shall, at the time of voting, be registered on the list of electors of the municipality and be neither interdicted nor under close treatment pursuant to the Mental

Patients Protection Act, nor under the jurisdiction of the public curator, nor under any voting disqualification pursuant to this Act.

**51.** A person is disqualified from voting in a municipal election if he pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act.

The disqualification shall continue for five years from the day on which the judgment finding the person guilty becomes a *res judicata*.

**52.** Every person who is an elector on 1 September of the calendar year in which a general election must be held is entitled to be registered on the list of electors.

Where an immovable belongs to undivided co-owners or where a place of business is occupied by co-occupants, only the co-owner or the co-occupant designated for that purpose is entitled to be registered on the list of electors as the owner of the immovable or as the occupant of the place of business.

**53.** Co-owners or co-occupants who are electors on 1 September of the calendar year in which a general election must be held shall designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person who is not entitled to be registered on the list of electors in a more preferred capacity.

The power of attorney must be transmitted to the returning officer. It takes effect upon receipt and remains valid until it is replaced.

**54.** Upon undertaking the preparation of the list of electors, the returning officer shall give a public notice stating the rules governing the registration of co-owners and co-occupants and inviting those who wish to make a first designation or to replace the existing designation to send him the power of attorney within such time as he fixes.

**55.** No person may be registered in more than one place on the list of electors of the municipality.

**56.** A person who, on 1 September of the calendar year in which a general election must be held, is an elector in several capacities shall be registered in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the sole owner of an immovable;
- (3) as the sole occupant of a place of business;
- (4) as the undivided co-owner of an immovable;
- (5) as the co-occupant of a place of business.

Where several immovables are contemplated in subparagraph 2 or 4 of the first paragraph, the immovable with the highest real estate value shall be the immovable considered. Where several places of business are contemplated in subparagraph 3 or 5 of the said paragraph, the place of business with the highest rental value shall be the place of business considered.

**57.** Every elector registered on the list of electors of an electoral district or ward is entitled to vote for a candidate for each of the offices of mayor and of councillor of the district or ward.

**58.** Every elector registered on the list of electors of a municipality whose territory is not divided for election purposes is entitled to vote for a candidate for each of the offices of mayor and of councillor of the municipality.

## DIVISION II

### CANDIDATES

**59.** A person is eligible for office as a member of the council of a municipality if, on 1 September of the calendar year in which a general election must be held, he is an elector of the municipality and has been domiciled or resident in the territory of the municipality for at least twelve months.

**60.** The following persons are ineligible:

- (1) judges of the courts of justice;
- (2) the Chief Electoral Officer and the other members of the Commission de la représentation;
- (3) ministers of the government of Québec or of Canada;

(4) public servants, other than employees within the meaning of the Labour Code (R.S.Q., chapter C-27), of the Ministère des Affaires municipales, or of any other department who are assigned to the Ministère des Affaires municipales on a permanent basis;

(5) members and officers, other than employees within the meaning of the Labour Code, of the Commission municipale du Québec and of the Bureau de révision de l'évaluation foncière du Québec;

(6) Attorney-General's substitutes having permanent tenure;

(7) cadets and members of the Sûreté du Québec.

**61.** The following persons are also ineligible for office as a member of the council of a municipality:

(1) officers or employees of the municipality except those who provide their services to fight fires on an occasional basis and who are commonly called "volunteer firemen" and except persons who are considered only for the purposes of the law to be officers or employees of the municipality;

(2) policemen of another municipality, of a regional or urban community or of an intermunicipal board of management having jurisdiction over all or part of the territory of the municipality;

(3) the election officers of the municipality;

(4) official agents of parties authorized to carry on their activities in the territory of the municipality, their assistants and the official agents of independent candidates at the current election.

**62.** Any person holding the office of leader of a party or any independent candidate at a previous election whose financial report or return of election expenses required under Chapter XIII has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

Where the party no longer exists, a person who is ineligible under the first paragraph is the last holder of the office of leader of the party.

**63.** Any independent candidate at a previous election who has defaulted payment of any debts arising from his election expenses in accordance with Chapter XIII is ineligible for four years from his default.



**64.** Every person sentenced to continuous imprisonment is ineligible while serving his sentence.

**65.** Every person unqualified to hold office as a member of the council of a municipality under this Act or another Act is ineligible for such an office.

**66.** A person is ineligible for office as a member of the council of a municipality if he holds office as a member of the council of another municipality, is a candidate for such an office or has been proclaimed elected thereto for thirty days or less.

### DIVISION III

#### ELECTION OFFICERS

**67.** Election officers of the municipality include the returning officer, the election clerk and, as the case may be, any assistant, deputy returning officer, poll clerk, officer in charge of information and order, enumerator, person acting in a revision office and every member, secretary and investigating assistant of a board of revisors and any other person whose services are temporarily required by the returning officer.

**68.** The clerk or the secretary-treasurer of the municipality is the returning officer of the municipality *ex officio*.

Where the clerk or the secretary-treasurer is prevented from acting or where the office of clerk or secretary-treasurer is vacant, his assistant is the returning officer *ex officio*. Where he has no assistant, or the office of assistant is vacant or the assistant is prevented from acting, the Commission municipale du Québec shall appoint the returning officer.

The second paragraph does not apply where there is an election clerk and he is not prevented from acting.

The Commission may, for cause, dismiss the returning officer after giving him an opportunity to be heard, and designate his substitute.

For the first election to the council of a newly-established municipality not resulting from a grouping of municipalities, the Minister of Municipal Affairs shall appoint the returning officer.

**69.** The returning officer shall ensure that the election is properly conducted and, for that purpose, shall see to the training of other election officers and direct their work.

**70.** The returning officer shall appoint an election clerk before giving the notice of election.

**71.** The election clerk shall assist the returning officer in the performance of his duties and, for that purpose, shall carry out the duties delegated to him by the returning officer.

The election clerk shall take the place of the returning officer where the latter is prevented from acting or where the position of returning officer is vacant, for such time as he is prevented or it remains vacant.

**72.** The returning officer may appoint any assistant he deems necessary.

**73.** The assistant shall perform the duties delegated to him by the returning officer.

The assistant may subdelegate all or part of his duties, with the authorization of the returning officer.

The person delegating or subdelegating duties may define the territory in which the delegation has effect.

**74.** The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.

Where there is only one polling station, the returning officer himself may perform the duties of deputy returning officer and the election clerk may perform the duties of poll clerk.

**75.** Where candidates of more than one authorized party were elected at the last general election, the returning officer shall appoint as deputy returning officer and as poll clerk persons recommended by the party with the greatest number of elected candidates and by the party with the second greatest number of elected candidates, respectively.

Where parties have the same number of elected candidates, their ranking for the purposes of the first paragraph is established according to the number of votes obtained by all the candidates for each party.

**76.** The recommendation of a party is made by means of a writing signed by the leader of the party or by the person designated by him for that purpose and sent to the returning officer not later than 4:30 P.M. sixteen days before polling day.

**77.** Where the recommendation has not been received within the prescribed time, where the person recommended is unqualified to perform the duties, is prevented from performing them or refuses to perform them, or where the party is no longer authorized, the returning officer shall appoint any person he may choose.

**78.** The functions of the deputy returning officer are, in particular,

- (1) to see to the arrangement of the polling station;
- (2) to ensure that the polling is properly conducted and maintain order in his polling station;
- (3) to facilitate the exercise of the right to vote and ensure the secrecy of the vote;
- (4) to proceed with the counting of the votes;
- (5) to transmit the results of the vote to the returning officer and remit the ballot box to him.

**79.** The functions of the poll clerk are, in particular, to enter in the poll book the particulars relating to the conduct of the polling and assist the deputy returning officer.

**80.** The returning officer may appoint an officer in charge of information and order for each polling place.

The returning officer shall make the appointment for any municipality with a population of 20 000 or over.

**81.** The functions of the officer in charge of information and order are, in particular,

- (1) to receive the electors when they enter the polling place and direct them to the polling station where they may exercise their right to vote;
- (2) to ensure accessibility to the polling stations and facilitate circulation in the polling place;

(3) to ensure that only the number of electors allowed by law are admitted to a polling station at the same time;

(4) to ensure that only the electors who are on the premises of a polling station at the appointed closing time for the polling station and who have been unable to vote before that time are allowed to exercise their right to vote after that time;

(5) to ensure that only persons authorized to be on the premises of a polling station are allowed there;

(6) to inform the returning officer of any situation requiring his intervention.

**82.** The returning officer may temporarily call on the services of any other persons whom in his judgment he needs for the election.

**83.** A person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act is disqualified from holding office as an election officer of any municipality.

The disqualification lasts for five years from the day on which the judgment finding him guilty becomes a *res judicata*.

**84.** Before taking office, every election officer shall declare under oath or solemnly affirm that he will perform his duties according to law.

**85.** From the time an election officer makes the oath or solemn affirmation, he shall not engage in partisan work.

Notwithstanding the first paragraph, the deputy returning officer and the clerk assigned to a polling station established for the advance poll may engage in partisan work from the time the returning officer resumes possession of the ballot box at the end of this poll until the counting of the votes on polling day. Before the counting of the votes, the deputy returning officer and the poll clerk shall again make the oath or solemn affirmation.

**86.** Upon making the oath or solemn affirmation, each election officer shall be registered on a list which shall be posted up in the office of the municipality.

Where an election officer is dismissed or replaced or otherwise ceases to hold office, his name shall immediately be struck from the list.

**87.** Every election officer is entitled to receive remuneration or an expense allowance from the municipality for the duties he performs.

The council of the municipality may determine a tariff of remuneration or allowances; it may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance lower than that fixed in the tariff determined by the Minister of Municipal Affairs under Title III is subject to approval by the Minister.

An election officer of a municipality which has not established any tariff or which has not fixed the officer's remuneration or allowance in the tariff is entitled to the remuneration or allowance fixed in the tariff established by the Minister or, failing that, agreed with the returning officer.

#### DIVISION IV

##### CHIEF ELECTORAL OFFICER

**88.** The Chief Electoral Officer may make recommendations to the returning officer regarding the performance of the latter's duties.

**89.** The Chief Electoral Officer may, on request, provide the returning officer with any assistance he may need to perform his duties.

**90.** The Chief Electoral Officer may entrust the exercise of any or all of his powers to such person as he may designate.

#### DIVISION V

##### MANDATARIES OF CANDIDATES

**91.** An authorized party or a recognized ticket may designate a person for each polling station where a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to represent the candidate or all the candidates, as the case may be, before the deputy returning officer.

The authorized party or the recognized ticket may also, for each polling place where there is a polling station described in the first paragraph, designate a person in the manner described there to represent the candidate or all the candidates, as the case may be, before the officer in charge of information and order.

**92.** An independent candidate may designate a person for each polling station where a vote may be cast in his favour, and give him a power of attorney to represent him before the deputy returning officer.

The independent candidate may also, for each polling place where there is a polling station described in the first paragraph, designate a person in the manner described there to represent him before the officer in charge of information and order.

**93.** Every representative assigned to a polling station shall declare under oath or solemnly affirm that he will not disclose the name of the candidate for whom a person has voted in his presence.

**94.** A candidate may be present wherever his representative is authorized to act, assist him in performing his duties or take his place.

A candidate who has no representative may act where a representative could act.

**95.** An authorized party or a recognized ticket may designate a person for each polling place where there is a polling station at which a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to periodically collect a list of the persons who have already exercised their right to vote.

An independent candidate may in the same manner designate a canvasser described in the first paragraph for each polling place where there is a polling station at which a vote may be cast in his favour.

The first two paragraphs do not apply at an advance poll.

**96.** A person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act is disqualified from holding office as a representative or a canvasser.

The disqualification lasts for five years from the day on which the judgment finding him guilty becomes a *res judicata*.

**97.** The power of attorney shall be signed by the leader of the party or of the ticket, by the independent candidate or by the person designated by the leader or the candidate for that purpose in a writing transmitted to the returning officer.

The power of attorney shall be presented to the deputy returning officer or the officer in charge of information and order, as the case may be.

The power of attorney of a representative is valid for the duration of the poll and of the counting of votes in the polling station or in the polling place to which he is assigned. The power of attorney of a canvasser is valid for the whole duration of the poll.

## CHAPTER VI

### ELECTION PROCEDURE

#### DIVISION I

##### NOTICE OF ELECTION

**98.** Not later than fifty-eight days before polling day, the returning officer shall give a public notice setting forth the following particulars:

- (1) the fact that every seat on the council is open for nominations;
- (2) the place, days and hours for filing nomination papers;
- (3) the fact that where two or more candidates are nominated for the same council seat, an advance poll and a poll will be held to elect one of them;
- (4) the appointed day and opening and closing times for the polling station or stations for the advance poll;
- (5) the appointed day and opening and closing times for the polling station or stations;
- (6) the name of the election clerk.

#### DIVISION II

##### LIST OF ELECTORS

##### § 1.—*Preparation*

**99.** The returning officer shall prepare the list of electors during the period beginning on 1 September in the calendar year in which a general election must be held and ending thirty days before polling day.

Where applicable, the returning officer shall prepare the list by electoral districts or by wards. The list of electors of the municipality shall then consist of all the lists for the districts or wards.

**100.** The returning officer may appoint enumerators to assist him.

**101.** The list shall be prepared according to the situation of the immovables by thoroughfares, ranges or other sectors, following the numerical order of the immovables, including that of apartments or rooms or, failing that, the numerical order of cadastres.

**102.** The list shall contain, opposite one another, the name and the address of each elector entitled to be registered on the list.

The address of an elector shall be, according to the capacity under which he is qualified to be registered on the list, the number of the immovable of his domicile, that of the immovable of which he is the owner or that of the place of business of which he is the occupant. The number of the immovable shall include the number of the apartment or room, where that is the case. If the immovable has no number, the cadastral number shall be used.

**103.** The returning officer shall divide the list of electors into polling subdivisions.

Every polling subdivision shall have as near to 300 electors as possible.

**104.** The returning officer may make an alphabetical list of names of the electors included in a polling subdivision, indicating the particulars pertaining to each.

**105.** After completing the list, the returning officer shall deposit it in the office of the municipality.

**106.** Every candidate for the office of mayor is entitled to obtain up to five copies of the list of electors of the municipality free of charge on request.

Every candidate for the office of councillor for an electoral district or a ward is entitled to obtain up to five copies of the list of electors of the district or ward free of charge on request.

Every candidate for a seat on the council of a municipality whose territory is not divided for election purposes is entitled to obtain one copy of the list of electors of the municipality free of charge on request.

**107.** If a candidate has already paid the cost of issue of copies of the list of electors, he shall be reimbursed the amount he has paid



or the amount of the prescribed cost of issue of the number of free copies he is entitled to, whichever is less.

**108.** If a person withdraws and has obtained free copies of the list of electors, he shall pay to the municipality the amount of the prescribed cost of issue of those copies.

**109.** Not later than twenty-three days before polling day, the returning officer shall transmit a copy of the list of electors to each authorized party or recognized ticket, free of charge.

### § 2.—*Revision*

**110.** Where a poll must be held, the list of electors of the municipality, electoral district or ward, as the case may be, shall be revised.

Where a poll is unnecessary, the list may be revised by decision of the returning officer.

Where the holding of a poll ceases to be necessary after the end of the period for filing nomination papers, the returning officer shall decide whether or not the revision shall be continued or interrupted.

**111.** Not later than twenty-two days before polling day, the returning officer shall give a public notice indicating the following particulars:

(1) the fact that the list of electors will be revised;

(2) the places where the list may be examined and where applications for entry, striking or correction may be filed and the hours when they will be open;

(3) the qualifications to be an elector and to have the right to be registered on the list.

Where the notice is given before the end of the period for filing nomination papers, it may indicate that the list will not be revised unless the holding of a poll makes it obligatory.

Where the returning officer decides to interrupt the revision, he shall, as soon as possible, give public notice of the interruption.

**112.** The returning officer may cause an extract from the list of electors corresponding to a polling subdivision to be distributed to each

domicile, immovable and place of business comprised by the subdivision, accompanied with the indications contained in the public notice.

**113.** The returning officer may establish revision offices where the list of electors may be examined and where applications for entry, striking and correction may be filed.

The office of the municipality is a revision office.

**114.** The revision office shall be open on the days and at the times fixed by the returning officer, during the period beginning twenty days and ending fifteen days before polling day.

During that period, the revision office shall be open until 8 P.M. at least once.

**115.** The returning officer shall deposit a copy of the list of electors in each revision office for examination.

**116.** The returning officer may appoint the number of persons he considers necessary for each revision office to perform the following duties:

- (1) to receive and assist every person wishing to make an application for entry, striking or correction;
- (2) to ascertain the nature of the application;
- (3) to receive the application and put it in writing;
- (4) to administer the oath or solemn affirmation required by law to the applicant;
- (5) to give a copy of the application to the applicant.

The person appointed to act in a revision office may also require proof from a person applying for entry that he has the qualification relating to domicile, ownership of an immovable or occupancy of a place of business, as the case may be, and proof of his designation by the co-owners or co-occupants, where that is the case.

The returning officer may perform the duties of a person appointed to act in a revision office.

**117.** Applications received shall be sent to the returning officer each day after the revision office is closed.

**118.** Any person who finds that he is not registered on the list of electors when he should be or that he is registered although he should not be, may present himself at a revision office to make an application for entry or striking, as the case may be.

Any person who finds that he is registered on the list of electors in respect of the wrong domicile, immovable or place of business may present himself at a revision office to make both an application for entry and an application for striking.

**119.** An elector registered on the list of electors may present himself at a revision office to make an application to strike the name of a person in the same polling subdivision who is registered on the list of electors but is not entitled to be.

The elector shall declare on oath or solemn affirmation that, to the best of his knowledge, the person whose name he is requesting to be struck is not entitled to be registered on the list.

**120.** An elector may present himself at a revision office to make an application to correct any error in the registration of his name or address.

**121.** An application for entry, striking or correction may also be made by a relative or the spouse of the person entitled to make it.

For the purposes of the first paragraph,

(1) “spouse” means the person who is married to and lives with the person contemplated in the first paragraph or the person to whom he is not married but with whom he has been cohabiting and who publicly represents that person as his spouse;

(2) “relative” means a father, mother, grandfather, grandmother, father-in-law or step-father, mother-in-law or step-mother, brother, sister, brother-in-law, sister-in-law, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law or for the members of a group of persons living together and observing common rules under the direction of a superior, the superior or any delegate he may authorize for the purposes of the first paragraph.

**122.** Every applicant shall make his application under oath or solemn affirmation.

The application shall indicate the name and address of the applicant and of the person in whose respect it is made and the telephone number of the applicant.

**123.** The returning officer shall establish a board of revisors.

The returning officer may establish several boards of revisors and apportion and coordinate their work.

The returning officer shall, as soon as possible, inform each authorized party or recognized ticket and each independent candidate concerned of his decision.

**124.** Each board of revisors shall be composed of three revisors appointed by the returning officer.

The returning officer may be a member of the board of revisors; he shall then appoint two revisors.

**125.** Where candidates of more than one authorized party were elected at the last general election, the returning officer shall appoint as revisors a person recommended by the party with the greatest number of elected candidates and another person recommended by the party with the second greatest number of elected candidates.

Where two parties had the same number of elected candidates, their ranking for the purposes of the first paragraph is established according to the number of votes obtained by all the candidates of each of the two parties.

**126.** The recommendation of a party is made by means of a writing signed by the leader of the party or by the person designated by him for that purpose and transmitted to the returning officer not later than 4:30 P.M., twenty days before polling day.

**127.** Where the recommendation has not been received within the prescribed time, where the person recommended is unqualified to perform the duties or is prevented from performing them or refuses to do so or where the party is no longer authorized, the returning officer shall appoint any person he may choose.

**128.** The returning officer shall appoint the chairman and the vice-chairman of the board of revisors from among its members.

The returning officer shall be the chairman of the board of which he is a member.

**129.** The returning officer may appoint a secretary to the board of revisors, whose chief duties shall be to enter all decisions of the board

in the register of the board, to prepare notices convening persons in respect of whom applications for striking have been made and to complete abstracts of changes made to the list of electors.

**130.** The returning officer may appoint any investigating assistant he deems necessary, whose chief duties shall be to serve convening notices on persons in respect of whom applications for striking have been made and to gather, at the request of the board of revisors, any information relevant to the making of a decision.

**131.** Every board of revisors shall sit at the place, days and times the returning officer may fix, during the period beginning eighteen days and ending ten days before polling day.

The returning officer shall, as soon as possible, inform each authorized party or recognized ticket and each independent candidate concerned of his decision.

**132.** Two revisors shall constitute a quorum of the board of revisors.

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

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

**134.** The returning officer shall transmit to the board of revisors every application for entry, striking or correction that concerns it upon receiving it from the revision office.

**135.** The board of revisors shall examine the applications and receive the depositions on oath or solemn affirmation of all persons present who wish to be heard and, if need be, of their witnesses.

It shall maintain or reject the applications submitted and its decision shall be entered in the register of the board.

**136.** The board of revisors or any of its members duly authorized by it for that purpose shall have the right to make an inquiry to ensure that a person registered or applying for registration on the list of electors is entitled to it. The person may be assisted by an advocate.

For the purposes of the inquiry, the board of revisors may summon witnesses.

**137.** Before taking into consideration an application for striking, the board of revisors shall give a notice of one clear day to the person contemplated in the application, unless he is the applicant.

The notice shall be served at the address entered on the list of electors.

**138.** Where the decision of the board of revisors involves a striking or entry not applied for, the board may strike or enter the name of its own initiative or, if it must be done on a part of the list not revised by the board, give notice of the decision to the returning officer, who shall transmit the notice to the competent board, where that is the case.

Notice of one clear day shall be given to the person whose name is to be struck unless he is the applicant. The board shall not strike the name if the notice has not been given.

**139.** The board of revisors may also, of its own initiative, correct the name or address of an elector when the error is obvious or when, after inquiry, it comes to the conclusion that the name or address is erroneous.

**140.** The board of revisors, upon completing its work, shall prepare, for each polling subdivision, an abstract of each entry, striking and correction it has made on the list of electors.

The board of revisors shall also, for each polling subdivision, certify the number of names entered on the list of electors before revision, the number of names that have been added, struck or corrected and the total number of names appearing on the revised list.

The second paragraph affects only that part of the list of electors for the revision of which the board is responsible, where that is the case.

**141.** Not later than nine days before polling day, the board of revisors shall transmit the abstract of changes to the returning officer.

**142.** Upon receiving the abstract of changes, the returning officer shall transmit a copy free of charge to each authorized party or recognized ticket.

The provisions relating to the distribution of the list of electors to candidates free of charge apply to the abstract of changes, adapted as required.

**143.** The abstract of changes forms part of the list of electors until the changes are incorporated into the list.

§ 3.—*Coming into force*

**144.** The list of electors comes into force upon completion or interruption of the revision of the list or, where it is not revised, upon the expiry of the period prescribed for filing nomination papers.

The returning officer shall indicate at the end of the list of electors the day when it comes into force.

**145.** The list of electors remains in force until the new list substituted for it comes into force.

### DIVISION III

#### NOMINATION PAPER

**146.** Every eligible person may offer himself as a candidate for one seat on the council of a municipality at a time, by filing a nomination paper in writing with the returning officer.

Notwithstanding the first paragraph, in the case of a municipality having a population of over 500 000, the candidate of an authorized party for office as mayor may also be a candidate for office as councillor in one electoral district jointly with another candidate of the party who is his co-candidate.

**147.** In the case of a municipality to which Chapter XIII applies, candidates may be grouped into authorized parties in accordance with that chapter.

In the case of other municipalities, candidates may be grouped into recognized tickets by the returning officer.

**148.** To form a ticket, the persons intending to offer themselves as candidates for different offices shall sign a joint nomination paper and transmit it to the returning officer. The joint nomination paper shall indicate the following particulars:

- (1) the name and address of each person;
- (2) the fact that the persons wish to form a ticket;
- (3) the name of the ticket;

- (4) which of the persons is designated as head of the ticket;
- (5) the telephone number of the head.

**149.** The returning officer shall recognize the ticket composed of the persons having signed and transmitted the nomination paper to him.

The returning officer shall refuse to recognize the ticket if the name of the ticket includes the word “independent” or is likely to mislead the electors as to which ticket they are voting for.

The recognition has effect for the purposes of the current election and every by-election held before the next general election.

**150.** The nomination paper shall, under pain of rejection, be filed in the office of the returning officer during business days and hours of the office in the period beginning thirty-four days and ending twenty-three days before polling day.

Twenty-three days before polling day, the office of the returning officer shall be open from 9:00 A.M. to 4:30 P.M.

**151.** The nomination paper shall state the name of the candidate, his address, and the seat for which he is offering himself as a candidate.

**152.** A person may offer himself as a candidate under his ordinary name provided that it is the name by which he is commonly known in political, professional or social life and that he is acting in good faith.

**153.** The address of the candidate shall be, according to the qualification under which he is eligible, the street number of the immovable in which he has his domicile or of his residence in the territory of the municipality. The number of the immovable includes the apartment number, if any. If the immovable has no number, the cadastral number shall be used.

**154.** The indication of the council seat shall specify the electoral district, the ward or the number of the seat.

**155.** The nomination paper of the candidate for an authorized party or recognized ticket shall state that he is the candidate for that party or ticket and that he is a co-candidate, where that is the case.

**156.** The nomination paper shall be signed by the candidate.



**157.** The nomination paper shall include the supporting signatures of at least the following number of electors of the municipality:

- (1) 5 in the case of a municipality having a population of under 5 000;
- (2) 10 in the case of a municipality having a population of 5 000 or over but under 20 000;
- (3) 25 in other cases.

Each elector shall indicate his address opposite his signature in the same manner as on the list of electors.

**158.** Only the person intending to offer himself as a candidate or a person he designates for that purpose on the nomination paper is authorized to collect the supporting signatures.

**159.** The nomination paper shall be accompanied with a document establishing the identity of the candidate and a statement signed by the person who collected the signatures in support of the nomination certifying that he knows the signatories, that they signed the paper in his presence and that to the best of his knowledge they are electors of the municipality.

The returning officer may return the identification document to the person filing the nomination paper, after examining it, provided the person furnishes him with a true copy of the document.

**160.** The nomination paper of the candidate of an authorized party or recognized ticket shall be accompanied with a letter signed by the leader of the party or the head of the ticket certifying that the person is its official candidate for the seat in question and, where that is the case, that he is a co-candidate.

**161.** In a municipality to which Chapter XIII applies, the nomination paper of an independent candidate shall be accompanied with a writing signed by him in which he shall designate his official agent for the purposes of this chapter.

**162.** The returning officer shall forthwith accept the nomination paper if it is complete and is accompanied with the required documents, and if *prima facie* the paper and documents do not appear to be contrary to law in any way, particularly in respect of the eligibility of the candidate.

The returning officer shall then give a receipt, which is proof of the nomination.

**163.** Every candidate may, on request, obtain a copy free of charge of any nomination paper received.

**164.** A candidate may withdraw by transmitting a writing to that effect signed by him to the returning officer.

The withdrawal of a co-candidate entails the withdrawal of the candidate with whom he is associated for the seat of councillor. The withdrawal of the latter for the seat of mayor or councillor renders the co-candidate the only candidate of the party for the seat of councillor and no longer a co-candidate. Death has the same effect as withdrawal.

**165.** Where at the close of the period for nominations the returning officer has received only one nomination paper for a seat or only one candidate for that seat remains, he shall declare the candidate elected.

In other cases, a poll shall be held to determine which candidate will be elected to the seat.

Notwithstanding the foregoing, where, as a result of a withdrawal after the close of the period contemplated in the first paragraph but before the end of the polling period, only one candidate for the seat remains, the returning officer shall declare him elected.

The first and third paragraphs do not apply where election proceedings must be recommenced pursuant to subdivision 2 of Division VII.

**166.** Where, for the lack of an opponent, the candidate for office as mayor is declared elected, his co-candidate becomes the only candidate of the party for the seat of councillor and ceases to be a co-candidate.

**167.** Where the only candidates for a seat on the council are the co-candidate and the candidate with whom he is associated, no poll is required and the returning officer shall declare the former or the latter elected according as the latter is elected or defeated for office as mayor.

**168.** The declaration of election shall be made by means of a writing signed by the returning officer who shall indicate the date of declaration, the name of the elected candidate and the seat to which he is elected.

Where applicable, the returning officer shall read the declaration to the candidates and electors present at the place where he signs it.

**169.** Within three days of the declaration of election of a candidate, the returning officer shall transmit a copy of the writing to him.

**170.** A candidate, within thirty days of being declared elected, shall swear or solemnly affirm that he will perform his duties according to law.

#### DIVISION IV

##### POLL

#### § 1.—*Notice of poll*

**171.** Not later than ten days before polling day, the returning officer shall give a public notice with indication of the following particulars:

- (1) the designation of each seat for which it is necessary to hold a poll;
- (2) the name of each candidate for each seat;
- (3) the address of each candidate;
- (4) for each candidate, his membership of an authorized party or recognized ticket and the indication “co-candidate”, where that is the case;
- (5) the day and hours when the polling station or stations will be open for the advance poll;
- (6) the day and hours when the polling station or stations will be open for the poll;
- (7) the place where the polling station or stations will be established for the advance poll and for the regular poll and, if there are several polling stations, information for determining at which station an elector may vote.

The particulars described in subparagraph 7 of the first paragraph need not be indicated if the returning officer distributes a reminder containing them.

**172.** The particulars pertaining to the seat, name and address must correspond to those in the nomination paper.

The same applies to the indication of membership of an authorized party or recognized ticket or to the indication “co-candidate” unless meanwhile the party authorization has been withdrawn or the co-candidate has ceased to be such.

**173.** The returning officer may cause a reminder to be addressed to every elector registered on the list of electors who is entitled to vote in the poll.

The reminder shall be a card containing the particulars relating to the proclamation, namely, all the particulars pertaining to the candidates for whom the addressee is entitled to vote and respecting the polling station where he may exercise his right.

## § 2.—*Advance poll*

**174.** Where it is necessary to hold a poll, an advance poll shall be held seven days or, in the case of a municipality having a population of 100 000 or over, for two days beginning seven days before polling day.

The returning officer of a municipality having a population of under 100 000 may decide, nevertheless, that the advance poll shall be held for two days beginning seven days before polling day.

**175.** Election officers, handicapped persons and persons who have reason to believe they will be absent from the polling subdivision or unable to vote at the appointed place for them to vote on polling day may vote in the advance poll.

**176.** The provisions of this Act relating to the holding of a poll, except that relating to leave for employees, pupils and students, apply, adapted as required, to the advance poll, so far as they are consistent with this subdivision.

**177.** The returning officer shall establish any advance polling station he considers necessary.

If the returning officer establishes several polling stations, he shall determine which polling subdivision is attached to each station.

The returning officer shall notify each authorized party or recognized ticket and each independent candidate concerned of his decision as soon as possible.

**178.** The advance polling station must be accessible to handicapped persons.

**179.** The advance polling station must be open from noon to 8:00 P.M.

**180.** On an elector's presenting himself to vote in an advance polling station, the poll clerk shall enter his name and address as they appear on the list of electors in the poll book.

**181.** An elector wishing to vote in the advance poll shall, before being admitted to vote, affix his signature opposite his name in the poll book and indicate the reason which qualifies him to vote in the advance poll.

**182.** At the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

- (1) the number of electors who have voted;
- (2) the number of ballot papers cancelled and the number of unused ballot papers;
- (3) the names of the persons who have performed duties as election officers or representatives.

The deputy returning officer shall place the ballot papers found in the ballot box, the cancelled ballot papers, the unused ballot papers, the forms, and the list of electors in separate envelopes, and seal them. He shall then place the envelopes, except that containing the list of electors, and the poll book in the ballot box, and seal it.

The deputy returning officer, the poll clerk and the representatives who so wish shall affix their initials to the seals on the envelopes and ballot box.

The deputy returning officer shall then remit the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where that is the case, the deputy returning officer, in the presence of the poll clerk and the representatives, shall open the ballot box, resume possession of the poll book and of the envelopes containing the unused ballot papers and the forms, and open the envelopes to resume possession of their contents. The envelopes containing the used and cancelled ballot papers shall remain in the ballot box.

After the close of the polling station on the second day, the deputy returning officer and the poll clerk shall observe the same formalities as on the first day. The ballot papers used or cancelled on the second day shall be placed in envelopes separate from those containing the ballot papers used or cancelled on the first day.

**184.** On the basis of the list of electors used in each polling station, the returning officer shall prepare the list of the electors having voted in the advance poll and send a copy of the list to each authorized party or recognized ticket and each independent candidate concerned not later than three days before polling day.

**185.** If the list of electors used in a polling station is lost or spoiled, the returning officer shall take possession of the poll book contained in the ballot box in order to prepare the list of the electors having voted in the advance poll.

As soon as the list is prepared, the returning officer shall put the poll book back in the ballot box, seal the box and affix his initials to the seals.

Before taking possession of the poll book contained in the ballot box, the returning officer shall notify each authorized party or recognized ticket and each independent candidate concerned that he will do so. The representatives assigned to the polling station may be present while the returning officer acts pursuant to the first and second paragraphs and they may affix their initials to the seals.

**186.** From 7 P.M. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed to the counting of the votes cast in an advance polling station, in the presence of those representatives who wish to attend.

The counting shall be effected in the place determined by the returning officer, in accordance with the rules applicable to the counting of the votes cast on polling day, adapted as required.

Where the deputy returning officer or the poll clerk who acted in the advance polling station is prevented from acting or refuses to act, the returning officer shall appoint a substitute for the purposes of this section. The substitute need not be recommended by an authorized party, if any.

§ 3.—*Polling stations*

**187.** The returning officer shall establish a polling station for each polling subdivision.

The returning officer may, notwithstanding the foregoing, establish several polling stations for the same subdivision and determine which electors in the subdivision are entitled to vote in each polling station.

The returning officer shall notify each authorized party or recognized ticket and each independent candidate concerned of his decision as soon as possible.

**188.** An elector is entitled to vote in the polling station of the polling subdivision in which he is registered or, where there are several stations for the subdivision, in the polling station determined by the returning officer.

**189.** The polling station shall be situated in a spacious place of convenient access to the public.

Polling stations of the same electoral district or of the same ward shall be grouped in the same place within the district or ward wherever possible.

Notwithstanding the foregoing, the returning officer may establish polling stations of the same district or ward in more than one place or establish some of them in a neighbouring district or ward, but all the polling stations for the same polling subdivision must be at the same place.

**190.** School boards and establishments constituted under the Act respecting health services and social services (R.S.Q., chapter S-5) shall allow the use of their premises free of charge for the establishment of polling stations.

**191.** The returning officer shall be responsible for the arrangement and identification of all places where polling stations are situated.

**192.** A polling station shall have only one polling booth.

Where the territory of a municipality is not divided for election purposes, a polling station may have two polling booths.

§ 4.—*Material required for the poll*

**193.** The returning officer shall cause ballot papers to be printed.

The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.

**194.** The ballot papers shall be printed in such a manner that on the obverse, the indications and the circles provided for the affixing of the elector's mark are white on a black ground.

**195.** The paper used to make the ballot papers shall be sufficiently thick so that writing does not appear through it.

**196.** The ballot papers shall be provided with a counterfoil and a stub both bearing the same number on the reverse.

The ballot papers shall be numbered consecutively.

**197.** The ballot papers shall permit each candidate to be identified.

The ballot papers shall contain, on the obverse,

(1) the name of each candidate, his given name preceding his surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs and, where such is the case, the indication "co-candidate";

(3) a circle for the elector's mark opposite the particulars pertaining to each candidate.

Where several independent candidates have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name.

The particulars pertaining to each candidate on the ballot papers must correspond to those contained in his nomination paper, unless in the meantime the authorization of the party has been withdrawn or the candidate has ceased to be a co-candidate.

The particulars on the ballot papers shall be placed in alphabetical order of the candidates' surnames. Notwithstanding the foregoing, the particulars pertaining to a co-candidate shall be placed immediately



below those pertaining to the candidate with whom he is associated, in order that a single circle for the elector's mark be placed opposite their two names.

All circles must be of the same size.

**198.** The ballot papers shall contain, on the reverse,

- (1) the number of the ballot paper appearing on the counterfoil and the stub;
- (2) a space for the initials of the deputy returning officer;
- (3) the name of the municipality;
- (4) the council seat concerned;
- (5) the date of the poll;
- (6) the name and address of the printer.

The indication of the council seat concerned shall correspond to that contained in the nomination papers.

**199.** Where a candidate withdraws too late to allow the ballot papers which will be used to take account of the withdrawal, the returning officer shall cause the particulars pertaining to the candidate to be crossed off the ballot papers by means of a line in ink or any other indelible substance.

The deputy returning officer shall inform every elector to whom he gives such a ballot paper of the candidate's withdrawal.

Any vote cast in favour of the candidate, before or after his withdrawal, is null and void.

**200.** Where the authorization of a party is withdrawn too late to allow the ballot papers which will be used to take account of the withdrawal, the returning officer shall cause the reference to the party to be crossed off the ballot papers by means of a line in ink or any other indelible substance.

In the case described in the first paragraph, and where a candidate otherwise ceases to be a co-candidate too late to allow the ballot papers which will be used in the polling for the council seat to take account of that fact, the returning officer shall also, in the same manner, cause

the indication “co-candidate” and the particulars pertaining to the candidate with whom he was associated to be crossed off those ballot papers.

**201.** The returning officer shall see that a ballot box is provided for each polling station.

**202.** Every ballot box shall be made of durable material. It shall have a slit or narrow opening in the top so that the ballot papers can be introduced into the box through the opening but cannot be withdrawn from it unless the box is opened.

**203.** No material required for the poll may be seized so long as it is required.

**204.** The returning officer, on behalf of the municipality, may enter into any contract required to obtain the material required for the poll.

**205.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall deliver to the deputy returning officer, in a sealed ballot box, after affixing his initials or a seal bearing his initials on the seals,

(1) a copy of the list of electors comprising the electors who have the right to vote at the polling station and indicating which of them have voted in the advance poll;

(2) a copy of the list of the electors described in subparagraph 1 who have voted in the advance poll;

(3) a poll book;

(4) the required number of ballot papers which, for each council seat in respect of which a poll is held at that station, shall not be greater than the number of electors having the right to vote at the station, plus twenty-five;

(5) the forms and other documents necessary for the poll and the counting of the votes.

The returning officer shall also deliver to the deputy returning officer any other material required for the poll.

§ 5.—*Preliminary formalities to opening of polling stations*

**206.** The deputy returning officer and the poll clerk shall be at the polling place in which the polling station to which they are assigned is situated one hour before the opening of the poll, or earlier if so directed by the returning officer.

The officer in charge of information and order, if any, and any other election officer assigned to the polling place shall be there at the same hour.

**207.** The representatives assigned to a polling station or a polling place may be there from one hour before the opening of the polling stations.

The representatives may attend all the activities carried on there.

**208.** During the hour preceding the opening of the polling station, the deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found in it and the other material required for the poll, in accordance with the directives issued by the returning officer.

**209.** The place where the polling station is situated and the election officers shall be identified.

**210.** Immediately before the time fixed for the opening of the polling station, the deputy returning officer and the poll clerk shall ascertain that the ballot box is empty.

The ballot box shall then be sealed and placed on the table of the polling station in full view of the election officers.

§ 6.—*Order of polling procedure*

**211.** The polling period shall begin at the opening of the polling stations, at 9 A.M., and shall end at the close of the stations, at 6 P.M., subject to any extension of the polling period provided for in this Act.

**212.** In the case of a delay or interruption, the returning officer may extend the polling period, for as long as he determines, at the polling station affected by the delay or interruption.

The extension shall not exceed the length of the delay or interruption.

**213.** Any electors on the premises of a polling station at the end of the polling period who have not been able to vote may exercise their right to vote.

The deputy returning officer shall declare the polling closed after they have voted.

For the purposes of the first paragraph, the premises of the polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the end of the polling period.

**214.** During the polling period, every employer shall grant to every elector in his employ sufficient leave to allow him at least four consecutive hours to vote, not counting the time normally allowed for meals. No deduction of wages nor any penalty may be imposed on the employee by reason of this leave.

On polling day, every educational institution shall give leave to those pupils or students who are electors.

This section is binding upon the Government and its departments and agencies.

**215.** Not more than one elector may be admitted to the polling station at the same time.

Notwithstanding the first paragraph, two electors may be admitted to a polling station that is provided with two polling booths.

Only the deputy returning officer, the poll clerk and the representatives assigned to the polling station may be present at the station, together with the returning officer, the election clerk and the assistant returning officer. The officer in charge of information and order may be present at the request of the deputy returning officer or the poll clerk for as long as may be required. The canvasser may be present for the time required to perform his duties.

**216.** The elector shall give his name and address to the deputy returning officer and the poll clerk.

The address given by the elector shall be the address that must be entered on the list of electors.

**217.** The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is registered on the list of

electors used at the polling station and if his name and address correspond to those appearing on the list of electors.

Any elector whose address differs slightly from that entered on the list of electors shall nevertheless be admitted to vote, after declaring under oath or solemnly affirming that he is the person intended to be designated by the erroneous entry. An indication shall be made of it in the poll book.

**218.** Before admitting a person to vote, the deputy returning officer, the poll clerk or a representative assigned to the polling station may, for reasons he shall state, require the person to declare under oath or solemnly affirm that he has the right to vote.

The poll clerk shall enter in the poll book the name of the person requiring the declaration under oath or solemn affirmation and the reasons for the requirement.

**219.** An elector under whose name another person has already voted shall nevertheless be admitted to vote, after declaring under oath or solemnly affirming that he is really the elector registered on the list and that he has not already voted. An indication shall be entered of it in the poll book.

**220.** An elector whose name does not appear on the copy of the list of electors used at the polling station but does appear on the original may obtain an authorization to vote from the returning officer.

An elector who has obtained an authorization under this section shall present it to the deputy returning officer and shall be admitted to vote after declaring under oath or solemnly affirming that he is indeed the person who obtained it. An indication of it shall be entered in the poll book.

**221.** No person may be admitted to vote by the deputy returning officer if he refuses to make the declaration under oath or solemn affirmation that is required of him. An indication of it shall be entered in the poll book.

**222.** The deputy returning officer shall give the elector who is admitted to vote every ballot paper to which he is entitled, after writing his initials in the space reserved for that purpose and detaching the counterfoil.

He shall also give the elector a pencil with which to mark the ballot paper unless a pencil is already provided in the polling booth.

**223.** The elector shall enter the polling booth and mark the ballot paper at once by making a cross, an "X", a check mark or a line in the circle placed opposite the indications pertaining to the candidate in whose favour he wishes to vote, using a pen, a ball-point pen or a pencil.

The elector shall then fold the ballot paper he has marked.

**224.** After marking and folding every ballot paper given to him, the elector shall leave the polling booth and, as the case may be, return the pencil to the deputy returning officer.

He shall allow the initials of the deputy returning officer to be examined by that officer, the poll clerk and any representative assigned to the polling station who wishes to do so.

Then, in full view of the persons present, the elector shall detach the stub and hand it to the deputy returning officer, who shall destroy it.

Lastly, the elector himself shall place the ballot paper in the ballot box.

**225.** The deputy returning officer shall cancel any ballot paper bearing initials that are not his own or not bearing any initials and prevent it from being placed in the ballot box. An indication shall be made of it in the poll book.

Notwithstanding the foregoing, the deputy returning officer shall not cancel a ballot paper which does not bear any initials where all of the following conditions are fulfilled:

(1) the number of ballot papers presented by the elector corresponds to the number given to him by the deputy returning officer;

(2) the ballot paper presented by the elector is, on its face and without being unfolded, the ballot paper given to him by the deputy returning officer;

(3) the deputy returning officer signs a declaration supported by his oath or solemn affirmation attesting that he inadvertently omitted or forgot to affix his initials to the ballot paper.

The deputy returning officer shall then, in full view of the persons present, affix his initials to the reverse of the ballot paper and allow it to be placed in the ballot box. An indication shall be made of it in the poll book.

**226.** The deputy returning officer shall give a new ballot paper to an elector who has inadvertently marked or spoiled his ballot paper, and shall cancel the marked or spoiled ballot paper.

**227.** An elector who declares under oath or solemnly affirms that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted either

(1) by the deputy returning officer or the poll clerk, in the presence of the representatives assigned to the polling station, or

(2) by another elector, in the presence of the deputy returning officer and the poll clerk.

Where an elector chooses to be assisted by another elector, the latter shall declare under oath or solemnly affirm that he has not assisted another elector during the poll and that he will not disclose the name of the candidate for whom the elector votes in his presence.

An indication that an elector has availed himself of this section shall be entered in the poll book.

**228.** The deputy returning officer shall provide a template to a visually handicapped person who requests it to enable him to vote without assistance.

The deputy returning officer shall adjust the template and the ballot paper, give them to the elector and indicate to him the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.

Where the elector is entitled to more than one ballot paper, the deputy returning officer shall wait until the ballot paper given to the elector is placed in the ballot box before giving him another in accordance with the second paragraph.

**229.** As soon as an elector has voted, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

The first paragraph does not apply where the elector has voted pursuant to an authorization without being registered on the copy of the list of electors used at the polling station.

## DIVISION V

### COUNTING AND ADDITION OF VOTES

**230.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed to the counting of the votes.

The representatives assigned to the polling station may attend.

Where several polling stations are situated in the same polling place, the counting of votes shall only begin once the poll is closed at all the polling stations.

**231.** For the purposes of this division, the co-candidate and the candidate with whom he is associated shall be counted as one candidate for the seat on the council.

**232.** Before the ballot box is opened, the poll clerk shall enter the following particulars in the poll book:

- (1) the number of electors who have voted;
- (2) the number of cancelled ballot papers and the number of unused ballot papers;
- (3) the names of the persons who have performed functions as election officers or representatives assigned to the polling station.

**233.** The deputy returning officer, the poll clerk and the representatives shall use the compiling sheet provided by the returning officer for the counting of votes.

**234.** The deputy returning officer shall open the ballot box, count the votes by taking, one by one, the ballot papers placed in the ballot box and allow each person present to examine the ballot papers without touching them.

**235.** Every ballot paper shall be rejected which

- (1) has not been furnished by the deputy returning officer;
- (2) has not been marked or has not been marked properly;



- (3) has been marked in favour of more than one candidate;
- (4) has been marked in favour of a person who is not a candidate;
- (5) bears fanciful or injurious entries;
- (6) bears a mark allowing the elector to be identified.

**236.** Every ballot paper that does not bear the initials of the deputy returning officer shall be rejected.

Notwithstanding the foregoing, no ballot paper contemplated in the first paragraph may be rejected where all of the following conditions are fulfilled:

- (1) the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors and the poll book, where such is the case, were placed in it;
- (2) the ballot papers found in the ballot box appear on their face to be those furnished by the deputy returning officer;
- (3) the deputy returning officer signs a declaration supported by his oath or solemn affirmation attesting that he inadvertently omitted or forgot to affix his initials to a specified number of ballot papers.

The deputy returning officer shall then affix his initials to the reverse of every ballot paper that does not bear them, in full view of the persons present, and shall enter beside his initials a note indicating that they were affixed as a correction. An indication of it shall be entered in the poll book.

**237.** No ballot paper may be rejected for the sole reason that the stub has not been detached.

In that case, the deputy returning officer shall detach the stub and destroy it.

**238.** No ballot paper may be rejected for the sole reason that the mark made in one of the circles extends beyond the circumference of the circle.

**239.** The deputy returning officer shall consider every objection raised by a representative assigned to the polling station in respect of the validity of a ballot paper and make a decision immediately. He may reserve his decision as to an objection based on the absence of his initials until all the ballot papers placed in the ballot box are examined.

The objection and the decision of the deputy returning officer shall be entered in the poll book.

**240.** After examining all the ballot papers placed in the ballot box, the deputy returning officer shall draw up a statement of the poll indicating

- (1) the number of ballot papers received from the returning officer;
- (2) the number of ballot papers cast in favour of each candidate;
- (3) the number of ballot papers rejected in the counting of votes;
- (4) the number of ballot papers cancelled and not placed in the ballot box;
- (5) the number of unused ballot papers.

The statement shall be drawn up separately for each seat in respect of which a poll is held at the polling station.

The returning officer may require the deputy returning officer to draw up several copies of the statement of the poll.

**241.** After drawing up the statement of the poll, the deputy returning officer shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes, the ballot papers cancelled and not placed in the ballot box, the unused ballot papers and the statement of the poll in separate envelopes.

The first paragraph applies separately in respect of each seat for which a poll has been held at the polling station.

If the returning officer has required that several copies of the statement of the poll be drawn up, two copies shall be placed in envelopes.

**242.** The deputy returning officer shall then seal the envelopes.

The deputy returning officer, the poll clerk and those representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

**243.** The deputy returning officer shall place the envelopes, the poll book and the list of electors in the ballot box.

He shall then seal the ballot box.

The deputy returning officer, the poll clerk and those representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

If two copies of the statement of the poll have been placed in envelopes, only one of the envelopes shall be placed in the ballot box.

**244.** On the basis of the statement of the poll, the deputy returning officer shall draw up a statement of the votes indicating the number of votes cast in favour of each candidate and the number of ballot papers rejected in the counting of votes.

The statement of votes shall be drawn up separately in respect of each seat for which a poll has been held at the polling station.

The deputy returning officer is dispensed from drawing up a statement of votes if he has drawn up a sufficient number of copies of the statement of the poll to provide one each for himself, the returning officer and each representative assigned to the polling station. In that case, the statement of the poll also constitutes a statement of votes.

**245.** The deputy returning officer shall give a copy of the statement of votes to each representative assigned to the polling station.

The deputy returning officer shall keep a copy of the statement.

**246.** The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

The deputy returning officer shall at the same time deliver a copy of the statement of votes to the returning officer or designated person.

He shall also deliver with the ballot box the envelope containing a copy of the statement of votes that was not placed in the ballot box, where such is the case.

**247.** The addition of the votes shall begin, at the discretion of the returning officer,

(1) either as soon as he receives a ballot box from a deputy returning officer or from the person to whom the deputy returning officer delivered it,

(2) or at 9 A.M. on the day after polling day or as soon as possible thereafter and not later than four days after polling day.

If the returning officer decides to begin the addition of the votes after polling day, he shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place chosen for that purpose.

**248.** The addition of the votes shall be conducted at the place determined by the returning officer.

Any person may attend.

**249.** The returning officer shall proceed to the addition of the votes by using the statements of the poll contained in the ballot boxes and compiling the votes cast in favour of each candidate.

Notwithstanding the foregoing, the returning officer may, where such is the case, use the statements of the poll delivered with the ballot boxes, unless a candidate or an elector concerned presents to him a written declaration, supported by an oath or solemn affirmation, attesting that there is reason to believe that such a statement of the poll is erroneous or fraudulent and does not correspond to the statement placed in the ballot box, and that the results may be different if the statement placed in the ballot box is used in conducting the addition of the votes.

**250.** Where the returning officer has not yet received a statement of the poll, he shall adjourn the addition of the votes until he obtains it.

If it is impossible to obtain the statement, the returning officer shall use the statement of votes delivered to him or, failing that, the statement of votes of the deputy returning officer or of a representative.

**251.** After consulting the statement of the poll or the statement of votes, as the case may be, the returning officer shall place it back in the envelope.

He shall then place the envelope in the ballot box.

**252.** Where it is impossible to obtain the statement of the poll or the statement of votes, the returning officer shall open the envelopes placed in the ballot box which contain the ballot papers, count the votes and draw up the statement of the poll.

Where it is impossible to obtain the ballot papers, the returning officer shall inform the Minister of Municipal Affairs in accordance with Division III of Chapter XI.

**253.** Immediately upon completion of the addition of the votes, the returning officer shall announce the results to the persons present.

**254.** After making the announcement, the returning officer shall communicate the results of the addition of the votes to every person who requests it.

**255.** In case of a tie-vote for first place, the returning officer shall apply for a recount of the votes in accordance with Division VII.

## DIVISION VI

### DECLARATION OF ELECTION AND SUBSEQUENT PROCEEDINGS

**256.** If no application for a recount or re-addition of the votes is made within the time prescribed therefor, or if the application is dismissed, the returning officer shall declare the candidate elected who obtained the greatest number of votes according to his announcement.

**257.** Where a recount or re-addition is made, the returning officer shall declare the candidate elected who obtained the greatest number of votes according to the results certified by a judge in accordance with Division VII.

Where the certified results show a tie-vote for first place, a drawing of lots shall determine which candidate shall be declared elected. For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the seat on the council.

**258.** Where a drawing of lots is required, the returning officer shall give one clear day's notice of it to each candidate concerned.

At the time and place indicated in the notice, the returning officer shall carry out a public drawing of lots.

He shall declare the candidate elected who is favoured by the drawing of lots.

**259.** Where the candidate of an authorized party for office as mayor has the right to be declared elected both to that office and to office

as councillor for an electoral district, he shall be declared elected to office as mayor and his co-candidate, as councillor.

Where the candidate has the right to be declared elected to office only as councillor, he shall be declared elected in preference to his co-candidate.

**260.** The declaration of election shall be made by means of a writing signed by the returning officer, indicating the date of the declaration, the name of the elected candidate and the office to which he is elected.

Where such is the case, the returning officer shall read the declaration to the persons present at the place where he signs it.

**261.** Within three days after the declaration of election of a candidate, the returning officer shall transmit a copy of the writing to the candidate.

**262.** A candidate, within thirty days of being declared elected, shall swear or solemnly affirm that he will perform his duties according to law.

**263.** As soon as the complete results of the election are known, the returning officer shall give public notice thereof, indicating the candidate elected to each office.

The returning officer shall send a copy of the notice to the regional county municipality or to the urban or regional community whose territory encompasses that of the municipality.

**264.** In no case may the person responsible for access to documents of the municipality deliver copies of the used ballot papers.

Nor may he allow any person to examine the ballot papers unless he is ordered to do so by a court or a judge.

## DIVISION VII

## RECOMMENCEMENT OF PROCEEDINGS

§ 1.—*Recount or re-addition of votes*

**265.** Any person may apply for a recount of the votes if he has reasonable grounds to believe that a deputy returning officer has unlawfully counted or rejected votes or has drawn up an incorrect statement of the number of votes cast in favour of a candidate. The application may regard only one or only certain polling subdivisions but the judge is not bound by that restriction.

Any person who has reasonable grounds to believe that the returning officer made an error in adding up the votes cast in favour of a candidate may apply for a re-addition of the votes.

The first paragraph does not apply where the returning officer applies for a recount in the case of a tie.

**266.** The application for a recount or re-addition is made by way of a motion to a judge of the Provincial Court of the judicial district in which the territory of the municipality is situated in whole or in part, and is filed in the office of that court.

The respondent is the candidate having the greatest number of votes according to the announcement made by the returning officer.

Subject to any inconsistent provision of this subdivision, proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure, but the motion shall be heard and decided by preference.

**267.** The motion shall be served upon the returning officer and presented not later than four days after the end of the addition of the votes, failing which it shall be dismissed.

The first paragraph does not apply to an application for a recount of the votes in the case of a tie.

**268.** No appeal lies from the decision on a motion under section 266.

**269.** The recount or re-addition shall be made by the judge who granted the motion or by any other judge of the Provincial Court

designated by the chief judge or the senior associate chief judge, as the case may be.

It shall begin within four days from the decision granting the motion and be carried out as soon as possible.

**270.** The judge shall give notice in writing of at least one clear day to the candidates concerned of the date, time and place at which he will proceed to the recount or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the ballot boxes used in the poll for the seat in question with their contents and the statements of votes. Where the recount regards only one or only certain polling subdivisions, the judge shall order only the ballot boxes and statements he will need.

**271.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a recount, proceed to examine the ballot papers and the other documents contained in the ballot boxes and, in the case of a re-addition, to examine the statements of votes or of the poll.

The candidates concerned or their mandataries and the returning officer may examine the ballot papers and other documents examined by the judge.

**272.** The rules provided in Division V to establish the validity of a ballot paper apply to a recount.

The judge may for the purposes of the recount take any measure he considers appropriate.

**273.** If a ballot box or required documents are missing, the judge shall take any appropriate measure to ascertain the results of the vote.

For the purposes of this section, the judge is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

Every person testifying in an inquiry before the judge has the same privileges and immunity as a witness before the Superior Court. Articles 307 to 309 of the Code of Civil Procedure apply, adapted as required.

**274.** While the recount or re-addition is in progress, the judge has the custody of the ballot boxes and their contents and of all the other documents that have been turned over to him.



**275.** Immediately upon completion of the recount, the judge shall verify or rectify any statement of the poll and statement of votes and proceed to the re-addition of the votes.

**276.** After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall remit the ballot boxes, their contents and all the other documents used for the recount or re-addition to the returning officer.

**277.** The judge shall adjudge and fix the amount of the costs according to the tariff established by government regulation.

Where, according to the results of the poll certified by the judge, the candidate who received the greatest number of votes is the same as according to the announcement made by the returning officer, the costs of that candidate shall be assumed by the appellant.

Where the recount is applied for following a tie-vote, there shall be no costs.

**278.** Costs are recoverable in the same manner as costs adjudged in ordinary cases before the Provincial Court.

*§ 2.—New election on account of the lack of candidates, the death or withdrawal of a candidate or the rejection of the ballot papers*

**279.** The returning officer shall, as soon as possible, issue a new notice of election to announce that a seat on the council is open for nominations where

(1) no person had offered himself as a candidate for the seat before the end of the prescribed period provided for filing nomination papers or all the persons who had done so withdrew or died before the end of the period;

(2) every candidate for the seat withdrew after the end of the period contemplated in paragraph 1, but before the end of the polling period;

(3) a candidate for the seat, being the seat of a councillor, died after the end of the period contemplated in paragraph 1 but before the end of the polling period;

(4) a candidate for the seat, being that of the mayor, died or withdrew for a reason beyond his control which the returning officer considers valid, less than twenty-seven days before polling day, but before the end of the polling period;

(5) all the ballot papers placed in the ballot box in favour of the candidates for the seat were rejected during the counting of votes or, as the case may be, during the recount.

**280.** The election proceedings shall be recommenced for the seat in question, from the publication of the new notice of election.

Notwithstanding the foregoing, the date fixed for the poll shall be the fourth or fifth Sunday following the publication of the new notice of election, the same persons shall have the right to be registered on the list of electors or to be candidates as in the original election and the list of electors in force shall be used and no new list is required; no revision of the list is required if the revision was completed for the purposes of the original election.

**281.** The election proceedings may be recommenced only once.

Where a situation arises justifying the recommencement of the proceedings a second time, the returning officer shall notify the Minister of Municipal Affairs, who may then appoint an eligible person to the seat in question or order that the proceedings be recommenced according to the rules he determines. The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

## CHAPTER VII

### ELECTORAL CODE OF ETHICS

#### DIVISION I

##### SECRECY OF VOTING

**282.** Voting is secret.

**283.** No elector may, in the building where a polling station is located or outside the building as far as the end of the waiting line of electors, let it be known, in any manner, in favour of whom he proposes to vote or has voted.

**284.** No candidate, representative or election officer may, in the building where a polling station is located or outside the building as far as the end of the waiting line of electors, attempt to learn in favour of which candidate an elector proposes to vote or has voted.

**285.** No candidate or representative, nor any election officer or elector who has given assistance to another elector may let it be known for which candidate an elector has voted.

**286.** No person may be compelled to declare for which candidate he has voted.

## DIVISION II

### PARTISAN PUBLICITY AND PARTISAN WORK OF OFFICERS AND EMPLOYEES OF THE MUNICIPALITY

**287.** No person may, at a polling place, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or use any other form of partisan publicity.

For the purposes of the first paragraph, the polling place extends to a radius of one kilometer from the building in which the polling station is located.

**288.** No officer or employee of a municipality may engage in partisan work connected with an election for a seat on the council of the municipality.

The prohibition contemplated in the first paragraph includes any association representing the interests of officers or employees contemplated in the first paragraph.

**289.** Attending a political meeting, making a contribution to a party or an authorized independent candidate or being a member of a party shall not be considered to be partisan work.

The first paragraph does not apply to the clerk or the secretary-treasurer of the municipality while he is an election officer of the municipality, or to any other officer or employee of the municipality.

## CHAPTER VIII

### CONTESTATION OF ELECTIONS

**290.** Every person entitled to vote at the election of a member of the council of a municipality may contest the election on the grounds

that the person declared elected was ineligible, that he did not obtain the greatest number of the valid votes, that a corrupt electoral practice was used which caused the election to be null, or that the proper formalities were not observed.

Every candidate defeated by the person declared elected may also avail himself of the first paragraph.

**291.** An election is contested by way of a motion to the Superior Court of the judicial district in which the territory of the municipality is situated in whole or in part.

The respondent is the person declared elected. The returning officer shall be impleaded.

**292.** The motion shall be presented within thirty days after the respondent is declared elected, or within thirty days after the commission of a corrupt electoral practice where the motion alleges that such a practice was used after the election was declared, failing which it shall be dismissed.

Where the alleged corrupt electoral practice concerns an overspending of the maximum election expenses fixed in Chapter XIII, the motion shall be presented within ninety days from the transmission of the return of election expenses, failing which it shall be dismissed.

**293.** The applicant may move either that the election be declared null, or that the election be declared null and he or the candidate he identifies be declared elected.

**294.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure, but the motion is heard and decided by preference.

**295.** The rules of proof are those applicable in civil matters.

**296.** The court shall decide either that the member of the council whose election is contested was duly elected, that his election is null, or that his election is null and another person designated by the court was duly elected.

Where the election of the candidate of an authorized party to the office of mayor is declared null by the court, the court may at the same time declare him elected as councillor of an electoral district instead of his co-candidate, unless the ground for the nullity of the election

is that the respondent was ineligible or that a corrupt electoral practice was used by the respondent or, with his knowledge and consent, by another person.

Where the candidate of an authorized party who has been declared elected to the office of councillor of an electoral district in preference to his co-candidate is declared elected to the office of mayor by the court, the court may at the same time declare the co-candidate elected as mayor instead of the candidate.

**297.** The court shall declare the election of the respondent null where the hearing establishes that a corrupt electoral practice within the meaning of this Act was used by him or, with his knowledge and consent, by another person.

The court shall declare the election of the respondent null where the hearing establishes that, without his knowledge and consent, his representative, mandatary or official agent or that of his party used a corrupt electoral practice, unless it is proved that the practice could not have had a determining effect on the election of the respondent.

**298.** The court shall declare the election of the respondent null where the hearing establishes that he failed to observe the proper formalities and that the inobservance may have had a determining effect on the election of the respondent.

**299.** An appeal lies to the Court of Appeal from the judgment rendered on the motion.

The appeal must be brought within 30 days from the judgment, failing which it shall be dismissed.

No appeal lies from any interlocutory judgment.

**300.** The ordinary rules of the Code of Civil Procedure apply to the proceedings but the appeal is heard by preference.

**301.** Where the provisional execution of the judgment declaring the election of the respondent null is ordered, it shall not result in the termination of his term or, as the case may be, his replacement by the candidate declared elected in his place.

Notwithstanding the foregoing, in no case may the respondent, during the provisional execution, sit on the council of the municipality, its committees and commissions, on the council, committees and

commissions of the regional county municipality, the urban or regional community or any intermunicipal board of management, or on any other council, committee, commission or public body of which the respondent is a member owing to the fact that he is a member of the council of the municipality, the regional county municipality, the community or the board.

The respondent shall consequently lose the right to receive the remuneration or allowance prescribed for each sitting he may not attend. Where his remuneration or allowance is not established for each sitting, an amount equal to 1% of the annual amount of the remuneration or allowance is subtracted for each sitting he may not attend. The sums shall be repaid to the respondent where the judgment having become a *res judicata*, overturning the judgment under provisional execution, orders it.

**302.** The appellant shall serve upon the clerk or secretary-treasurer of the municipality a certified copy of the judgment having become a *res judicata* and granting his motion.

Where the judgment granting his motion is appealed but is under a provisional order of execution, the appellant shall serve a certified copy of the appealed judgment and of the order on the clerk or the secretary-treasurer.

The clerk or secretary-treasurer shall immediately notify the regional county municipality, the urban or regional community, the intermunicipal board of management or any other body on which the respondent is no longer entitled to sit. He shall also notify them immediately where the respondent recovers the right to sit.

**303.** The person declared elected by the court instead of another person shall, within thirty days after service of the judgment having become a *res judicata* upon the clerk or secretary-treasurer of the municipality, make the oath or solemn affirmation to perform his duties according to law.

## CHAPTER IX

## DISQUALIFICATIONS

## DIVISION I

## GROUNDS FOR DISQUALIFICATION

**304.** A person holding office as a member of the council is disqualified from holding office as such

- (1) for the whole term of office if he was elected while ineligible;
- (2) upon ceasing after his election to be an elector of the municipality or to be domiciled or resident in the territory of the municipality, and until he becomes eligible again;
- (3) upon becoming ineligible under section 60 or 61 after his election, and until he becomes eligible again;
- (4) if he was a member of the Parliament of Québec or of Canada when he was elected to the council and did not cease to be a member of Parliament before taking office as a member of the council, so long as he holds both offices;
- (5) if he begins to hold office as a Member of the Parliament of Québec or of Canada after his election, so long as he holds both offices.

**305.** A person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act is disqualified from holding office as a member of the council of a municipality.

The disqualification lasts for five years from the day on which the judgment finding him guilty becomes a *res judicata*.

**306.** A person who pleads guilty to or is found guilty, under any Act, of an offence that pursuant to an Act of the Parliament of Québec or of Canada is an offence punishable by imprisonment for a term of one year or more is disqualified from office as a member of the council of a municipality.

The disqualification shall continue for five years from the day on which the judgment finding the person guilty becomes a *res judicata*.

The disqualification shall continue for twenty years where the offence is an indictable offence punishable by imprisonment for five years or more and where the person has formerly pleaded guilty to

or been found guilty of at least two other indictable offences punishable in the same manner.

The disqualification ceases in the case of a pardon or absolute discharge.

**307.** Every person who, knowingly,

(1) makes a false or incomplete written statement of his pecuniary interests under Division II of Chapter XII;

(2) contravenes the provisions of the said division that apply where a matter in which he has, directly or indirectly, a special pecuniary interest must be or is taken up for consideration by a council, committee or commission of which he is a member,

is disqualified from holding office as a member of the council of a municipality.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*.

**308.** A person who knowingly, during his term as member of the council of a municipality or as member of a municipal body, has an interest, directly or indirectly, in a contract with the municipality or body is disqualified from holding office as a member of the council of a municipality.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*.

**309.** Section 308 does not apply

(1) where the person acquires his interest by succession or gift and renounces or divests himself of it as soon as possible;

(2) where the interest of the person consists in holding shares of a company which he does not control and of which he is neither a director nor an officer;

(3) where the object of the contract is remuneration, an allowance, the reimbursement of expenses, social benefits, goods or services to which the person is entitled as a condition of employment attached to his duties with the municipality or municipal body;



(4) where the object of the contract is the appointment of the person to a position as an officer or employee, provided that the position is not one that makes its holder ineligible;

(5) where the object of the contract is the furnishing of services offered to the public by the municipality or the municipal body;

(6) where the contract consists of bonds, notes or other securities offered to the public by the municipality or the municipal body or in the acquisition of such bonds, notes or securities on non-preferential terms;

(7) where the object of the contract is the furnishing of goods or services by the person to the municipality or municipal body, pursuant to an Act or regulation;

(8) where the object of the contract is the furnishing of goods by the municipality or municipal body and where the contract was entered into before the person held office as a member of the municipality or body;

(9) where the general interest of the municipality or municipal body requires that the contract be entered into in preference to any other contract;

(10) in any other case determined by the Minister of Municipal Affairs.

**310.** A person who knowingly, during his term as a member of the council of a municipality or member of a municipal body, uses his position to misappropriate moneys or commit a breach of trust or other misconduct is disqualified from holding office as a member of the council of a municipality.

The disqualification lasts for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*, unless the judgment fixes a shorter period.

**311.** For the purposes of sections 308 to 310, “municipal body” means the council or any committee or commission of

(1) a body declared by law to be a mandatory or agent of a municipality;

(2) a body whose board of directors is composed for the greater part of members of the council of a municipality, whose budget is adopted by the municipality or more than one-half of whose funding is provided by the municipality;

(3) a public body whose board of directors is composed for the greater part of council members from several municipalities;

(4) any other body determined by the Minister of Municipal Affairs.

## DIVISION II

### ACTION FOR THE DECLARATION OF DISQUALIFICATION

**312.** Any elector of a municipality in which a person is a member or former member of the municipal council or is a candidate for that office may bring an action for the declaration of disqualification of that person.

The Attorney General and the municipality may also bring the action.

**313.** The action is brought before the Superior Court of the judicial district which includes all or part of the territory of the municipality.

The action shall be dismissed unless it is brought before the expiry of five years from the end of the term of office of the respondent during which the disqualification is alleged to have existed.

**314.** The action is governed by the Code of Civil Procedure but is heard and decided by preference.

**315.** The provisional execution of the judgment declaring the disqualification of a person who is a member of the council of a municipality has the same effect as the provisional execution of a judgment declaring his election null, with the necessary adjustments.

The first paragraph applies also where the judgment grants a demand for ouster from office brought in accordance with the Code of Civil Procedure.

**316.** The applicant shall serve upon the clerk or secretary-treasurer of the municipality a certified copy of the judgment having become a *res judicata* and declaring the member of the council disqualified or ousted from office.

Where the judgment is appealed but is under a provisional order of execution, the appellant shall serve a certified copy of the appealed judgment and of the order on the clerk or the secretary-treasurer.

The clerk or the secretary-treasurer shall immediately notify the regional county municipality, the urban or regional community, the

intermunicipal board of management and every public body on which the respondent is no longer entitled to sit. He shall also notify them immediately where the respondent recovers the right to sit.

The first two paragraphs do not apply where the appellant is the municipality.

## CHAPTER X

### TERM OF OFFICE OF COUNCIL MEMBERS

**317.** The term of office of a member of the council of a municipality begins when he makes the oath or solemn affirmation to perform his duties of office according to law.

**318.** The term of the mayor expires when the candidate elected to the office of mayor at the general election makes the oath or solemn affirmation or, if he fails to do so, at the expiry of the time prescribed therefor.

The term of the councillors expires at 4:30 P.M. twenty-three days before polling day in the general election.

**319.** The term of a member of the council ends prematurely upon his death or, in accordance with this chapter, upon his resignation, failure to sit or disqualification, the nullity of his election or his ouster from office.

The term of a councillor elected mayor by co-optation ends prematurely when his term as mayor begins.

**320.** A member of the council may resign from office by transmitting a writing to that effect signed by him to the clerk or the secretary-treasurer of the municipality.

The term of the member ends on the date of transmission of the writing or on any later date specified therein.

The clerk or secretary-treasurer shall table the writing before the council at the first sitting after it is transmitted.

**321.** The term of a member of the council who fails to attend council sittings for ninety consecutive days ends at the close of the first sitting after the expiry of the ninety days unless the member attends that sitting.

The council may, at the first sitting after the ninety days, grant thirty days of grace to the member if he was in fact unable to attend the sittings. In such case, the term of the member ends thirty-one days later, unless he attends a sitting of the council during the period of grace.

The council may also in due time order that a member's failure to attend sittings of the council for serious reasons beyond his control and causing no prejudice to the citizens of the municipality or of the electoral district or ward, as the case may be, shall not entail the end of his term.

The first three paragraphs do not apply where the member is prevented from attending the sittings by reason of the provisional execution of a judgment declaring his election null or his disqualification or ouster from office.

**322.** The term of a member of the council who is disqualified ends on the date on which the judgment declaring the member disqualified becomes a *res judicata*.

Where his disqualification results from the fact that the member, after his election, became ineligible pursuant to section 60 or 61 or became a Member of the Parliament of Québec or of Canada, his term ends on the day on which he takes the office referred to in that section or as a Member of Parliament.

Where his disqualification results from the fact that the member has pleaded guilty to or been found guilty of an offence contemplated in section 305 or 306, his term ends on the day on which the judgment declaring him guilty becomes a *res judicata*, except in the case of a pardon or absolute and immediate discharge.

The second and third paragraphs apply subject to sections 325 to 332.

**323.** The term of a member of the council ends on the date on which the judgment declaring his election null or ousting him from office becomes a *res judicata*.

**324.** The clerk or secretary-treasurer who ascertains that the term of a member of the council has ended by reason of his failure to attend sittings, his disqualification, the nullity of his election or his ouster from office, shall notify the member of the council as soon as possible and shall notify the council at the next sitting.

Where the clerk or secretary-treasurer ascertains that the term has ended pursuant to the second or third paragraph of section 322,

he shall at the same time notify the member of the contents of sections 325 to 332.

The member shall be notified in writing.

**325.** The member of the council may contest the notice of the clerk or the secretary-treasurer where the latter ascertains that the term of the member has ended pursuant to the second or third paragraph of section 322.

The contestation shall, under pain of nullity, be made in a writing signed by the member and transmitted to the clerk or secretary-treasurer not later than ten days after the notice of the clerk or secretary-treasurer.

**326.** In case of contestation, the clerk or secretary-treasurer may, in the name of the municipality, apply for judicial confirmation of the date of the end of the term of the council member.

The municipality, an elector of the municipality or the Attorney General may also make the application.

**327.** An application for judicial confirmation of the date on which the member's term ends is made by a motion to a judge of the Superior Court of the judicial district in which all or part of the territory of the municipality is situated, filed in the office of the Court.

The respondent is the council member whose end of term is the subject of the application for judicial confirmation.

Subject to sections 330 to 332, the procedure shall be according to the ordinary rules of the Code of Civil Procedure but the motion shall be heard and decided by preference.

**328.** The motion shall be dismissed unless it is made within ten days after the clerk or secretary-treasurer receives the writing in contestation.

A motion brought by an elector or the Attorney General shall be served on the clerk or secretary-treasurer before being made.

**329.** If no motion is made within the prescribed time, the term of the council member shall continue.

The clerk or secretary-treasurer shall then give notification of the continuance to the member as soon as possible and to the council at its next sitting.

The member shall be notified in writing.

**330.** The judge to whom the motion is validly made may either grant it or dismiss it on the ground that the disqualification of the member of the council is not apparent and that the end of his term must be established, if necessary, under the first paragraph of section 322 rather than under the second or third paragraph.

**331.** No appeal lies from the decision of the judge.

**332.** If the motion is dismissed, the term of the council member shall continue.

The clerk or secretary-treasurer shall then give notice of the continuance to the member as soon as possible and to the council at its next sitting.

The member shall be notified in writing.

The judge's decision cannot be pleaded as grounds for the inadmissibility of or as a plea of *res judicata* against an action for a declaration of disqualification or a motion in contestation of an election or for ouster from office.

**333.** Sections 322 to 332 apply to an elected candidate whose term has not begun and, excepting sections 329 and 332, prevent it from beginning.

## CHAPTER XI

### VACANCIES AND PROCEDURE FOR FILLING VACANCIES ON THE COUNCIL

#### DIVISION I

##### VACANCIES

**334.** The office of a member of the council of a municipality becomes vacant on the day the person elected to the office is in default to make the oath or solemn affirmation that he will perform his duties according to law.

**335.** The office becomes vacant on the day of the premature end of the term of its holder.

The office does not become vacant where the premature end of the term is the result of a judgment which designates another holder.

In the case where the premature end of the term occurs in circumstances described in the second and third paragraphs of section 322, the office becomes vacant upon the expiry of the time prescribed for the transmission of the writing in contestation of the end of the term if it is not contested, or on the day on which the judge grants the motion to confirm the end of the term if it is contested.

**336.** The office becomes vacant on the day fixed as the end of the term under sections 322 to 332 where the term of the person elected to the office cannot begin.

Where the outgoing office holder is still in office on that date, the office becomes vacant on the day his term ends.

**337.** The clerk or secretary-treasurer, on ascertaining that an office has become vacant, shall notify the council at the next sitting.

Where applicable, the notice shall be combined with the notice of the end of the term of the office holder.

**338.** This chapter does not apply to vacancies in council seats caused by the expiry of the term of office on the twenty-third day before polling day in the general election.

## DIVISION II

### BY-ELECTION AND CO-OPTATION

**339.** Where a vacancy occurs more than twelve months before polling day in the next general election, it shall be filled by a by-election.

Where it occurs twelve months or less before polling day, the council may, within fifteen days after notice of the vacancy, order a by-election to fill it.

**340.** Where a vacancy occurs in the office of mayor twelve months or less before polling day in the next general election and the council has not ordered a by-election to fill it, the councillors shall elect one of their number to the office within thirty days after notice of the vacancy.

The election shall be held by secret ballot at a sitting of the council.

The clerk or secretary-treasurer shall determine the nomination and voting procedure. He shall declare the person who obtains the greatest number of votes elected.

In case of a tie-vote for first place, the person presiding at the sitting shall cast a vote in favour of one of the persons tied.

The person elected shall within the following thirty days make the oath or solemn affirmation to perform his duties as mayor according to law.

**341.** Where a vacancy occurs in the office of councillor twelve months or less before polling day in the next general election and the council has not ordered a by-election to fill it, it shall not be filled until that general election.

The first paragraph applies with the reservation that the Minister of Municipal Affairs may order a by-election or make an appointment to fill the vacancy in accordance with Division III.

**342.** Chapters V to X, adapted as required and to the extent that they are consistent with this division, apply to by-elections.

**343.** The returning officer, within thirty days after the notice of vacancy or after the council orders a by-election to fill the vacancy, as the case may be, shall fix a Sunday as polling day.

The Minister of Municipal Affairs, at the request of the returning officer, may grant him an extension or allow him to change the Sunday fixed as polling day and consequently to give a new notice of election. In the second case, the Minister shall prescribe the adaptations to be made to the rules applicable to a by-election.

The returning officer shall notify the council as soon as possible of the date fixed as polling day.

**344.** Where it is unnecessary to prepare a list of electors, the notice of election shall be given not later than thirty-seven days before polling day.

**345.** For the purposes of entitlement to entry on the list of electors and eligibility for the by-election, the date of publication of the notice of election is substituted for 1 September of the calendar year in which a general election must be held.



**346.** A person who holds another office on the same council is not eligible.

**347.** It is unnecessary to prepare a list of electors where the date fixed as polling day is within twelve months from the end of the last revision of the list of electors of the municipality or, as the case may be, of the electoral district or ward concerned.

If the returning officer does not draw up a new list, he shall deposit the list of electors in force as soon as possible after publication of the notice of election.

**348.** Where it is necessary to prepare a list of electors of the municipality or, as the case may be, of the electoral district or ward, the returning officer shall draw up the list from the date of publication of the notice of election to thirty days before polling day.

### DIVISION III

#### INTERVENTION OF THE MINISTER OF MUNICIPAL AFFAIRS

**349.** The clerk or secretary-treasurer shall notify the Minister of Municipal Affairs in writing of the situation where one of the following cases occurs and where subdivision 2 of Division VII of Chapter VI is not applicable:

- (1) an election required to be called has not been called;
- (2) an election has been called but not completed;
- (3) an election has not resulted in the election of candidates to all the seats open for election;
- (4) the council lacks a quorum by reason of vacancies.

**350.** In the cases contemplated in section 349, the Minister may order the holding of a by-election or appoint a qualified person to the vacant seat.

The by-election is governed by Division II, except that the Minister shall designate the returning officer and fix the polling day.

The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

## CHAPTER XII

## RELATED RIGHTS AND OBLIGATIONS

## DIVISION I

## LEAVE WITHOUT PAY

**351.** Every employer shall, upon written request, grant leave without pay to his employee who is a candidate at a municipal election.

The request may be made at any time after the date of publication of the notice of election, even before the employee becomes a candidate.

**352.** Every employer shall, upon written request, grant leave without pay to his employee who is a member of the council of a municipality.

The request may be made at any time after the date of declaration of election of the employee, even before he becomes a member of the council.

No employer may be required pursuant to the first paragraph to grant leave without pay to his employee for a total period of more than eight years or two terms, whichever is longer.

**353.** Every employer shall, upon written request, grant leave without pay to his employee who is the official agent of an authorized party or of an independent candidate or the deputy to an official agent.

The request may be made at any time beginning thirty-four days before polling day, even before the employee becomes an official agent or deputy.

**354.** The leave begins on the day the employee becomes a candidate, a member of the council, an official agent or a deputy, as the case may be, or on the first day for which he requested leave, whichever is later.

The leave of the candidate terminates on the day of the declaration of election to the office concerned, that granted to a member of the council terminates on the expiry of his term and that granted to an official agent or deputy terminates on the expiry of the time prescribed for sending returns of election expenses.

The employee may terminate his leave at any time.

**355.** The leave may be full time or part time, according to the employee's request.

Where an employee requests part time leave, he shall specify the days or hours he is contemplating.

**356.** Notwithstanding any agreement or Act inconsistent herewith, the employee, throughout his leave as a candidate, official agent or deputy, is entitled to all the benefits he would have if at work, except his remuneration.

The employee, after making a written request to that effect at the beginning of the leave, may continue to contribute during the leave to all the plans in which he participates if he pays the totality of the premiums, including the employer's contribution.

**357.** At the expiry of the leave, the employer shall reinstate the employee, on the conditions of employment prevailing before the beginning of the leave or conditions more favourable for the employee, in accordance with the provisions of the collective agreement or, in the absence of a collective agreement, the agreement between the employer and the employee, taking into account the benefits to which he continued to be entitled during his leave.

**358.** No employer may, by reason of the leave, dismiss, lay off, suspend, demote or transfer the employee or give him less favourable conditions of employment than he is entitled to or diminish any benefit related to his employment and to which he is entitled.

In the case of the leave of a candidate, official agent or deputy, the employer shall not subtract the leave from the period of vacation of the employee.

**359.** An employee believing himself the victim of a contravention of this division may submit a complaint to the labour commissioner general appointed under the Labour Code. Sections 15 to 20, 49 to 51, 118 to 137, 139 to 140.1 and 150 to 152 of the Labour Code then apply, adapted as required.

An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of bringing a complaint before the labour commissioner general. Sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code then apply, adapted as required.

Where both recourse to the labour commissioner general and recourse to the grievance settlement and arbitration procedure are invoked, the arbitrator shall refuse to hear the grievance.

## DIVISION II

### DISCLOSURE OF PECUNIARY INTERESTS OF COUNCIL MEMBERS

**360.** Within sixty days of the declaration of his election, every member of the council of a municipality shall file with the council a written statement of his pecuniary interests in immovables located in the territory of the municipality and in the territory of the regional county municipality or of the regional or urban community of which the municipality is part and in legal persons, partnerships and enterprises likely to make transactions with the municipality, the regional county municipality or the community.

The statement shall list, in particular, the employments and the administrative positions held by the member of the council, and the existence of loans contracted by him from persons or bodies other than financial institutions the balance of which, in principal and interest, is more than \$2 000.

The statement need not mention the value of the interests which are listed in it, nor the degree of participation of a member of the council in legal persons, partnerships or enterprises. It need not mention sums deposited in financial institutions, nor the holding of bonds issued by the Government, a municipality or any other public body.

**361.** Every year, within sixty days after the anniversary of declaration of his election, each member of the council shall file an up-to-date statement with the council.

**362.** Where a member of the council fails to file the statement within the prescribed time, he is no longer entitled to sit, beginning ten days after the expiry of the prescribed time and until the statement is filed, on the council of the municipality or on committees and commissions thereof, on the councils, committees and commissions of the regional county municipality, the urban or regional community, or any intermunicipal board of management or on any other council, committee, commission or public body on which he sits by reason of his membership on the council of the municipality, regional county municipality, community or board.

From the expiry of the prescribed time for filing the statement, the clerk or secretary-treasurer shall notify the member who has not filed the statement of his failure and of the effects of not filing.

As soon as the member loses his right to sit, the clerk or secretary-treasurer shall notify the regional county municipality, the urban or regional community, the intermunicipal board of management and every other public body on which he is no longer entitled to sit. He shall also notify them immediately where the member files the statement and recovers the right to sit.

**363.** Every member who has lost the right to sit loses, as a consequence, the right to receive the remuneration or allowance prescribed for each sitting he may not attend.

Where the remuneration or allowance of the member is not established for each sitting, an amount equal to 1% of the annual amount of the remuneration or allowance shall be subtracted for each sitting he may not attend.

**364.** Every member of the council of a municipality attending a sitting at the time a matter is taken up in which he has a special pecuniary interest, directly or indirectly, shall disclose the general nature of his interest before the beginning of discussion of the matter and abstain from participating in the discussion and from voting or attempting to influence the vote on that matter.

The first paragraph also applies to a sitting of any council, committee or commission of the municipality or of a municipal body on which the member sits.

Where a sitting is not public, the member, in addition to observing the requirements of the first paragraph, shall, after disclosing the general nature of his interest, absent himself from the sitting for all the remaining consideration and voting on the matter.

Where the matter is taken up for consideration at a sitting not attended by the member, he shall disclose the general nature of his interest at the next sitting he attends.

**365.** Section 364 does not apply where the member's interest consists of remuneration, allowances, reimbursements of expenses, social benefits or other conditions of employment attached to his duties with the municipality or the municipal body.

Nor does section 364 apply where the interest is so slight that the member could not reasonably be influenced by it.

**366.** For the purposes of sections 364 and 365, the words “municipal body” have the same meaning as for the purposes of sections 308 to 310.

## CHAPTER XIII

### FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES AND CONTROL OF ELECTION EXPENSES

#### DIVISION I

##### INTERPRETATION AND APPLICATION

**367.** In this chapter,

“election period” means the period beginning thirty-four days before polling day and ending at closing time for the polling stations on polling day;

“financial institution” means a chartered bank, a bank governed by the Quebec Savings Banks Act (R.S.Q., 1970, chapter B-4), a trust company or a savings and credit union within the meaning of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

“fiscal year” means the calendar year;

“permanent office of a party” means the office where, with a view to propagating the political program of the party and coordinating the political action of its members, employees of the party or of an agency associated with it work on a permanent basis, outside the election period, to attain the party’s objectives;

“treasurer” means the treasurer, the secretary-treasurer, the director of finance or any other officer or employee of the municipality designated by the council to perform the duties of treasurer under this chapter.

**368.** Divisions II to VI apply to every municipality having a population of 20 000 or over whose territory is divided into electoral districts.

Where Divisions II to VI have begun to apply to a municipality, they continue to apply even if its population falls below 20 000, so long as its territory is divided into electoral districts.

The terms and conditions determined by the Minister of Municipal Affairs where he exempts the municipality from dividing its territory into electoral districts may, where such is the case, provide for the transitional rules required by reason of the cessation of the application of Divisions II to VI to the municipality.

**369.** The Minister of Municipal Affairs may, upon request, put an end to the application of Divisions II to VI to a municipality having a population of under 20 000 whose territory is divided into electoral districts on the terms and conditions he determines and render them again applicable to it in the same manner.

Divisions II to VI become applicable once more to the municipality where its population again reaches 20 000.

**370.** The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to put an end to the application of Divisions II to VI to a municipality or to render them again applicable to it.

## DIVISION II

### FUNCTIONS OF THE CHIEF ELECTORAL OFFICER

**371.** The Chief Electoral Officer shall see to the administration of this chapter.

He may conduct studies on the financing of municipal political parties and independent candidates and the control and supervision of their election expenses.

**372.** The Chief Electoral Officer shall, in particular,

- (1) authorize parties and independent candidates;
- (2) verify that the parties and candidates are complying with this chapter;
- (3) issue directives on the administration of this chapter;
- (4) receive and examine the reports and returns transmitted to him;

(5) inquire into the legality of the expenditures and loans of authorized parties and independent candidates, and of election contributions and expenses.

**373.** In respect of information of the public, the Chief Electoral Officer may, in particular,

(1) provide any person applying therefor with advice and information regarding the administration of this chapter;

(2) give public access to the information, reports, returns or documents relating to this chapter;

(3) maintain a public information centre on this chapter;

(4) regularly hold information meetings and conferences for the benefit of the parties, municipalities and the public;

(5) at the request of a party, furnish the information required for the training of its official representative;

(6) make any publicity he considers necessary.

**374.** The Chief Electoral Officer, of his own initiative or at the request of another person, may inquire into the enforcement of this chapter.

**375.** The Chief Electoral Officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

**376.** Each time the Chief Electoral Officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.

**377.** For his inquiries, the Chief Electoral Officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions. He has no power, however, to impose a penalty for contempt of court.

Articles 307 to 309 of the Code of Civil Procedure apply to witnesses heard at an inquiry.

**378.** The Chief Electoral Officer may delegate to one of his assistants the exercise of any power or the performance of any function he indicates.



The act of delegation shall be published in the *Gazette officielle du Québec*.

**379.** The Chief Electoral Officer may also delegate to the returning officer of the municipality the exercise of any power or the performance of any function he indicates in respect of the authorization of an independent candidate.

**380.** For the purposes of the administration of this chapter, the treasurer is subject to the authority of the Chief Electoral Officer.

**381.** The treasurer is entitled to receive remuneration or an expense allowance from the municipality for the functions he performs.

The council of the municipality may establish a remuneration or allowance tariff; the council may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance that is lower than that fixed by the tariff established by the Minister of Municipal Affairs under Title III shall be submitted for approval to the Minister.

The treasurer of a municipality that has not established a tariff is entitled to the remuneration or allowance fixed by the tariff established by the Minister.

### DIVISION III

#### AUTHORIZATION OF PARTIES AND INDEPENDENT CANDIDATES

##### § 1.—*Authorization required*

**382.** Every party or independent candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall be the holder of an authorization from the Chief Electoral Officer in accordance with this division.

##### § 2.—*Official representative*

**383.** Every party or independent candidate seeking or holding an authorization shall have an official representative.

The official representative of an authorized party may have a delegate for each electoral district. For the purposes of designation of the delegate, the municipal by-laws or the decision of the Commission de la représentation establishing the electoral districts may be taken into account upon coming into force.

**384.** No person may be an official representative or delegate who

- (1) is not an elector of the municipality;
- (2) is a candidate for the office of member of the council of the municipality;
- (3) is the leader of a party carrying on its activities in the territory of the municipality;
- (4) is an election officer of the municipality or an employee of such an election officer;
- (5) is an officer or employee of the municipality;
- (6) is the Chief Electoral Officer or a member of his personnel;
- (7) pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act.

Disqualification under subparagraph 7 of the first paragraph shall continue for five years from the day on which the judgment finding the person guilty becomes a *res judicata*.

**385.** The leader of a party shall designate the official representative of the party in writing. The official representative shall designate his delegate in the same manner, with the written approval of the leader of the party.

An independent candidate shall designate his official representative in writing. The designation of his official agent in the writing he files with his nomination paper constitutes the designation of his official representative.

**386.** An official representative may resign by transmitting a written notice to that effect to the leader of the party or the independent candidate, as the case may be. A delegate may resign by transmitting a written notice to that effect to the official representative.

**387.** Where a party or independent candidate no longer has an official representative, another shall be designated without delay.

In the case of an authorized independent candidate, the new official representative and the new official agent shall be one and the same person.

**388.** A party or independent candidate which or who is authorized or whose application for authorization is pending shall without delay give notice in writing to the Chief Electoral Officer of any vacancy or change of occupant in the position of official representative or delegate. The notice shall be given by the person who is required to furnish the information for the updating of the register as provided in subdivision 7.

**389.** The Chief Electoral Officer shall publish in a newspaper circulated in the territory of the municipality a notice of the replacement of the official representative of an authorized party or independent candidate or of the delegate of an official representative.

In case of delay in filling the vacancy in the office, the Chief Electoral Officer shall publish a notice of the vacancy in the same manner.

§ 3.—*Authorization of party*

**390.** A party may apply for an authorization if it undertakes, through its leader, to present candidates for at least one-third of the offices of councillor at every future general election.

**391.** The leader of the party shall transmit to the Chief Electoral Officer a written application for authorization containing the following information:

- (1) the name of the party;
- (2) the address to which communications intended for the party should be sent;
- (3) the address where the books and accounts pertaining to the contributions the party will receive, the expenses it will incur and the loans it will contract are to be kept;
- (4) the name, address and telephone number of the leader of the party;
- (5) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (6) the address of the permanent office of the party, if any;
- (7) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates.

The application shall also contain the undertaking entitling the party to apply for authorization.

The application shall be accompanied with the names, addresses and signatures, for at least one-third of the electoral districts, of ten electors from each electoral district who affirm that they are members or sympathizers of the party and that they support the application for authorization. The address of the elector must be the address entered on the list of electors of the district.

**392.** The Chief Electoral Officer shall grant an authorization to a party which applies therefor in accordance with this division.

The Chief Electoral Officer shall refuse an authorization to a party if the name of the party includes the word “independent” or is likely to mislead the electors as to which party they are contributing to.

The authorization is valid only in respect of the municipality mentioned in the application.

#### § 4.—*Authorization of independent candidate*

**393.** The Chief Electoral Officer shall grant an authorization to an independent candidate who makes a written application to him containing the following information:

- (1) his name, the address of his domicile and his telephone number;
- (2) the name of the municipality for whose council he is a candidate;
- (3) the address to which communications intended for him should be sent;
- (4) the address where the books and accounts pertaining to the contributions he will receive, the expenses he will incur and to the loans he will contract are to be kept;
- (5) the name, address and telephone number of his official representative.

The authorization is valid only in respect of the municipality mentioned in the application.

**394.** The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.

After polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses and to dispose of his remaining sums and property for political, religious, scientific or charitable purposes.

Where a candidate withdraws, his authorization entitles his official representative, after his withdrawal, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before his withdrawal and to dispose, for the purposes mentioned in the second paragraph, of his sums and property remaining on the day of his withdrawal.

**395.** The authorization granted to an independent candidate expires on 31 December of the calendar year following that of polling day unless it is withdrawn before then.

The authorization of an independent candidate who was elected and who has not discharged all the debts arising from his election expenses by that date expires on the date of filing of the financial report showing that all the debts have been discharged.

#### § 5.—*Withdrawal of authorization*

**396.** The Chief Electoral Officer may, upon the written application of the leader, withdraw the authorization of a party. He may, upon the written application of an independent candidate, withdraw the candidate's authorization.

The application shall be accompanied with a closing financial report for the period from the date of authorization or, as the case may be, from the preceding 31 December to the date of the application. In addition, the application shall be accompanied with the financial report for the preceding fiscal year where it has not been filed with the treasurer, and the auditor's certificate pertaining to it.

In no case may the Chief Electoral Officer withdraw the authorization of an independent candidate who has not fully discharged the debts arising from his election expenses.

**397.** The Chief Electoral Officer may withdraw the authorization of a party or independent candidate which or who does not furnish him with the information required for the purposes of the updating of the register as provided in subdivision 7, who contravenes Division IV or whose official representative contravenes Division VI.

**398.** The Chief Electoral Officer shall withdraw the authorization of a party which, without the required approval, changes its name so that it includes the word “independent” or is likely to mislead electors as to which party they are contributing to.

**399.** The Chief Electoral Officer shall withdraw the authorization of a party which, at the end of the period provided for filing nomination papers at a general election, presents candidates for less than one-third of the offices of councillor, or the number of whose candidates falls below that required minimum after that period but before the end of the polling period.

**400.** The Chief Electoral Officer shall withdraw the authorization of an independent candidate who dies.

**401.** The funds and assets of a party which ceases to be authorized shall be turned over to the Chief Electoral Officer without delay by the persons holding them.

The party shall also send to the Chief Electoral Officer, within 60 days after the withdrawal of authorization,

(1) a closing financial report for the period running from the date of authorization or, as the case may be, from the preceding 31 December to the date of the withdrawal of authorization, unless it has already been transmitted with the application for withdrawal;

(2) the financial report for the preceding fiscal year, where it has not been filed with the treasurer, and the auditor’s certificate pertaining to it;

(3) a list of its creditors and the amounts owed to each.

Upon the request of the Chief Electoral Officer, the party shall also turn over to him any book, account or document relating to its financial affairs.

**402.** The Chief Electoral Officer shall liquidate the assets of the party.

He shall pay the debts of the party out of the sums turned over to him and the proceeds of the liquidation of its assets.

**403.** After payment of the debts, the balance shall be turned over to the treasurer for payment into the general fund of the municipality.

**404.** For the purposes of the liquidation of the assets of the party, the Chief Electoral Officer may open accounts in financial institutions having offices in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the officers of his personnel.

**405.** Where the authorization of an independent candidate is withdrawn upon his application, the sums and assets remaining from those he obtained as a candidate shall be turned over without delay to the Chief Electoral Officer by the persons holding them. The Chief Electoral Officer shall liquidate the assets and turn over to the treasurer the proceeds of the liquidation and the sums that were turned over to him. The treasurer shall pay the proceeds and the sums into the general fund of the municipality.

Where an independent candidate otherwise ceases to be authorized, sections 401 to 404 apply, adapted as required.

§ 6.—*Merger of authorized parties*

**406.** The merger of authorized parties requires the authorization of the Chief Electoral Officer.

**407.** The application for authorization shall be made by means of a joint written application of the leaders of the parties, containing the following information:

- (1) the proposed date of merger;
- (2) the name of the party resulting from the merger;
- (3) the address to which communications intended for the party should be sent;
- (4) the address where the books and accounts pertaining to the contributions the party will receive, the expenses it will incur and the loans it will contract are to be kept;
- (5) the name, address and telephone number of the leader of the party;
- (6) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (7) the name of the auditor of the party;
- (8) the address of the permanent office of the party, if any;

(9) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates.

The application shall be accompanied with a balance sheet of each of the applying parties at the date of the application.

**408.** Upon the request of the Chief Electoral Officer, each applying party shall turn over to him any book, account or document relating to its financial affairs.

Each applying party shall also, upon the request of the Chief Electoral Officer, cause its balance sheet to be audited by an auditor.

**409.** The Chief Electoral Officer shall grant authorization to merge to parties who apply therefor in accordance with this subdivision.

The Chief Electoral Officer shall refuse authorization where the name of the party resulting from the merger includes the word "independent" or is likely to mislead electors as to which party they are contributing to.

The Chief Electoral Officer shall also refuse authorization where he has reasonable grounds to believe that the party resulting from the merger would be unable to discharge its outstanding liabilities or that the book value of its assets would be less than its liabilities.

The authorization is valid only in respect of the municipality mentioned in the application.

**410.** Subject to any provision of another Act governing the merger or dissolution of one of the applying parties, the merger takes effect on the day authorization is granted by the Chief Electoral Officer or on any later date indicated in the application.

From the merger, the applying parties cease to exist and are replaced by the party resulting from the merger, which then succeeds to their rights and obligations.

**411.** Within sixty days after the merger, a financial report of each applying party for the period from the preceding 31 December to the date of the merger shall be sent to the Chief Electoral Officer.

Upon the request of the Chief Electoral Officer, the financial report shall be accompanied with a certificate of the auditor of the party.



**412.** The official representative of the party resulting from the merger shall, not later than 1 April of the calendar year immediately following that of the merger, file the financial report in accordance with Division VI for that part of the fiscal year that has lapsed since the merger.

The financial report of the party shall be accompanied with an opening balance-sheet at the date of the merger.

*§ 7.—Miscellaneous provisions*

**413.** The Chief Electoral Officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

**414.** Where the Chief Electoral Officer proposes to refuse or withdraw his authorization, he shall give the party or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

Persons shall be convened by registered or certified mail or by any other means considered valid by the Chief Electoral Officer.

The first and second paragraphs do not apply where the Chief Electoral Officer is bound to withdraw the authorization or where the withdrawal of authorization is made upon the application of the independent candidate.

**415.** Upon granting or withdrawing his authorization, the Chief Electoral Officer shall give notice of it in a newspaper circulated in the territory of the municipality.

The notice shall indicate the name of the official representative, and those of his delegates, if any.

**416.** In respect of each municipality, the Chief Electoral Officer shall keep a register of the parties and independent candidates he has authorized, setting out the information contained in the applications for authorization and, in the case of a party, the name of its auditor.

**417.** An authorized party shall not change its name except with the authorization of the Chief Electoral Officer.

**418.** Every authorized party or independent candidate shall, without delay, furnish, in writing, the Chief Electoral Officer with the information required for updating the register.

The information shall be furnished by the official representative, the leader of the party or, as the case may be, the independent candidate. The information relating to the auditor and the delegates, however, shall be furnished by the official representative.

**419.** Where the leader of an authorized party resigns, he shall, without delay, inform the Chief Electoral Officer of his resignation, in writing.

**420.** The Chief Electoral Officer shall inform the treasurer of any change in the information contained in the register kept in respect of the municipality.

#### DIVISION IV

##### CONTRIBUTIONS, EXPENSES AND LOANS

##### § 1.—*Contributions*

**421.** The following are contributions:

- (1) a donation of money to a party or to a candidate;
- (2) a service rendered or goods furnished to a party or to a candidate free of charge and for political purposes;
- (3) a sum disbursed by a candidate for payment of an election expense, other than an expense he may pay himself, through his official agent or that of his party.

**422.** The following are not contributions:

- (1) volunteer work and the goods or services produced by such work;
- (2) anonymous donations collected at a meeting or rally held for political purposes;
- (3) amounts paid under any Act, including reimbursements provided for in this chapter;
- (4) a loan granted for political purposes, in accordance with subdivision 2, by an elector of the municipality or a financial institution having an office in Québec, at the current rate of interest in the market at the time it is granted;

- (5) suretyship contracted by an elector of the municipality;
- (6) an annual amount not in excess of \$25 paid by a natural person for membership in a party;
- (7) as the official representative elects, the entrance fee to a political activity or rally, where the fee is not in excess of \$50.

For the purposes of paragraph 1 of the first paragraph, “volunteer work” means work done personally, voluntarily and not for consideration.

**423.** Only an elector of the municipality may make a contribution.

An elector shall make a contribution only in favour of a party or independent candidate holding an authorization that is valid for the municipality.

**424.** Every contribution shall be made by the elector himself and, except in the case of the furnishing of a service, out of his own property.

**425.** The total amount of contributions by the same elector during the same fiscal year shall not exceed \$750. The contributions may be distributed among several authorized parties or independent candidates.

Goods and services furnished to a party or candidate shall be assessed, if they are furnished by a merchant dealing in similar goods or services, at the lowest price at which he offers his goods or services to the public at the time they are furnished.

In other cases, goods and services shall be assessed at the lowest retail price at which they are offered to the public in the normal course of business in the regional market at the time they are furnished.

**426.** No contributions may be solicited except under the responsibility of the official representative or through persons designated in writing by the official representative.

Every person authorized to solicit contributions shall, on demand, produce a certificate of his authority signed by the official representative.

**427.** No contribution may be made except to the official representative of the authorized party or independent candidate for which or for whom it is intended, or to the persons designated in writing by the official representative.

**428.** The person who receives the contribution shall issue a receipt to the contributor.

**429.** A delegate of the official representative of an authorized party has, for the electoral district for which he is appointed, the powers conferred on the official representative in respect of responsibility for soliciting contributions, of designating persons to do the soliciting and of receiving contributions.

**430.** Every contribution of money of over \$100 shall be made by cheque or other order of payment signed by the elector and drawn on his account in a financial institution having an office in Québec.

**431.** The cheque or order of payment shall be made payable to the order of the authorized party or independent candidate.

**432.** On being cashed, a contribution is deemed paid by the elector who made it and received by the party or candidate for which or for whom it is intended.

**433.** The cash contributions and the funds collected in accordance with this chapter shall be deposited with financial institutions having an office in Québec and chosen by the authorized party or independent candidate.

**434.** Every contribution made contrary to this chapter shall, as soon as the fact is known, be returned to the contributor if his identity is known; where it is not known, the contribution or the amount at which it is evaluated shall be turned over to the treasurer for payment into the general fund of the municipality.

**435.** The official representative of an authorized party or independent candidate more than 20% of whose income for a fiscal year is made up of anonymous donations collected at political meetings or rallies shall, within 30 days after the filing of the financial report for that fiscal year, turn over to the treasurer an amount equal to the donations in excess of that percentage.

The treasurer shall pay the amount into the general fund of the municipality.

**436.** Outside an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting a contribution, make air time on the radio or television or space in the newspaper, periodical or other publication

available free of charge to authorized political parties, provided he offers such service equitably as to quality and quantity to all the authorized parties in the municipality.

The Chief Electoral Officer shall verify the legality of services rendered under this section.

§ 2.—*Expenses and loans*

**437.** The expenses of an authorized party or independent candidate may be incurred only by the official representative or by a person designated by him in writing for that purpose.

Every person authorized to incur expenses shall, on demand, produce a certificate of his authority signed by the official representative.

**438.** A delegate of the official representative of an authorized party has, in the electoral district for which he is appointed, the same powers to incur expenses and to designate persons to incur expenses as the official representative.

**439.** The official representative of an authorized party shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

**440.** Only the official representative of an authorized party or independent candidate may contract a loan.

**441.** Every loan shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest, which must take section 442 into account.

Where an elector becomes surety for a loan, the deed of suretyship shall set out the name and address of the elector and the amount for which he became surety.

**442.** The official representative shall, at least once a year, pay the interest due on the loans he has contracted.

## DIVISION V

## ELECTION EXPENSES

§ 1.—*Interpretation*

**443.** For the purposes of this division, the word “candidate” includes any person who subsequently becomes or proposes to become a candidate.

**444.** All costs incurred during an election period to

(1) promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;

(2) propagate or oppose the program or policy of a candidate or party;

(3) approve or disapprove the steps recommended or opposed by a candidate or party; or

(4) approve or disapprove any act done or proposed by a party, a candidate or supporters thereof,

are election expenses.

**445.** Costs incurred before an election period for the purchase or production of any literature, object, advertising material or radio or television program used or broadcast during the election period for the purposes contemplated in section 444 also are election expenses.

The official agent who has authorized the use or broadcast is deemed to have incurred the expenses during the election period.

The expenses shall be accounted for according to a method based on the frequency of use or broadcast during the election period compared to the frequency of use or broadcast before and during the election period.

**446.** The following are not election expenses:

(1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, 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 election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) the cost of broadcasting by a radio or television station of a program of news or commentary, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

(3) the unavoidable expenses connected with a nominating convention, which include the cost of renting a hall, convening the delegates and publicity at the convention site, but shall not include the cost of any other form of publicity nor exceed \$2 250 in the case of a candidate for office as mayor or \$750 in the case of a candidate for office as councillor;

(4) the reasonable expenses of a candidate attending a nominating convention, which include the cost of the publicity made by the candidate at the convention but shall exclude the cost of any other form of publicity;

(5) the transportation costs of a candidate, if not subject to reimbursement;

(6) the transportation costs of any person other than a candidate, paid out of his own money, if the costs are not reimbursed to him;

(7) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(8) the reasonable ordinary costs incurred for the day to day operations of the permanent office of the party at the address entered in the register of the Chief Electoral Officer;

(9) interest accrued from the beginning of the election period to ninety days after polling day, on any loan lawfully granted to an official representative for election expenses, unless the official agent has paid the interest and declared it as an election expense in his return of election expenses.

## *§ 2.—Rules applicable to election expenses*

**447.** Every authorized party wishing to incur election expenses shall have an official agent.

The official representative of the party shall be the official agent of the party unless another person is appointed in writing for that purpose by the leader of the party.

The leader of the party shall inform the treasurer of the name of its official agent.

**448.** Every independent candidate shall have an official agent whom he shall appoint in the writing filed with his nomination paper.

If his official agent dies, resigns or refuses or is unable to act, the candidate shall appoint another immediately by a writing which he shall sign and send to the returning officer.

The candidate may in the same manner dismiss his official agent and appoint another.

The returning officer shall, without delay, inform the treasurer of every appointment and replacement of an official agent.

**449.** At the beginning of the election period, the treasurer shall post up in the office of the municipality a list of the official agents of the parties and independent candidates.

He shall keep the list up to date throughout the election period.

The Chief Electoral Officer shall be notified of every resignation or replacement of an official agent and of any vacancy in the office of official agent.

**450.** The official agent of an authorized party may, with the approval of the leader of the party, appoint the required number of deputies and authorize them to incur or authorize election expenses up to the amount fixed by him in their deed of appointment. That amount may be changed in writing by the official agent before he files his return of election expenses. However, the official agent shall not reduce that amount below the amount of the election expenses already legally incurred or authorized by a deputy.

All election expenses incurred or authorized by a deputy, up to the fixed amount, are deemed to have been incurred or authorized by the official agent.

Every deputy shall furnish a detailed account of the expenses he has incurred or authorized to the official agent.



**451.** The following persons cannot be official agents or deputies:

- (1) a person who is not an elector of the municipality;
- (2) a candidate for office as a member of the council of the municipality;
- (3) the leader of a party carrying on its activities in the territory of the municipality;
- (4) an election officer of the municipality or an employee of such an officer;
- (5) an officer or employee of the municipality;
- (6) the Chief Electoral Officer or one of his officers;
- (7) a person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act.

Disqualification under subparagraph 7 of the first paragraph shall continue for five years from the day on which the judgment finding the person guilty becomes a *res judicata*.

**452.** An official agent may authorize, in writing, an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. That amount may be changed in writing by the official agent before he files his return of election expenses. However, the official agent shall not reduce the amount below the amount of the election expenses already legally incurred or ordered by the advertising agency.

The advertising agency shall furnish to the official agent, within sixty days after polling day, a detailed account of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors.

**453.** An official agent or his deputy shall not pay the cost of election expenses otherwise than out of an election fund.

**454.** Sums of money held in accordance with Division IV by an authorized party or independent candidate are the only funds that may be paid into the election fund put at the disposal of an official agent.

The official agent shall deposit the sums paid into the election fund put at his disposal in an account in a financial institution having an

office in Québec. The account shall be separate from that of the official representative.

**455.** During the election period, only the official agent of an authorized party or independant candidate or his deputy may incur or authorize election expenses, subject to the powers of the advertising agency authorized by the official agent to incur or order election expenses.

**456.** Literature, objects, advertising material and radio or television programs cannot be used during an election period for the purposes set forth in section 444 if their costs of purchase or production were incurred before that period, except by the official agent of an authorized party or independent candidate or his deputy, or with his authorization.

**457.** No person may accept or execute an order for election expenses not given or authorized by the official agent of an authorized party or independent candidate or, in his name, by his deputy or the advertising agency authorized by him, where such is the case.

**458.** No person shall claim or receive for work or the furnishing of goods for the purposes set forth in section 444 a price different from his regular price for similar work or goods outside the election period nor shall he accept a different remuneration or refuse remuneration.

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

**459.** A candidate may himself pay personal expenses that constitute election expenses which he has incurred in an election, up to the amount of \$450, provided they do not include any publicity.

The expenses which a candidate may pay under this section shall form part of his election expenses.

The candidate shall send an itemized statement of his personal expenses to his official agent or to that of his party, as the case may be.

**460.** The official agent of an authorized party may, so long as no candidate of the party has filed his nomination paper for an office and before the expiry of the prescribed period for the filing of nomination papers, authorize election expenses attributable to a possible party

candidate for that office up to the amount of \$2 250 for the office of mayor and \$750 for the office of councillor.

Where the party presents no candidate for the office contemplated in the first paragraph, the election expenses are attributable to the party candidate for office as mayor or, failing such a candidate, to each of its candidates for office as councillor, in equal shares.

Where the party presents no candidates, the election expenses shall be shown as election expenses of the party in its financial report.

**461.** Any literature, object or advertising material relating to an election shall bear the name and address of its printer and the name and title of the official agent or deputy who caused it to be produced.

Any advertisement relating to an election published in a newspaper or other publication shall mention the name and title of the official agent or deputy who caused it to be published.

In the case of a radio or television advertisement relating to an election, the name and title of the official agent or deputy, as the case may be, shall be mentioned at the beginning or at the end of the advertisement.

Everything that constitutes an election expense shall be considered to relate to an election.

**462.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the leaders of the authorized parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office or to all the leaders of authorized parties in the municipality.

The Chief Electoral Officer shall verify the legality of services rendered under this section.

**463.** Every payment of election expenses shall be justified by an invoice giving the name and address of the supplier, the date the expense was incurred and the amount.

Every payment of election expenses amounting to \$35 or more shall be justified by an itemized invoice. An itemized invoice shall provide, in addition to the information required under the first paragraph, all

the particulars required for auditing each item of goods or services and the rate or unit price used for computing the amount.

**464.** Every person to whom an amount is due for election expenses shall present his claim to the official agent not later than sixty days after polling day.

Where the official agent has died, has resigned or refuses or is unable to act and has not been replaced, the claim shall be forwarded within the same time to the leader of the party or to the independent candidate himself, as the case may be.

No claim presented after the expiry of the prescribed time may be paid by the official agent or, as the case may be, by the leader of the party or the independent candidate. The claim shall in that case be forwarded to the treasurer not later than 120 days after the expiry of the prescribed time, failing which the claim is prescribed.

The rules respecting the payment of claims are provided in subdivision 3 of Division VI.

**465.** Election expenses incurred by an independent candidate for office as mayor or by a party in behalf of its candidate for office as mayor shall be limited in such a way as to never exceed, during an election, the amount of \$4 500, plus

(1) \$0.35 per elector for the number of electors in the whole municipality from 1 001 to 20 000;

(2) \$0.60 per elector for the number of electors in the whole municipality from 20 001 to 100 000;

(3) \$0.45 per elector for the number of electors in the whole municipality beyond 100 000.

**466.** The election expenses incurred by an independent candidate for office as councillor, or by a party in behalf of its candidate for office as councillor in each electoral district, shall be limited in such a way as never to exceed, during an election, the amount of \$2 250, plus \$0.35 per elector for the number of electors in the district beyond 1 000.

**467.** For the purposes of sections 465 and 466, an elector is a person registered on the list of electors of the municipality or electoral district, as the case may be.

The number of electors used shall be that based on the unrevised list or that based on the revised list, whichever is higher.

**468.** For the purposes of section 466, a co-candidate and the candidate with whom he is associated shall be considered to be a single candidate.

§ 3.—*Reimbursement of election expenses*

**469.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 50% of the election expenses incurred and paid in accordance with this division by a party for its candidate for office as mayor and for each of its candidates for office as councillor, if the candidate is elected or obtains at least 20% of the votes cast at the election for the office concerned.

**470.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 50% of the election expenses incurred and paid in accordance with this division by an independent candidate who is elected or obtains at least 20% of the votes cast at the election for the office in question.

The amount of the reimbursement shall not exceed the amount of the debts arising from the candidate's election expenses.

**471.** No reimbursement shall be made until the return of election expenses of the party or independent candidate has been filed.

**472.** Reimbursement of the election expenses of a party shall be made to its official representative.

Reimbursement of the election expenses of an independent candidate shall be made jointly to the candidate and to his official representative.

DIVISION VI

REPORTS, RETURNS AND AUDIT

§ 1.—*Financial report*

**473.** The official representative of every authorized party shall, not later than 1 April each year, file with the treasurer a financial report for the preceding fiscal year containing a balance sheet, a statement

of revenues and expenditures and a statement of developments in the financial position of the party prepared in accordance with generally recognized accounting principles.

Where 1 April is during an election period, the financial report shall be filed not later than 90 days after polling day.

**474.** The statement of revenues and expenditures shall include a general statement of revenues and total expenditures and indicate, in addition,

(1) the total amount of anonymous donations collected at political meetings or rallies and the nature, place and date of the meetings or rallies;

(2) the number and total amount of contributions of \$100 or less;

(3) the number and total amount of party membership dues of \$25 or less collected from natural persons;

(4) the number and total amount of entrance fees of \$50 or less collected at an activity or rally of a political nature, and the nature, place and date of the activity or rally;

(5) the total sum and the number of contributions of over \$100.

**475.** The financial report shall also indicate

(1) the financial institutions where the amounts of money collected by the party are deposited and the account numbers;

(2) the total value of services rendered and goods furnished to the party free of charge and for political purposes;

(3) the name and full address of each elector who made one or more contributions to the party the sum of which exceeds \$100, and the total amount contributed;

(4) the name and full address of each elector who became surety for a loan of the party and the amount for which he became surety;

(5) an itemized statement of the amounts borrowed for political purposes from an elector in the municipality or a financial institution having an office in Québec, at the current rate of interest on the market when the loan was granted, and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of the principal and payments of the interest.

**476.** No financial report shall be deemed filed with the treasurer unless it is accompanied with the certificate of the auditor of the party.

**477.** For two years from the date of filing of the financial report, the official representative of the party shall keep the receipts issued for contributions.

Notwithstanding the first paragraph, the receipts shall be turned over to the treasurer on request.

**478.** The official representative of an authorized independent candidate shall, not later than 90 days after polling day, file a financial report with the treasurer.

The report shall contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the statement of developments in its financial position, and shall be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

The financial report shall be filed at the same time as the candidate's return of election expenses.

**479.** Where, after the filing of his return of election expenses, an authorized independent candidate still has debts arising from his election expenses or his official representative is in possession of sums or property derived from the candidate's election fund, the official representative shall file a financial report with the treasurer not later than 1 April of the year immediately following each fiscal year in which the candidate remains authorized after the filing of his return of election expenses.

The report shall contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the statement of developments in its financial position, and shall be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

**480.** The Chief Electoral Officer shall transmit to the treasurer a copy of every financial report submitted to him in connection with an application for withdrawal of authorization or with a joint application for authorization to merge.

§ 2. —*Auditor of party*

**481.** The official representative of every authorized party, with the written authorization of the leader of the party, shall appoint an auditor from among the persons having a legal right to practise public auditing in Québec.

He shall inform the treasurer and the Chief Electoral Officer of the appointment not later than thirty days after the date on which the party obtains its authorization.

**482.** The following persons shall not be auditors of a party:

- (1) the Chief Electoral Officer;
- (2) officers or employees of the municipality;
- (3) members of the Parliament of Québec or the Parliament of Canada;
- (4) official agents or representatives of parties carrying on their activities in the territory of the municipality and those of independent candidates for office as a member of the council of the municipality;
- (5) candidates for office as a member of the council of the municipality at the last general election, any subsequent by-election or the current election;
- (6) the auditor of the municipality;
- (7) election officers of the municipality.

The first paragraph also applies to the partners and to the staff of the persons contemplated therein.

**483.** Any person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act is disqualified from office as auditor.

The disqualification shall continue for five years from the day on which the judgment finding the person guilty becomes a *res judicata*.

**484.** Should the auditor cease to hold office, the official representative, with the written authorization of the leader of the party, shall appoint a substitute without delay.



The official representative shall immediately inform the treasurer and the Chief Electoral Officer of the appointment.

**485.** The auditor shall examine the financial report of the party and issue a certificate attesting, where such is the case, that according to the collation of the vouchers and bank deposits of the party,

- (1) the report is truthful;
- (2) he has received the information and explanations required;
- (3) the books of the party have been kept in accordance with accepted accounting principles and with any directives issued by the Chief Electoral Officer in that regard.

**486.** The auditor shall have access to all the books, accounts and documents pertaining to the financial affairs of the party.

**487.** The treasurer shall reimburse, out of the general fund of the municipality, the cost incurred by the party for the audit of its financial report, up to the amount of

- (1) \$1 000 in the case of a municipality having a population of less than 50 000;
- (2) \$1 500 in the case of a municipality having a population of more than 50 000 but less than 100 000;
- (3) \$3 000 in the case of a municipality having a population of 100 000 or more.

**488.** Where the Chief Electoral Officer requires the audit of a balance sheet submitted with a joint application for authorization to merge or the audit of a financial report submitted after a merger, he shall reimburse the cost incurred for the audit up to the amount prescribed in section 487.

Where the Chief Electoral Officer requires the audit of a closing financial report, he shall appoint the auditor and pay the cost of the audit himself.

### *§ 3.—Return of election expenses*

**489.** The official agent of every authorized party or independent candidate shall, not later than ninety days after polling day, file a return of election expenses with the treasurer.

The return shall be accompanied with a written statement by the official agent, supported by his oath or solemn affirmation, attesting the accuracy of the return.

The return shall also be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.

Where the official agent has appointed deputies, the return shall be accompanied with their deeds of appointment and any modification thereto.

In the case of an independent candidate, the return shall be filed at the same time as his financial report.

**490.** In addition to election expenses, the official agent shall indicate in the return the source of the sums paid into the election fund put at his disposal.

**491.** The return of election expenses shall be accompanied with an itemized statement indicating the creditors who omitted to file their claims within 60 days after polling day, and for each claim, the amount claimed and the date on which the goods or services were furnished.

The statement shall be accompanied with a cheque drawn on the election fund and made to the order of the treasurer for the total amount of the claims.

**492.** The sums turned over to the treasurer to cover the total amount of the claims shall be kept by him in a trust account.

**493.** The treasurer shall discharge, out of the sums turned over to him, every claim filed by the creditors of the party or independent candidate within 180 days after polling day.

**494.** Where a creditor files his claim with the treasurer within the prescribed time and the balance of the sums is insufficient to discharge the claim, the treasurer shall give notice of that fact without delay to the official agent, who may contest the claim.

If the official agent does not contest the claim, the official representative of the party or independent candidate shall forward to the treasurer the necessary additional sum to enable him to discharge the claim.

**495.** Where no contestation is pending in respect of a claim against the party or independent candidate 180 days after polling day, the treasurer shall pay into the general fund of the municipality the balance remaining from the sums turned over to him by the party or candidate.

Otherwise, the treasurer shall turn the balance over to the official representative.

**496.** Before filing his return of election expenses, the official agent shall discharge every claim received within 60 days after polling day, except any claim he contests.

The official agent shall indicate in his return of election expenses any claim he contests.

**497.** In no case may an official agent, a party leader or an independent candidate pay a contested claim.

Only the official representative may pay the claim in execution of a judgment of a competent court 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 treasurer, where no party or independent candidate objects, may authorize the official representative to pay a contested claim if the refusal or failure to pay results from a bona fide error.

**498.** Every payment made by the official representative after the filing of the return of election expenses, following a notice given by the treasurer under section 494, an authorization given by him under section 497 or a judgment rendered in respect of a contested claim, entails an automatic correction of the return of election expenses.

**499.** On filing his return of election expenses, the official agent of an authorized party shall turn over the sums or property remaining in his election fund to the official representative of the party.

The official agent of an authorized independent candidate shall keep the remaining sums or property in his election fund. They may be used only for political, religious, scientific or charitable purposes.

**500.** The balance of the sums derived from the election fund of an authorized independent candidate, at 31 December of the calendar year immediately following that of polling day, shall be turned over to the treasurer for payment into the general fund of the municipality.

At the date indicated in the first paragraph, the independent candidate is required to have discharged, in accordance with this chapter, all debts arising from his election expenses.

**501.** Not later than 30 days after the expiry of the prescribed time for filing returns of election expenses, the treasurer shall publish a summary of every return received in a newspaper circulated in the territory of the municipality.

The summary shall be accompanied with a notice of the date of receipt of each return and accompanying documents and of the fact that the public has access to them.

§ 4.—*Transmission of documents by treasurer*

**502.** The treasurer shall, without delay, transmit to the Chief Electoral Officer a copy of the reports, returns and documents which he does not already have, except receipts issued for contributions of \$100 or less.

**503.** After the expiry of one year following the receipt of the invoices, receipts and other vouchers, the treasurer may, on request, return them to the party or the independent candidate.

Failing such a request, the treasurer may destroy them.

§ 5.—*Sanctions*

**504.** The leader of a party whose financial report or return of election expenses is not filed within the prescribed time loses the right to sit on the council of the municipality from the tenth day after the expiry of the prescribed time until the report or return is filed.

Where the leader is not a member of the council, the person who was the party candidate for the office of mayor at the last election loses the right to sit on the council pursuant to the first paragraph; where that person, also, is not a member of the council, the person who loses the right to sit on the council is the member of the council who, at the last election, was the party candidate for the office of councillor of the electoral district on whose list of electors the greatest number of electors were then registered.

Where the party no longer exists, the leader referred to in the first paragraph is the last holder of that position.

**505.** An independent candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to sit on the council of the municipality from the tenth day after the expiry of the prescribed time until the report or return is filed.

**506.** The loss of the right to sit on the council of the municipality entails the loss of the right to sit

- (1) on any committee or commission of the municipality;
- (2) on the council and on any committee or commission of the regional county municipality, of the urban or regional community or of an intermunicipal board of management;
- (3) on any other council, committee, commission or public body of which the person is a member because he is a member of the council of the municipality, of the regional county municipality, of the urban or regional community or of an intermunicipal board of management.

**507.** Where the treasurer has not received the report or return at the expiry of the prescribed time for filing, he shall immediately notify the person liable to lose the right to sit of the fact of that failure and of its effects.

**508.** A judge may, by order, on a motion made before the person loses the right to sit, allow him to continue to sit for an additional period of not more than 30 days.

**509.** On proof that the failure to file the report or return is due to the absence, death, illness or misconduct of the official representative or official agent or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Failure to comply with an order made under this section shall be punishable in the same manner as failure to appear to testify before the court.

**510.** The leader of a party or an independent candidate whose report or return contains any error may obtain leave from a judge to correct the error on establishing that it was made through inadvertence.

The treasurer may of his own initiative allow the correction where it is not contested by any party or independent candidate.

**511.** The judge having jurisdiction to decide a motion under sections 508 to 510 is the judge of the Provincial Court of the judicial district where all or part of the territory of the municipality is situated.

No motion made under sections 508 to 510 may be heard unless notice of at least three clear days is given by the applicant to the treasurer, to every candidate for the office concerned at the last election and, where the applicant is a party leader, to the leader of every other authorized party.

**512.** An independent candidate who is elected and who, at 31 December of the calendar year immediately following that of polling day, has not discharged all debts arising from his election expenses, loses the right to sit on the council of the municipality from that date until he has discharged all his debts and filed a financial report showing that he has done so.

The loss of the right to sit on the council of the municipality entails the loss of the right to sit on the councils, committees, commissions and bodies referred in section 506.

**513.** Immediately upon a person's losing the right to sit on the council of the municipality, the treasurer shall inform the regional county municipality, the urban or regional community, the intermunicipal board of management and any other body on which he is no longer entitled to sit.

The treasurer shall also immediately notify them where the person recovers the right to sit.

**514.** A person who loses the right to sit consequently loses the right to receive the remuneration or allowance provided for each sitting he may not attend.

Where the remuneration or allowance is not established for each sitting, 1% shall be deducted from the annual amount for each sitting the person may not attend.

#### § 6.—*Treasurer's report*

**515.** The treasurer shall, not later than 30 September of each year, table before the council of the municipality a report of his operations under this chapter for the preceding fiscal year.

## TITLE II

## MUNICIPAL REFERENDUMS

## CHAPTER I

## INTERPRETATION AND SCOPE

**516.** For the purposes of this title,

(1) “date of reference” means

(a) the date of passage of the by-law, resolution or ordinance which is the subject of a referendum;

(b) in the case of an annexation, the date on which the municipality whose territory is concerned approves the by-law of the annexing municipality;

(c) in the case of a grouping of municipalities, the date of the order of the Minister of Municipal Affairs requiring consultation of the qualified voters;

(d) where a referendum is held following a decision of the Government or of one of its ministers or bodies to that effect, the date of the decision;

(2) “precinct concerned” means

(a) that part of the territory of the municipality which, according to the provision under which the referendum is held, is the only part whose qualified voters are entitled to take part in the referendum;

(b) the aggregate of the immovables owned by the persons benefiting from works, where the municipality requires them to reimburse 75% or more of the loan ordered to pay the cost of the works or the professional fees related to them.

**517.** This Title applies to all municipalities except the Northern, Cree or Naskapi village municipalities.

This Title applies to regional county municipalities only to the extent that they act as local municipalities in respect of a territory contemplated in article 36 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

**518.** This Title governs the consultative referendums contemplated in Chapter II and all referendums held pursuant to a general law or special Act which consist in the submission of a municipal by-law, resolution or ordinance to the qualified voters of the municipality or of another municipality for approval where that approval is a prerequisite to the passage or putting into force of the by-law, resolution or ordinance.

This Title also governs every consultation of qualified voters which, under the Act providing therefor, shall be conducted in accordance with this Title.

## CHAPTER II

### CONSULTATIVE REFERENDUMS

**519.** For the purposes of consultation, the council of any municipality may submit any question within its competence to its qualified voters or to those of that part of the territory concerned by the question.

The question shall be formulated in such a manner as to require “yes” or “no” as the answer; it shall be defined by a resolution which, for the purposes of this Title, is deemed to be the subject of the referendum.

## CHAPTER III

### QUALIFIED VOTERS

**520.** A person is a qualified voter of the municipality or, as the case may be, of the precinct concerned, if, on the date of reference, he is not disqualified from voting under this Act and fulfils one of the following requirements:

(1) he is domiciled in the territory of the municipality or, as the case may be, in the precinct concerned, within the meaning of the Election Act;

(2) he is the owner of an immovable situated in the territory or, as the case may be, in the precinct, within the meaning of the Act respecting municipal taxation;

(3) he is the occupant of a place of business situated in the territory or, as the case may be, in the precinct, within the meaning of the Act respecting municipal taxation.



A natural person shall also be, on the date of reference, of full age and a Canadian citizen, and shall be neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act, nor under the jurisdiction of the public curator.

**521.** To exercise his right to vote, a qualified voter shall, at voting time, be registered on the referendum list of the municipality or, as the case may be, of the precinct concerned and shall not be disqualified from voting under this Act.

A natural person shall also, at voting time, be neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act, nor under the jurisdiction of the public curator.

**522.** Any person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act is disqualified from voting in a municipal referendum.

This disqualification shall continue for five years from the day the judgment finding the person guilty becomes a *res judicata*.

**523.** Every qualified voter of the municipality or, as the case may be, of the precinct concerned, is entitled to be registered on the referendum list.

Where an immovable belongs to undivided co-owners or where a place of business is occupied by co-occupants, only the co-owner or the co-occupant designated for that purpose is entitled to be registered on the referendum list as the owner of the immovable or as the occupant of the place of business.

**524.** Co-owners or co-occupants who are qualified voters of the municipality or, as the case may be, of the precinct concerned shall designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person who is not entitled to be registered on the referendum list in a more preferred capacity.

The power of attorney must be transmitted to the clerk or the secretary-treasurer. It takes effect upon receipt and remains valid until it is replaced.

**525.** Upon undertaking the preparation of the referendum list, the clerk or the secretary-treasurer shall give a public notice stating the rules governing the registration of co-owners and co-occupants

and inviting those who wish to make a first designation or to replace the existing designation to send him the power of attorney within such time as he fixes.

**526.** Every legal person qualified to vote shall exercise its rights under this Title through one of its members, directors or employees designated by it for that purpose by resolution.

The person designated shall, on the date of reference and at voting time, be of full age and a Canadian citizen, and shall be neither interdicted, nor under close treatment pursuant to the Mental Patients Protection Act nor under the jurisdiction of the public curator nor disqualified from voting under this Act.

The resolution must be transmitted to the clerk or the secretary-treasurer. It takes effect upon receipt and remains valid until it is replaced.

The name of the designated person shall be placed, where that is the case, next to that of the legal person on the referendum list.

**527.** Upon undertaking the preparation of the referendum list, the clerk or the secretary-treasurer shall give a public notice stating the rules governing the designation of the representatives of legal persons and inviting the legal persons who wish to make a first designation or replace the existing designation to send him the resolution within such time as he fixes.

**528.** No person may be registered in more than one place on the referendum list of the municipality or, as the case may be, of the precinct concerned.

The first paragraph does not apply to a qualified voter who is designated to represent a legal person or to a person designated to represent several legal persons.

**529.** In addition to being registered following a designation to represent a legal person, where such is the case, a person who is a qualified voter of the municipality or, as the case may be, of the precinct concerned in several capacities, shall be registered in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the sole owner of an immovable;

- (3) as the sole occupant of a place of business;
- (4) as an undivided co-owner of an immovable;
- (5) as a co-occupant of a place of business.

Where several immovables are contemplated in subparagraph 2 or 4 of the first paragraph, the immovable with the highest real estate value shall be the immovable considered. Where several places of business are contemplated in subparagraph 3 or 5 of the said paragraph, the place of business with the highest rental value shall be the place of business considered.

## CHAPTER IV

### PROCEDURE OF REGISTRATION OF QUALIFIED VOTERS

**530.** The registration procedure applies to all referendums other than consultative referendums to determine whether a referendum poll shall be held.

Notwithstanding the foregoing, the procedure does not apply if, pursuant to the Act that provides for the referendum, a referendum poll must be held.

Nor does the procedure apply if all the qualified voters entitled to be registered on the referendum list of the municipality or, as the case may be, of the precinct concerned waive the holding of a referendum poll by filing with the clerk or the secretary-treasurer a notice to that effect bearing their signatures before the day the register opens for registrations. In such a case, the by-law, resolution or ordinance being the subject of the referendum is considered approved by the qualified voters and the clerk or the secretary-treasurer shall inform the council thereof at the next sitting.

**531.** Any qualified voter of the municipality or, as the case may be, of the precinct concerned may apply for the holding of a referendum poll by entering his name, address and capacity in a register open for that purpose and affixing his signature opposite them.

The address of a qualified voter shall be, according to capacity in which he is registered on the referendum list of the municipality or, as the case may be, of the precinct concerned, the immovable number of his domicile, the number of the immovable owned by him or the number of the place of business of which he is the occupant. The number of the immovable shall include the number of the apartment or room,

if any. If the immovable has no number, the cadastral number shall be used.

**532.** No qualified voter may make more than one application for a referendum poll.

**533.** The clerk or secretary-treasurer shall determine the days and places where the register shall be open for registration of qualified voters.

The register shall be open for two consecutive days that are not holidays, comprised in the thirty-day period after the date of reference. The register shall be open for registration on those days from 9 A.M. to 7 P.M., without interruption.

**534.** Not later than five days before the day the register opens for registration, the clerk or the secretary-treasurer shall give a public notice to the qualified voters of the municipality or, as the case may be, of the precinct concerned.

The heading of the notice shall clearly identify the groups of persons to whom the notice is addressed. If the notice is addressed to the qualified voters of the precinct concerned, the heading shall include a summary description of the precinct.

The notice shall set out

(1) the number, title, object and date of passage of the by-law, resolution or ordinance submitted to the referendum;

(2) the right of every person to whom it is addressed to apply for the submission of the by-law, resolution or ordinance to a referendum poll by entering his name, address and capacity, together with his signature, in a register open for that purpose;

(3) the number of applications required in order to hold a referendum poll;

(4) the fact that if the required number of applications is not attained, the by-law, resolution or ordinance will be deemed to be approved by the qualified voters;

(5) the place, days and hours at which the by-law, resolution or ordinance may be examined;

(6) the place, days and hours at which the register will be open for registration;

(7) the place, day and time at which the results of the registration proceedings will be announced.

Where the by-law, resolution or ordinance submitted to the referendum is a loan by-law, resolution or ordinance, the notice shall also indicate the amount and intended use of the proposed loan.

Where the notice is addressed to the qualified voters of the precinct concerned, it shall illustrate the perimeter of the precinct by means of a sketch and clearly describe it by using the names of thoroughfares wherever possible.

**535.** Where it is necessary to hold the registration proceedings in respect of several by-laws, resolutions or ordinances simultaneously, they shall not exceed five in number and each shall be the subject of a separate notice and separate register.

Notwithstanding the foregoing, the clerk or secretary-treasurer may publish a single notice concerning all the by-laws, resolutions and ordinances which concern qualified voters.

**536.** The clerk or secretary-treasurer is the person in charge of the register unless another person is specially designated by him for that purpose.

Before taking office, the designated person shall swear or solemnly affirm that he will perform his duties according to law.

The clerk or the secretary-treasurer shall make designations as provided in the first paragraph if he establishes several places where the register is open for registration.

**537.** While the register is open for registration, the person in charge of it shall keep it under his supervision at all times.

The clerk or the secretary-treasurer may, however, specially designate an assistant to the person in charge of the register to replace him when he is temporarily absent and assist him in performing his duties. Before taking office, the assistant shall swear or solemnly affirm that he will perform his duties according to law.

**538.** The text of the by-law, resolution or ordinance and of the notice shall accompany the register and be posted up at the place where the register is open for registration.

**539.** Qualified voters shall make and sign their entries in the register, in the order they present themselves to do so.

**540.** On presenting himself to make his entries in the register a person shall state his name, address and capacity to the person in charge of the register.

After ascertaining that the person is a qualified voter, the person in charge of the register shall give him access to the register.

**541.** The clerk or the secretary-treasurer may draw up a list of the qualified voters from any referendum list or list of electors, any real estate assessment roll, roll of rental values, or collection roll or any other document he considers appropriate.

A person whose name is not entered on any of the documents contemplated in the first paragraph may be allowed to make his entries in the register if he proves to the person in charge of the register that he is a qualified voter of the municipality or, as the case may be, of the precinct concerned.

**542.** The person in charge of the register may require any person who presents himself to make his entries in the register to swear or solemnly affirm that he is a qualified voter of the municipality or, as the case may be, of the precinct concerned.

**543.** Each person admitted to make his entries shall do so without undue delay, failing which the person in charge of the register may compel him to make way for access to the register whether or not he has completed his entries.

**544.** The clerk or the secretary-treasurer has, during the days of registration, the powers of a returning officer relating to keeping order.

**545.** No person shall, in the place where the register is open for registration, use any sign to show his support for or opposition to a referendum poll or an affirmative or negative answer to a question that would be submitted to such a poll or engage in any other form of publicity to the same effect.

For the purposes of the first paragraph, the place where the register is open for registration includes the area comprised within a radius of one kilometre from the building where the register is located.

**546.** Every person who performs duties under this chapter is entitled to receive remuneration or an expense allowance from the municipality in respect thereof.

The council of the municipality may, by by-law, establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs if it fixes a lower remuneration or allowance than that established by the Minister pursuant to Title III.

Every person contemplated in the first paragraph is entitled to the remuneration or allowance fixed in the tariff established by the Minister if the municipality has failed to establish its own or has failed to fix the remuneration or allowance of that person.

**547.** One application for the holding of a referendum poll shall be counted for each qualified voter having made his entries according to law and who is entitled to registration on the referendum list of the municipality or, as the case may be, of the precinct concerned.

**548.** Unless the by-law, resolution or ordinance is withdrawn, a referendum poll shall be held where, at the end of the period for registration, the number of applications reaches:

(1) the number equal to 50% of the qualified voters where there are 25 or fewer;

(2) the number obtained by adding 13 to the number equal to 10% of the qualified voters in excess of 25, where there are over 25 but under 5 000; or

(3) 500, where the number of qualified voters is 5 000 or over.

Where the result of the computation under the first paragraph is a number including a fraction, the fraction is counted as a unit.

For the purposes of the first paragraph, qualified voters are persons entitled to be registered on the referendum list of the municipality or, as the case may be, of the precinct concerned. Unless the clerk or the secretary-treasurer has a list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and places of business situated in the territory of the municipality or, as the case may be, in the precinct concerned.

The first paragraph applies subject to any provision of any other Act providing for the referendum.

**549.** The by-law, resolution or ordinance being the subject of the referendum shall be considered approved by the qualified voters where, at the end of the period for registration, the number of applications is lower than the number required to cause the holding of a referendum poll.

**550.** As soon as possible after the end of the period for registration, the clerk or the secretary-treasurer shall draw up a certificate establishing

(1) the number of qualified voters;

(2) the number of applications required for the holding of a referendum poll;

(3) the number of applications made;

(4) the fact that the by-law, resolution or ordinance is considered approved by the qualified voters or that a referendum poll shall be held, as the case may be.

**551.** As soon as possible after the certificate is drawn up, the clerk or the secretary-treasurer shall read it publicly at the place where the sittings of the council of the municipality are held or at any other place determined by the clerk or the secretary-treasurer.

**552.** The clerk or the secretary-treasurer shall table the certificate before the council at its next sitting.

**553.** The council shall fix the date of the referendum poll, in accordance with Chapter VI, not later than the sitting immediately following that at which the certificate is tabled, except where the by-law, resolution or ordinance is withdrawn.

**554.** So long as the notice of the referendum poll has not been published, the council may, by resolution, withdraw the by-law, resolution or ordinance.

Within eight days of the withdrawal, the clerk or the secretary-treasurer shall inform the persons concerned by a public notice.



## CHAPTER V

## REFERENDUM LIST

**555.** The clerk or the secretary-treasurer shall prepare the referendum list of the municipality or, as the case may be, of the precinct concerned after the day on which the date of the referendum poll is determined and not later than twenty-six days before that date.

The clerk or the secretary-treasurer is under no obligation to draw up a referendum list if a referendum list drawn up in relation to a date of reference that precedes the date of reference applicable to the referendum concerned by less than ninety days is already in force in the municipality or, as the case may be, in the precinct concerned or in a territory comprising the precinct concerned. The clerk or the secretary-treasurer shall deposit the referendum list already in force or the relevant part thereof in the office of the municipality not later than twenty-six days before polling day.

**556.** Division II of Chapter VI of Title I applies, adapted as required, and so far as it is consistent with this Title, to the preparation, revision and coming into force of the referendum list of the municipality or, as the case may be, of the precinct concerned.

**557.** The clerk or the secretary-treasurer shall appoint as revisor any person he may choose, without any recommendation from the authorized parties, if any.

**558.** Before taking office, every enumerator, every person appointed to act in a revision office and every member, secretary and investigating assistant of a board of revisors shall swear or solemnly affirm that he will perform his duties according to law.

**559.** The representative of the qualified voters who favour an affirmative answer to the referendum question and the representative of the qualified voters who favour a negative answer to the question are entitled to receive, on request and free of charge, a maximum of five copies of the referendum list and of the abstract of changes.

The representatives contemplated in the first paragraph are the persons designated by the clerk or secretary-treasurer to receive the copies of the lists and of the abstract, from among the persons appointed by him in accordance with Chapter VI. He shall designate one person only for each of the two groups.

Authorized parties, recognized tickets and candidates are not entitled to free copies of the list or abstract.

**560.** The clerk or the secretary-treasurer and every enumerator, every person appointed to act in a revision office and every member, secretary and investigating assistant of a board of revisors is entitled to receive remuneration or an expense allowance from the municipality in respect of the duties he performs under this chapter.

The council of the municipality may establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs if it fixes a remuneration or an allowance lower than that fixed in the tariff established by the Minister under Title III.

Any person contemplated in the first paragraph is entitled to the remuneration or allowance fixed by the tariff established by the Minister if the municipality has failed to establish its own or if it has failed to fix the remuneration or allowance of that person.

## CHAPTER VI

### REFERENDUM POLL

**561.** This chapter applies to a consultative referendum, to a referendum poll determined to be necessary as a result of registration proceedings contemplated in Chapter IV, and to a referendum poll required pursuant to the Act providing for the referendum.

**562.** To the extent that they are consistent with this chapter, the following provisions of Title I, adapted as required, apply to a referendum:

(1) the provisions of Divisions III and IV of Chapter V respecting election officers and the Chief Electoral Officer;

(2) the provisions of subdivisions 2 to 6 of Division IV of Chapter VI respecting advance polling, polling stations, materials required for voting, formalities prior to the opening of polling stations and the polling process;

(3) the provisions of Division V of Chapter VI respecting the counting and the addition of the votes;

(4) the provisions of subdivision 1 of Division VII of Chapter VI respecting the recount or re-addition of the votes;

(5) the provisions of Chapter VII respecting electoral ethics.

Notwithstanding subparagraph 2 of the first paragraph, subdivision 2 of Division IV of Chapter VI of Title I dealing with advance polling does not apply if the referendum is intended for part only of the qualified voters of the municipality, unless the council of the municipality orders that the said subdivision apply to the referendum.

**563.** The referendum poll shall be held on the date fixed by the council of the municipality; the date shall be not more than ninety days after the date of reference.

The Minister of Municipal Affairs may, on request, allow the council to fix polling day for a later date within such time as he specifies.

**564.** The clerk or the secretary-treasurer shall appoint as deputy returning officer or poll clerk any person he may choose, without any recommendation from the authorized parties, if any.

For a municipality having a population of 20 000 or over, the clerk or the secretary-treasurer are not required to appoint any officer in charge of information and order.

**565.** Upon written application, the clerk or secretary-treasurer shall appoint, for each polling station, a representative of the qualified voters who favour an affirmative answer to the referendum question and a representative of the qualified voters who favour a negative answer. For the purposes of provisions applicable to the referendum by reference, the representatives shall be classed as the representatives of candidates assigned to the polling station.

The representative shall swear or solemnly affirm that he will not disclose the answer for which a person votes in his presence.

The appointment of the representative shall be made by means of a writing signed by the clerk or the secretary-treasurer and presented to the deputy returning officer. It is valid for the duration of the poll and of the counting of the votes at the polling station.

From among the representatives whom the clerk or the secretary-treasurer has appointed, he shall designate one for each of the two groups entitled to obtain free copies of the referendum list and the abstract of changes in accordance with Chapter V. Those persons are also entitled to receive the notices and documents that shall be given to candidates under the provisions applicable to the referendum by reference.

**566.** The list used shall be the referendum list in force in the municipality or, as the case may be, in the precinct concerned.

**567.** Not later than ten days before the polling day, the clerk or the secretary-treasurer shall give public notice of the poll to the qualified voters.

The heading of the notice shall clearly identify the group of persons to which it is addressed. If the notice is addressed to the qualified voters of the precinct concerned, the heading shall give a summary description of the precinct.

The notice shall set out

(1) the number, title, subject and date of passage of the by-law, resolution or ordinance submitted to the referendum;

(2) the place, days and hours at which the by-law, resolution or ordinance may be examined;

(3) the day and hours during which polling stations will be open for the advance poll, where that is the case;

(4) the day and hours during which polling stations will be open for the referendum poll;

(5) the text of the referendum question;

(6) the place where polling stations will be established for the advance poll, where that is the case, and for the referendum poll and, if several polling stations are established, indications to determine in which polling station a qualified voter may vote.

The indications contemplated in subparagraph 6 of the third paragraph are not obligatory if the clerk or secretary-treasurer distributes reminders containing those indications.

Where the by-law, resolution or ordinance submitted to the referendum is a loan by-law, resolution or ordinance, the notice shall indicate the amount and intended use of the proposed loan.

Where the notice is intended for the qualified voters of the precinct concerned, the notice shall illustrate by a sketch the perimeter of the precinct and describe it by using the names of thoroughfares wherever possible.

**568.** The clerk or the secretary-treasurer may have a reminder sent to every qualified voter registered on the referendum list of the municipality or, as the case may be, of the precinct concerned.

The reminder shall contain the indications relating to the referendum poll; however, the indications relating to polling stations may concern only the polling station where the addressee is entitled to vote.

**569.** For a municipality whose territory is not divided for election purposes, the polling station shall include only one polling booth.

**570.** The ballot paper shall include, on the obverse,

(1) a question beginning with the words "Do you approve" and then stating the number, title or object of the by-law, resolution or ordinance submitted to the referendum or, in the case of a consultative referendum, the question defined by the council of the municipality;

(2) to the right of the question, the words "YES" and "NO" placed in a single column, the former above the latter;

(3) a circle opposite each of the words "YES" and "NO" for the voter to mark.

**571.** The by-law, resolution or ordinance submitted to the referendum is deemed approved by the qualified voters where the results of the poll show a greater number of affirmative votes than negative votes, unless the provisions governing the referendum establish a different rule.

In the latter case, the clerk or secretary-treasurer is not required to request a recount of the votes in case of a tie-vote.

**572.** Where the results of the poll certified by the judge following a recount or re-addition of the votes show a tie-vote, the mayor or, as the case may be, the prefect may give a voice vote in the presence of the clerk or secretary-treasurer or at the next council sitting after the judge's decision.

The vote shall be counted as if it had been cast by a qualified voter.

The first two paragraphs do not apply where, according to the provisions governing the referendum, an affirmative vote by the mayor or the prefect is not sufficient to cause the by-law, resolution or ordinance to be deemed approved by the qualified voters.

**573.** The clerk or secretary-treasurer shall draw up a statement of the final results of the poll and table it before the council at the next sitting.

**574.** The person in charge of access to documents of the municipality shall not issue copies of used ballot papers.

He shall allow no one to examine the ballot papers unless he is required to do so by order of the court or a judge.

### TITLE III

#### POWERS OF THE MINISTER OF MUNICIPAL AFFAIRS AND OF THE GOVERNMENT

**575.** The Minister of Municipal Affairs shall establish a tariff of the remuneration or expense allowances which the following persons are entitled to receive for their duties under this Act:

- (1) election officers;
- (2) treasurers within the meaning of Chapter XIII of Title I;
- (3) persons performing duties under Chapter IV of Title II;
- (4) clerks or secretary-treasurers, enumerators, persons appointed to act in a revision office or members, secretaries or the investigating assistants of boards of revisors who perform duties under Chapter V of Title II;
- (5) referendum officers performing duties under Chapter VI of Title II.

Notwithstanding the foregoing, the Minister is not required to establish the remuneration and allowance of election or referendum officers whose services are temporarily required in accordance with section 82.

**576.** The Minister may

- (1) determine any case where section 308 does not apply;
- (2) designate any body as a municipal body for the purposes of sections 308 to 310.

**577.** The Minister may prescribe the form or minimum content of any document prescribed by this Act except a document prescribed by Chapter XIII of Title I.

The Chief Electoral Officer may prescribe the form or minimum content of any document prescribed by Chapter XIII of Title I.

**578.** The Government may establish the tariff of costs for the recount or re-addition of votes by a judge.

**579.** Categories of municipalities or cases, and appropriate rules for each category or combination of categories may be established by order of the Minister or the Government.

**580.** Every order shall be published in the *Gazette officielle du Québec* and shall come into force on the date of its publication or on any later date fixed therein.

## TITLE IV

### PENAL PROVISIONS

#### CHAPTER I

##### OFFENCES

**581.** Every person who, knowingly,

(1) while taking part in the preparation of the list of electors or the referendum list, registers a person who should not be registered or fails to register a person who should be registered;

(2) makes an application to register, on the list of electors or on the referendum list, a fictitious person, a deceased person or a person not entitled to be registered;

(3) makes an application for the striking from the list of electors or the referendum list of the name of a person who is not entitled to be registered;

(4) spreads false news of the withdrawal of a candidate;

(5) votes more often than he is entitled to vote;

(6) permits a person to vote who is not registered on the list of electors or the referendum list;

(7) votes without being entitled to vote; or

(8) falsifies the statement of the poll or the statement of votes, is guilty of an offence.

**582.** Every deputy returning officer who knowingly admits to vote a person who has already voted and who has no other voting right to exercise is guilty of an offence.

**583.** The returning officer or the clerk or secretary-treasurer is guilty of an offence if he knowingly

(1) announces results of an addition of votes of election that do not correspond to the actual results;

(2) makes a declaration of election that does not correspond to the final results of the poll;

(3) draws up a certificate of the results of the registration proceedings for qualified voters that does not correspond to the results;

(4) draws up a statement of the final results of the referendum poll that does not correspond to the results.

**584.** The Chief Electoral Officer, one of his officers or an election or referendum officer of a municipality who fraudulently neglects or refuses to act, or acts contrary to this Act, is guilty of an offence.

**585.** Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any proceeding relating to the vote, or alters or attempts to alter the results of the election or referendum, is guilty of an offence.

**586.** Every person who,

(1) being a candidate or later becoming a candidate, knowingly, by himself or through another person, in order to influence the vote of an elector, obtains or attempts to obtain him vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit or by threatening him; or who,



(2) in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, knowingly agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate,

is guilty of an offence.

Every gift made or promised during an election period within the meaning of Chapter XIII of Title I by a candidate or a person later becoming a candidate, or in his name or stead, is deemed to have been made in order to influence the vote of an elector.

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food or non-alcoholic drinks of the kind sold in snack bars at a private assembly of electors meeting to promote the election of a candidate at an election;

(2) to a person other than an official agent who, at his own expense, provides such food or non-alcoholic drinks at such an assembly; or

(3) to a person accepting any of the food or non-alcoholic drinks provided in accordance with subparagraph 1 or 2 of this paragraph.

**587.** Every person who,

(1) in order to influence the vote of a qualified voter at a referendum, by himself or through another person, knowingly obtains or attempts to obtain his vote in favour of an affirmative or negative answer to the referendum question or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit or by threatening him; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, knowingly agrees to refrain from voting or to vote in favour of an affirmative or negative answer to the referendum question, or incites a person to refrain from voting or to vote in favour of such an answer,

is guilty of an offence.

Every gift made or promised, from the day on which the referendum polling day is fixed and until the time prescribed for the close of the polling stations on that polling day, by a person, or in his name or stead, is deemed to have been made in order to influence the vote of a qualified voter.

The first paragraph does not apply

(1) to a person who, at his own expense, provides food or non-alcoholic drinks of the kind sold in snack bars at a private assembly of qualified voters meeting to promote an affirmative or a negative answer to the referendum question; or

(2) to a person accepting any of the food or non-alcoholic drinks provided in accordance with subparagraph 1 of this paragraph.

**588.** Every person who knowingly votes or attempts to vote by falsely assuming the name and capacity of an elector or of a qualified voter or by using the name of a fictitious or deceased person is guilty of an offence.

**589.** Every official agent or assistant of an official agent who, knowingly,

(1) incurs or authorizes election expenses exceeding the maximum he is permitted,

(2) files a false report, return or statement or produces a falsified invoice, receipt or other voucher, or

(3) after the filing of his return of election expenses, pays a claim otherwise than as permitted by section 497,

is guilty of an offence.

**590.** Every candidate or party leader who knowingly incurs, pays or authorizes any election expenses otherwise than as permitted by Chapter XIII of Title I is guilty of an offence.

**591.** Every official representative or delegate of an official representative who knowingly files a false return, report or statement or a falsified invoice, receipt or other voucher is guilty of an offence.

**592.** Every party or candidate who solicits or collects contributions, incurs expenses or contracts a loan without holding an authorization granted pursuant to Chapter XIII of Title I is guilty of an offence.

**593.** Every official representative of an authorized independent candidate who solicits or collects contributions after polling day or, as the case may be, after the candidate's withdrawal for other purposes than those permitted under section 394 is guilty of an offence.

**594.** Every person holding amounts of money or assets of a party or of an independent candidate who knowingly omits to send the money or the assets to the Chief Electoral Officer immediately after the party or the candidate ceases to be authorized is guilty of an offence.

**595.** Every party or independent candidate who knowingly omits, following the withdrawal of its or his authorization, to transmit to the Chief Electoral Officer a document required to be transmitted pursuant to section 401 is guilty of an offence.

**596.** The following persons are guilty of an offence:

(1) every person authorized to collect contributions who knowingly collects the contribution of a person who is not an elector of the municipality or a contribution not made by an elector himself or, except in the case of the furnishing of services, not made at the elector's own expense, or a contribution that causes the elector to exceed the maximum allowable amount of contributions;

(2) every person who knowingly makes a contribution contemplated in paragraph 1.

**597.** The following persons are guilty of an offence:

(1) every person who knowingly solicits or collects contributions or incurs expenses other than election expenses for a party or a candidate without being the official representative of an authorized party or independent candidate, his delegate or the person designated in writing for that purpose by either of them;

(2) every person authorized to solicit or collect contributions or to incur expenses other than election expenses who omits to produce, on request, the certificate attesting his authority, signed by the official representative or his delegate.

**598.** Every person who, being authorized to solicit and collect contributions, knowingly

(1) omits to issue a receipt to the contributor, or

(2) collects a contribution of money exceeding \$100 made otherwise than by cheque or by other payment order signed by the elector, drawn on his account in a financial institution having an office in Québec and payable to the authorized party or independent candidate,

is guilty of an offence.

**599.** The following persons are guilty of an offence:

(1) every official representative who knowingly omits to deposit contributions of money he receives and other funds collected pursuant to Chapter XIII of Title I in a financial institution having an office in Québec;

(2) every person, other than the official representative, authorized to collect contributions, who knowingly omits to deposit a contribution of money he receives in such an institution, unless he turns it over to the person who appointed him.

**600.** Every person holding any contribution made in contravention of Chapter XIII of Title I, who omits to return it to the contributor as soon as he becomes aware of the contravention or, where the person cannot identify the contributor, who omits to give to the treasurer the amount of the contribution or the amount at which the contribution is evaluated, is guilty of an offence.

**601.** Every radio, television or cable broadcaster and every owner of a newspaper, periodical or other publication who knowingly contravenes section 436 or 462 is guilty of an offence.

**602.** Every official representative of an authorized party who knowingly omits to pay the accounts and bills transmitted to him, within six months of receipt, is guilty of an offence, unless he contests them.

**603.** Every person who knowingly raises a loan for a party or candidate without being the official representative of an authorized party or independent candidate is guilty of an offence.

**604.** Every official representative who knowingly

(1) raises a loan that is not recorded in a writing containing the indications required by section 441,

(2) obtains that an elector stand as surety for a loan where that fact is not recorded in a deed of suretyship containing the indications required by section 441, or

(3) omits to pay at least yearly the interest payable on the loans he has raised,

is guilty of an offence.

**605.** Every official representative who knowingly pays into the election fund put at the disposal of the official agent sums of money other than those held in accordance with Chapter XIII of Title I is guilty of an offence.

**606.** Every official agent or deputy of an official agent who knowingly pays any election expenses otherwise than out of the election fund established pursuant to Chapter XIII of Title I is guilty of an offence.

**607.** Every official agent who knowingly omits to deposit the sums of money paid into the election fund put at his disposal in an account at a financial institution having an office in Québec, separate from the account of the official representative, is guilty of an offence.

**608.** Every person who knowingly

(1) incurs or authorizes election expenses during the election period without being the official agent of an authorized party or independent candidate, his deputy, an advertising agency authorized in writing for that purpose by the official agent or, in the case of election expenses a candidate is permitted to incur himself under section 459, without being a candidate;

(2) uses, during the election period, for the purposes set forth in section 444, any literature, object, advertising material or radio or television program the purchase or production costs of which were incurred before that period, without being the official agent of an authorized party or independent candidate, his deputy or a person authorized for that purpose by the official agent,

is guilty of an offence.

**609.** Every person who knowingly contravenes section 457 or 458 is guilty of an offence.

**610.** The following persons are guilty of an offence:

(1) every printer who knowingly fails to mention, on any literature, object or advertising material relating to an election, his name and address and the name and title of the official agent or of the deputy who causes it to be produced;

(2) every owner of a newspaper or other publication who knowingly allows an advertisement relating to an election to be published that does not include the name and title of the official agent or of the deputy who causes it to be published;

(3) every radio or television broadcaster who knowingly allows any advertisement related to an election to be broadcast without mentioning, at the beginning or at the end of the advertisement, the name and the title of the official agent or of the deputy who caused it to be broadcast.

**611.** Every person authorized to incur election expenses who knowingly pays such an expense without justifying the payment by an invoice drawn up in accordance with section 463 is guilty of an offence.

**612.** Every official representative or official agent who fails to transmit a financial report or a return of election expenses within the time prescribed in Chapter XIII of Title I is guilty of an offence.

**613.** Every person who knowingly attends a sitting of a council, board, committee, commission or agency although he has lost the right to do so under this Act is guilty of an offence.

**614.** The following persons are guilty of an offence:

(1) every person who knowingly, illegally and without right, counterfeits, manufactures, removes, uses, destroys, gives, sells or issues any badge to be used by the enumerators;

(2) every person who, knowing that he is registered without right on the list of electors or on the referendum list, does not take the necessary steps to have his name struck from the list;

(3) every owner or administrator of an immovable who knowingly limits, restricts or does not facilitate access to his immovable to an enumerator or to a person responsible for the distribution, in accordance with this Act, of extracts from the list of electors or the referendum list or of reminders;

(4) every person appointed to act in a revision office who knowingly omits to receive an application made to him or to transmit it to the returning officer, the clerk or secretary-treasurer or his delegate;

(5) every member of a board of revisors of the list of electors or referendum list who knowingly omits to receive or to examine an application made or submitted to him;

(6) every member of a board of revisors of the list of electors or the referendum list who knowingly decides to strike off the name of a person from the list without giving him one clear day's notice as prescribed in section 137 or 138.

**615.** Every person who

- (1) offers himself as a candidate, knowing he is disqualified;
- (2) knowingly supports a nomination paper, when he is not an elector of the municipality;
- (3) signs another person's name as a supporting signature on a nomination paper;
- (4) while collecting supporting signatures knowingly and falsely declares that he knows the signatories, that they have signed in his presence or that they are electors of the municipality;
- (5) collects supporting signatures without being the person who offers himself as a candidate or the person designated by the latter for that purpose on the nomination paper;
- (6) being a candidate knowingly and simultaneously files more than one nomination paper or, after filing one paper, files another without withdrawing the first, unless he is acting in accordance with the second paragraph of section 146;
- (7) presents himself as a candidate of an authorized party or recognized ticket, knowing that the document accompanying his nomination paper as a letter from the party leader or the head of the ticket is a forgery; or
- (8) being a returning officer knowingly accepts a nomination paper which is illegal, incomplete or not accompanied with all the required documents,

is guilty of an offence.

**616.** Every person who knowingly

- (1) prints or uses a false ballot paper or alters or counterfeits a ballot paper;
- (2) alters or imitates the initials of the deputy returning officer;
- (3) acts as the representative of a candidate or of the supporters of an affirmative or negative answer to the referendum question or as a canvasser when his power of attorney is false;
- (4) destroys a ballot paper before the end of the period prescribed for contesting the election or quashing the by-law, resolution or ordinance submitted to the referendum;

(5) performs duties reserved to the election or referendum officers without being such an officer; or

(6) hinders the work of an election or referendum officer,  
is guilty of an offence.

**617.** Every person who

(1) being a deputy returning officer knowingly admits a person to vote who refuses to make the oath or solemn affirmation required of him;

(2) being an election or referendum officer knowingly arrives late at the polling station in order to delay the opening of the poll;

(3) being a returning officer, clerk or secretary-treasurer knowingly allows the election clerk or referendum clerk to perform his duties without having made the oath or solemn affirmation required of him; or

(4) is a former election or referendum officer and who, after having been dismissed or having ceased to perform his duties, knowingly omits to return the documents and the material related to those duties he has in his possession to the returning officer, clerk or secretary-treasurer,  
is guilty of an offence.

**618.** Every person who is an employer and who knowingly

(1) contravenes any of sections 214 or 351 to 358;

(2) uses his authority or his influence to incite any of his employees to refuse to become an election or referendum officer or to abandon that office after having accepted it,

is guilty of an offence.

**619.** The following persons are guilty of an offence:

(1) every officer, employee or association that knowingly contravenes section 288;

(2) every person who knowingly uses intimidation, threats or sanctions to incite an officer, employee or association to contravene section 288 or to punish the officer, employee or association for refusing to contravene it.



**620.** Every person who, by his act or omission, knowingly aids another person to commit an offence or who, by his encouragement, advice or order, incites him to commit an offence, is guilty of the offence as if he had committed it himself.

**621.** For the purposes of this chapter, a party knowingly acts or omits to act if its leader, another of its senior executives, its official representative or his delegate or its official agent or his deputy knowingly performs, allows or tolerates the act or omission.

Where the party commits an offence as described in the first paragraph, every person mentioned in that paragraph who has knowingly performed, allowed or tolerated the act or omission may be prosecuted and found guilty with the party or instead of the party.

## CHAPTER II

### PENALTIES

**622.** Every person who is guilty of an offence described in any of sections 581 to 584 or 614 to 618 is liable, in addition to costs,

(1) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000;

(2) for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

**623.** Every person who is guilty of an offence described in any of sections 585 to 592 is liable, in addition to costs, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$25 000.

**624.** Every person who contravenes any of sections 593 to 611 is liable, in addition to costs, to a fine of not less than \$100 nor more than \$10 000.

**625.** Every person who is guilty of an offence described in section 612 is liable, in addition to costs, to a fine of not less than \$10 nor more than \$50 for each day of delay in sending the financial report or the return of election expenses.

**626.** Every person who is guilty of an offence described in section 613 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$500 for each sitting which he attends without right.

**627.** Every person who is guilty of an offence described in section 619 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$5 000.

## CHAPTER III

### CORRUPT ELECTORAL PRACTICES

**628.** Every offence described in any of sections 582 to 591 is a corrupt electoral practice.

Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 589, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed following permission of the treasurer granted pursuant to section 497 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error in good faith.

## CHAPTER IV

### PROCEEDINGS

**629.** Proceedings under this Title are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

**630.** Only the Chief Electoral Officer or the person generally or specially authorized by him for that purpose may bring proceedings for an offence described in any of sections 589 to 612 or in section 613 where the loss of the right to attend a sitting contemplated in that section results from the application of Chapter XIII of Title I.

**631.** Proceedings must be brought within two years of the date of the offence.

Notwithstanding the foregoing, where a document required to be produced, filed or transmitted under this Act reveals that an offence has been committed, proceedings may be brought within two years

following the date of production, filing or transmission of the document, as the case may be.

## TITLE V

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

#### CHAPTER I

##### MISCELLANEOUS PROVISIONS

**632.** The clerk or secretary-treasurer shall, after an election, send to the Minister of Municipal Affairs and to the Chief Electoral Officer a statement naming the persons who form the council of the municipality and, if any are available, giving the statistics relating to the election.

The clerk or secretary-treasurer shall notify the same persons of any change occurring in the formation of the council after the election of the mayor by the councillors or after the decision of the council not to fill a vacancy in the office of councillor.

**633.** No warrant of arrest may be executed against an election or referendum officer on polling day.

**634.** No act performed by a council, committee, commission or body during a sitting attended by one of its members who is disqualified from holding office or who is not entitled to attend a sitting is invalidated by reason only that the member attends the sitting.

**635.** An oath or solemn affirmation required by this Act may be made before the mayor or the clerk or secretary-treasurer of the municipality, an election or referendum officer, a person responsible for the register contemplated in Chapter IV of Title II or any other person authorized by law to administer oaths or solemn affirmations.

A person referred to in the preceding paragraph shall, upon request and free of charge, administer the oath or solemn affirmation and issue a certificate to that effect to the person who has made the oath or solemn affirmation.

**636.** For the purposes of this Act, the population of a municipality is that given in the last census recognized as valid pursuant to section 7 of the Cities and Towns Act R.S.Q., chapter C-19) or article 26 of the Municipal Code of Québec, as the case may be, from the date of

publication of an order of the Government under that section or article or from any later date fixed in the order for its coming into force.

In a case of grouping or of the complete annexation of a municipality, the population of the municipality resulting from the grouping or of the annexing municipality is the aggregate of the populations of all the municipalities affected by the grouping or annexation.

In case of the annexation of part of the territory of a municipality or in case of the annexation of a territory referred to in article 36 of the Municipal Code of Québec, the population of the municipality affected by the annexation may be established by the Minister of Municipal Affairs where he considers that the apparent effect of the annexation has been to increase or reduce the population of the municipality to a figure above or below the figure prescribed in this Act. The Minister shall inform the municipality of the population figure he has established.

The population established under the second or third paragraph is valid until it is established in accordance with the first paragraph on the basis of a census carried out according to the grouping or annexation.

**637.** Every person who is required to sign his name on a document and who is unable to do so shall affix his mark in the presence of a witness who shall affix his signature.

**638.** The inobservance of a formality prescribed in this Act does not invalidate an act done illegally, unless the inobservance causes a serious prejudice or unless this Act provides to the same effect, particularly by prescribing that the formality shall be complied with under penalty of nullity, rejection or dismissal of the act.

**639.** Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure may be exercised nor may any injunction be granted against the Chief Electoral Officer, any of his officers or a person mentioned in section 575 acting in the performance of his duties.

A judge of the Court of Appeal may, upon a motion, summarily annul any writ, order or injunction issued or granted contrary to the first paragraph.

**640.** Personal information required on a document prescribed under this Act is public information within the meaning of the Act

respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Notwithstanding the first paragraph, personal information appearing on receipts for contributions of \$100 or less to an authorized party or independent candidate is not public information except for the purposes of its collection and transmission under this Act.

## CHAPTER II

### LEGISLATIVE AMENDMENTS

#### ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

**641.** The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out, in Schedule A, the following:

“Cities and Towns Act (chapter C-19)	Sections 120 to 148.3
“Municipal Code (chapter C-27.1)	Articles 274 to 278 and 303 to 312
“Charter of the city of Montréal (1959-60, chapter 102)	Articles 206 to 229
“Charter of the city of Québec (1929, chapter 95)	Articles 40 to 44”.

#### ACT RESPECTING MUNICIPAL CONTRIBUTION TO RAILWAY CROSSING PROTECTION

**642.** Section 2 of the Act respecting municipal contribution to railway crossing protection (R.S.Q., chapter A-15) is amended by replacing the words “municipal electors” in the second line by the words “qualified voters”.

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**643.** Section 35 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the figure “145” in the first line by the figure “137”.

**644.** Section 51 of the said Act is amended

(1) by replacing the words “owners or lessees of immovables situated in” in the first and second lines of the first paragraph by the words “qualified voters of”;

(2) by replacing the words “owner or lessee” in the third and fourth lines of the third paragraph by the words “qualified voter”.

**645.** Section 53 of the said Act is amended by replacing the words “owners or lessees in” in the second line of the first paragraph by the words “qualified voter of”.

**646.** Section 57 of the said Act is amended by replacing the figure “145” in the first line of the second paragraph by the figure “137”.

**647.** Section 79 of the said Act is amended by replacing the words “owners or lessees of immovables situated in” in the first line by the words “qualified voters of”.

**648.** Section 80 of the said Act is amended by replacing the figure “145” in the second line of the second paragraph by the figure “137”.

**649.** Section 102 of the said Act is amended by replacing the figure “145” in the ninth line of the second paragraph by the figure “137”.

**650.** Section 103 of the said Act is amended by replacing the words “owners or lessees of immovables situated in” in the first line of the first paragraph by the words “qualified voters of”.

**651.** Section 106 of the said Act is amended by replacing the figure “145” in the second line of the second paragraph by the figure “137”.

**652.** Section 108 of the said Act is amended by replacing the figure “145” in the third line by the figure “137”.

**653.** Section 113 of the said Act is amended by replacing the figure “145” in the second line of subparagraph 2 of the second paragraph by the figure “137”.

**654.** Section 123 of the said Act is amended

(1) by replacing the figure “145” in the fourth line of the second paragraph by the figure “137”;

(2) by replacing the figure “145” in the fourth line of the third paragraph by the figure “137”.

**655.** Sections 131 to 145 of the said Act are replaced by the following sections:

**“131.** Every by-law provided for in the second or third paragraph of section 123 shall be approved in accordance with the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).

**“132.** Every by-law in connection with a zone or sector shall be approved by the qualified voters of the zone or sector and, if necessary, of any zone or sector for which an application has been transmitted in accordance with section 135.

In any other case, the by-law shall be approved by the qualified voters of the whole territory of the municipality.

**“133.** Where a by-law concerns a zone or sector, the clerk or secretary-treasurer of the municipality shall transmit, at least eight days before the publication of the notice of the registration proceedings to determine whether a referendum poll is necessary, a public notice to the qualified voters of any contiguous zone or sector included in the territory of the municipality.

The heading of the notice must identify the group of persons to whom it is addressed and give a brief description of the contiguous zone or sector.

The notice must indicate

- (1) the number, title, object and date of passage of the by-law;
- (2) the right of the persons to whom it is addressed to file with the clerk or secretary-treasurer, within five days after publication of the notice, an application signed by them to take part in the registration proceedings and in the referendum poll, if any, on the by-law;
- (3) the number of signatures required in order to entitle the persons contemplated in subparagraph 2 to take part in the registration proceedings and in the referendum poll, if any.

The notice must include a sketch illustrating the perimeter of the contiguous zone or sector and describe the perimeter by using the names of thoroughfares wherever possible.

**“134.** Every qualified voter of the contiguous zone or sector may, within five days after the publication of the notice, sign the application and transmit it to the clerk or secretary-treasurer.

**“135.** The qualified voters of a contiguous zone or sector are entitled to take part in the registration proceedings and, where that is the case, in the referendum poll on the by-law if the number of signatures reaches

(1) a number equal to the majority of such qualified voters, if there are fewer than 24;

(2) 12, if there are 24 or more.

**“136.** The provisions of the Act respecting elections and referendums in municipalities relating to the manner in which the rights of a legal person may be exercised and the manner in which applications for a referendum poll are counted apply, adapted as required, at the signature of an application.

**“137.** Where the required number of signatures is obtained, the sector concerned, for the purposes of the Act respecting elections and referendums in municipalities, is made up of both the zone or sector which is the subject of the by-law and the contiguous zone or sector.”

**656.** Sections 179 and 180 of the said Act are replaced by the following section:

**“179.** The by-law contemplated in section 178 must be approved by the qualified voters of the municipality who wish that it be attached to the territory of another regional county municipality, in accordance with the Act respecting elections and referendums in municipalities.”

**657.** Section 182 of the said Act is amended by replacing the word and figure “to 180” in the fifth line by the word and figure “and 179”.

**658.** Section 235 of the said Act is replaced by the following section:

**“235.** For the purposes of this Act, the qualified voters are the persons determined in accordance with the Act respecting elections and referendums in municipalities.

Where this Act gives a certain number of qualified voters the right to request an assessment by the Commission, the reference date to determine who are qualified voters is the date of passage of the resolution or by-law being the subject of the request for assessment or, in the case contemplated in subparagraph 3 of the first paragraph of section



103, the date of publication of the notice of intent of the council of a municipality not to amend a by-law to bring it into conformity with the planning programme.”

**659.** Section 240 of the said Act is amended by replacing the words “property-owners or tenants” in the third line of the fifth paragraph by the words “qualified voters”.

**660.** Section 264 of the said Act, amended by section (*insert here the section number of the version assented to of Bill 38 of 1986 corresponding to section 4 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 38 of 1986*) of the statutes of 1986, is again amended by replacing subparagraph *b* of subparagraph 2 of the second paragraph by the following subparagraph:

“(b) subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following: “where the development plan specifies development areas grouping together one or more zones for which a special planning programme has come into force, a development area may be a registration and polling unit for the purposes of sections 131 to 137;”.

**661.** Section 264.0.1 of the said Act, amended by section (*insert here the section number of the version assented to of Bill 38 of 1986 corresponding to section 5 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 38 of 1986*) of the statutes of 1986, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) Chapters IV and V of Title I apply, *mutatis mutandis*, to the town of Mirabel except that subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following: “where the development plan specifies development areas grouping together one or more zones for which a special planning programme has come into force, a development area may be a registration and polling unit for the purposes of sections 131 to 137.”

**662.** Section 264.1 of the said Act is amended by striking out the last sentence of the third paragraph.

**663.** Section 264.2 of the said Act is amended by striking out the last sentence of the third paragraph.

## ACT RESPECTING THE NATIONAL ASSEMBLY

**664.** The Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by inserting, after the second paragraph of section 60, the following paragraph:

“Notwithstanding the second paragraph, where the incompatible office which devolves upon the Member is that of member of the council of a municipality subject to Title I of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*), the Member shall, if he wishes to hold that incompatible office, resign from his office as Member of the Assembly before making the oath or solemn affirmation as a member of the municipal council.”

## CITIES AND TOWNS ACT

**665.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the second paragraph of section 1.

**666.** Section 2 of the said Act is amended

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

“Sections 52 to 57 of this Act apply to all city and town municipalities by whatever law governed, even to those not contemplated in section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal; but section 52 does not apply to the cities of Hull and Laval. This paragraph does not invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which repeals, replaces or amends, directly or indirectly, any of sections 52 to 57 of this Act.”;

(2) by striking out the fourth paragraph.

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

(1) by striking out subparagraph 3 of the first paragraph;

(2) by striking out subparagraph 11 of the first paragraph.

**668.** Section 8 of the said Act is amended by striking out the second paragraph.

**669.** Section 16 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) The resolution contemplated in subsection 1 is subject to approval by the qualified voters, in accordance with the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

**670.** Section 17 of the said Act is amended

(1) by replacing the words and figures “the date fixed by the council under subsection 3 of section 16” in the first and second lines of subsection 1 by the words “approval by the qualified voters”;

(2) by striking out paragraph *d* of subsection 2;

(3) by striking out paragraph *f* of subsection 2.

**671.** Section 18 of the said Act is amended by striking out subsection 6.

**672.** Section 20 of the said Act is amended by replacing the word and figure “section 51” in the seventh line of the first paragraph by the words “the Act respecting elections and referendums in municipalities”.

**673.** Section 21 of the said Act is amended by striking out the second paragraph.

**674.** Subdivision 3 of Division IV of the said Act, consisting of sections 33 to 35, is repealed.

**675.** Section 36 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The by-law shall contain a complete description of the territory to be annexed and shall set forth the terms and conditions of the annexation.”

**676.** Sections 38 and 39 of the said Act are replaced by the following section:

“**38.** If the council of the municipality whose territory includes the territory proposed for annexation approves the by-law within thirty days after the clerk or secretary-treasurer receives it, he shall forthwith so notify the council of the municipality seeking the annexation.

The by-law shall then be submitted for approval to the qualified voters of the territory.

The Act respecting elections and referendums in municipalities applies for the purposes of the approval as if the by-law were passed by the council of the municipality whose territory is contemplated.

The clerk or secretary-treasurer of the municipality shall transmit, without delay, to the council of the municipality seeking the annexation a certified copy of the results of the registration proceedings held to determine whether a referendum poll is necessary or a notice attesting that all the qualified voters have waived the holding of the poll; he shall also, where applicable, transmit to the council, without delay, a copy of the report of the final results of the poll.

Only the council of the municipality seeking the annexation may fix the date of the poll or withdraw the by-law and only the mayor of the municipality may express his vote aloud in order to break a tie-vote resulting from the poll."

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

(1) by replacing the words and figures "sections 38 and 39" in the sixth line of the first paragraph by the word and figure "section 38";

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

"For the purposes of the first paragraph, a person concerned is any person who would be a qualified voter of the territory proposed for annexation if the reference date, within the meaning of the Act respecting elections and referendums in municipalities, were the date on which the council of the municipality in whose territory includes the proposed territory disapproves the by-law or the date on which the prescribed time to disapprove it expires, as the case may be."

**678.** Section 41 of the said Act is repealed.

**679.** Section 42 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

"The Commission shall also hold such an inquiry when the by-law is deemed approved under section 40 and it is requested to do so by at least

(1) one-third of the persons concerned, within the meaning of that section, if there are fewer than 60;

- (2) 20 of such persons, if there are 60 or over but not over 200;
- (3) one-tenth of such persons, if there are over 200 but under 3 000;
- (4) 300 of such persons if there are over 3 000.

If the computation pursuant to the second paragraph results in a number that includes a fraction, the fraction shall be counted as a unit.

The Minister, on the recommendation of the Commission after the holding of the inquiry, may order a referendum of the qualified voters of the territory proposed for annexation.

The referendum shall be made by means of a poll, in accordance with the Act respecting elections and referendums in municipalities. The expenses incurred for the referendum shall be charged to the annexing municipality.”

**680.** The said Act is amended by inserting, after section 42, the following section:

“**42.1** The provisions of the Act respecting elections and referendums in municipalities relating to the manner in which the rights of a legal person may be exercised and the manner in which applications for a referendum poll are counted apply, adapted as required, to any application referred to in section 40 or 42.”

**681.** Section 43 of the said Act is amended by replacing the words “persons concerned” in the second and third lines of paragraph *c* by the words “qualified voters”.

**682.** Section 44 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

“For the purpose of determining whether a person qualifies as an elector or candidate at an election or as a voter at a referendum in the annexing municipality, any period during which, before the annexation, he was domiciled, owned an immovable or had a place of business in the annexed territory shall be deemed a period which has run from the beginning in the annexing municipality, if it is still running at the time of the annexation and for such time as it continues to run in that municipality.”

**683.** Sections 48 to 51 of the said Act are repealed.

**684.** Sections 58 to 60 of the said Act are repealed.

**685.** Sections 63 and 64 of the said Act are repealed.

**686.** The heading of Division V of the said Act is amended by replacing the word “QUALIFICATIONS” by the word “DISQUALIFICATION”.

**687.** Section 115 of the said Act is repealed.

**688.** Section 116 of the said Act is amended

(1) by replacing what precedes paragraph 1 by the following:

“**116.** The following persons shall not be appointed to or hold any office as an officer or employee of the municipality:”;

(2) by inserting the words “other than his contract of employment as an officer or employee” after the word “municipality” in the second line of the first paragraph of paragraph 4;

(3) by striking out the second paragraph of paragraph 4;

(4) by replacing paragraph 8 by the following:

“(8) Any person who is disqualified from office as a member of the council of a municipality under any of sections 305 and 307 to 311 of the Act respecting elections and referendums in municipalities.

Disqualification under paragraph 6 or 7 of the first paragraph is incurred only if the offence relates to the office of the municipal officer or employee and shall cease upon his obtaining a pardon.

This section applies to all city and town municipalities, by whatever law governed, even to those not contemplated in section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal. This paragraph does not invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which repeals, replaces or amends directly or indirectly section 116 of this Act, to the extent that such provision applies to the office of officer or employee of the municipality.”

**689.** Sections 117 to 119 of the said Act are repealed.

**690.** Divisions VI to VIII of the said Act, comprising sections 120 to 317, are repealed.

**691.** Section 328 of the said Act is amended by replacing the words “subject to section 330” in the third line of the second paragraph by the words “unless he is prevented therefrom by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities”.

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

**693.** Section 351 of the said Act is repealed.

**694.** Subdivisions III and IV of subdivision 2 of Division XI of the said Act, comprising sections 370 to 396, are repealed.

**695.** Section 397 of the said Act is amended by replacing the words “person of full age who is entered on the valuation roll in force as a property-owner or tenant and is a Canadian citizen” in the first and second lines by the words “person concerned”.

**696.** Section 398 of the said Act is repealed.

**697.** Section 408 of the said Act is amended by replacing the second paragraph of subsection 2 by the following paragraphs:

“The appeal must be brought within 30 days after the date of judgment.

It has precedence over any other appeal at the first sitting of the court after the inscription.

The plaintiff shall serve the judgment granting his action on the municipality and by transmitting a certified copy of it to the clerk.”

**698.** Section 444 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The by-law must be submitted for approval to the qualified voters and to the Government.”

**699.** Section 458.7 of the said Act is replaced by the following section:

“**458.7** Subject to this subdivision, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities, adapted as required, apply to the registration and the poll.”

**700.** Section 466 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Every by-law passed under paragraph 4 or 5 of the first paragraph must be submitted for approval to the qualified voters and to the Government.”

**701.** Section 468.21 of the said Act is amended by inserting, after the word “vote” in the second line of the first paragraph, the words “, unless he is prevented therefrom by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities”.

**702.** Section 468.22 of the said Act is repealed.

**703.** Section 468.23 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, a member of the board shall not cease to hold office as such at the end of his term as a member of the municipal council if he has been reelected at the election held at or after the end of his term, whether the member is a councillor or the mayor, and if, after his reelection he has made the required oath or solemn affirmation within the prescribed time.”

**704.** Section 468.39 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Before approving the by-law, the Minister may order each corporation whose territory is under the jurisdiction of the management board to submit the by-law to the qualified voters for approval. A referendum poll must then be held in accordance with the Act respecting elections and referendums in municipalities.”

**705.** Sections 556 and 557 of the said Act are replaced by the following sections:

**“556.** Every by-law ordering a loan shall be submitted to the qualified voters and to the Minister of Municipal Affairs for approval.

This section has effect notwithstanding any inconsistent provision of any charter or special Act, unless such charter or Act grants exemption from approval by the qualified voters.

**“557.** Where it is necessary to hold a referendum poll under the Act respecting elections and referendums in municipalities, approval



of the by-law requires not only that the greater number of votes be affirmative, but also that the total number of votes cast correspond to at least the following proportion of the qualified voters domiciled in the municipality:

- (1) one-eighth, if there are fewer than 1 000;
- (2) eight hundredths, if there are 1 000 or more but fewer than 2 000;
- (3) one twentieth, if there are 2 000 or more.

If the computation pursuant to the first paragraph results in a fraction, the fraction shall be counted as a unit."

**706.** Section 561 of the said Act, amended by section (*insert here the section number of the version assented to of Bill 36 of 1986 corresponding to section 13 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 36 of 1986*) of the statutes of 1986, is replaced by the following sections:

**"561.** Where the repayment of a loan will be borne by the owners of immovables of a part only of the municipality, or by the persons who benefit from the works contemplated in section 487, the tax to be levied each year during the term of the loan shall be assessed only on the immovables of the owners concerned.

The tax must be sufficient to pay the interest each year and to make up the capital repayable at the maturity of the bonds or notes.

**"561.1** Every by-law ordering a loan referred to in section 561 shall be submitted for approval to the Minister of Municipal Affairs and to the qualified voters in the part of the municipality concerned or, as the case may be, in the part consisting of the aggregate of the immovables of the persons who benefit.

For the purposes of the Act respecting elections and referendums in municipalities, such part of the municipality is the sector concerned.

This section has effect notwithstanding any inconsistent provision of any charter or special Act, unless such charter or Act provides exemption from approval by the qualified voters.

**"561.2** Where it is necessary to hold a referendum poll under the Act respecting elections and referendums in municipalities, approval of the by-law referred to in section 561.1 requires not only that the

greater number of votes be affirmative, but also that the total number of votes cast correspond to at least the majority of the qualified voters contemplated in that section who are domiciled in the municipality.

**“561.3** Where repayment of 75 % or more of the loan is charged to the owners of immovables of only a part of the municipality or to the persons who benefit from the works, in accordance with section 487, sections 561 and 561.2 apply as if repayment of the entire amount of the loan were charged to them.

For the purposes of the first paragraph, the part of the municipality consists of the combination of several separate parts contemplated in the by-law only if owners of immovables of each of such parts are charged with repayment of 75 % or more of the loan; the aggregate of the immovables of the persons who benefit from the works is such a separate part.”

**707.** Section 562 of the said Act is amended

(1) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) A certificate of waiver of a referendum poll, where applicable;

“(4.1) A copy of the notice of registration proceedings, where applicable;

“(5) A certificate of the publication of the notice of registration proceedings, where applicable;”;

(2) by replacing paragraphs 7 to 9 by the following paragraphs:

“(7) A copy of the certificate of the results of the registration proceedings, where applicable;

“(8) A copy of the resolution of the council fixing the referendum polling day, where applicable;

“(9) A copy of the certified statement of the final results of the referendum poll, where applicable;”.

**708.** Section 568 of the said Act is amended by adding, at the end, the following paragraph:

“Disqualification may also be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**709.** Section 569 of the said Act is amended by adding, at the end of subsection 5, the following paragraph:

“Disqualification may also be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**710.** Section 573 of the said Act is amended by adding, at the end of subsection 9, the following paragraph:

“Disqualification may also be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**711.** Forms 2 to 35 of the said Act are repealed.

#### MUNICIPAL CODE OF QUÉBEC

**712.** Article 34 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the words “,which must be six in number, besides the mayor” in the fourth and fifth lines of the second paragraph.

**713.** Article 47 of the said Code is amended by replacing the second and third paragraphs by the following paragraph:

“For the purposes of determining whether a person qualifies as an elector or candidate at an election or as a voter at a referendum in the annexing municipality, any period during which, before the annexation, he was domiciled, owned an immovable or occupied a place of business in the annexed territory shall be deemed a period which has run from the beginning in the annexing municipality, if it is still running at the time of the annexation and for such time as it continues to run in that municipality.”

**714.** Articles 56 and 57 of the said Code are replaced by the following article:

“**56.** If the council of the municipality whose territory includes the territory proposed for annexation approves the by-law within thirty days after the clerk receives it, he shall forthwith so notify the council of the municipality seeking the annexation.

The by-law shall then be submitted for approval to the qualified voters of the territory.

The Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) applies for the purposes of the approval as if the by-law were passed by the council of the municipality whose territory is contemplated.

The clerk of the municipality shall transmit, without delay, to the council of the municipality seeking the annexation a copy of the certificate of the results of the registration proceedings held to determine whether a referendum poll is necessary or a notice attesting that all the qualified voters have waived the holding of the poll; he shall also, where applicable, transmit to the council, without delay, a copy of the report of the final results of the poll.

Only the council of the municipality seeking the annexation may fix the date of the poll or withdraw the by-law and only the mayor of the municipality may give a voice vote in order to break a tie-vote resulting from the poll.”

**715.** Article 58 of the said Code is amended

(1) by replacing the words and figures “articles 56 and 57” in the sixth line of the first paragraph by the words and figure “in article 56”;

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

“For the purposes of the first paragraph, a person concerned is any person who would be a qualified voter of the territory proposed for annexation if the reference date within the meaning of the Act respecting elections and referendums in municipalities were the date on which the council of the municipality whose territory includes the proposed territory disapproves the by-law or the date on which the prescribed time to disapprove it expires, as the case may be.”

**716.** Article 59 of the said Code is repealed.

**717.** Article 60 of the said Code is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“The Commission shall also hold such an inquiry when the by-law is deemed approved under article 58 and it is requested by at least

(1) one-third of the persons concerned, within the meaning of that article , if there are fewer than 60;

(2) 20 of such persons if there are not fewer than 60 nor more than 200;

(3) one-tenth of such persons if there are more than 200 but fewer than 3 000;

(4) 300 of such persons if there are more than 3 000.

If the computation pursuant to the second paragraph results in a number that includes a fraction, the fraction shall be counted as a unit.

The Minister, on the recommendation of the Commission after the holding of the inquiry, may order a referendum of the qualified voters of the territory proposed for annexation.

The referendum shall be made by means of a poll, in accordance with the Act respecting elections and referendums in municipalities. The expenses incurred for the referendum shall be charged to the municipality seeking annexation.”

**718.** The said Code is amended by inserting, after article 60, the following article:

**“60.1** The provisions of the Act respecting elections and referendums in municipalities relating to the manner in which the rights of a legal person may be exercised and the manner in which the applications for a referendum poll are counted apply, adapted as required, to any application referred to in article 58 or 60.”

**719.** Article 61 of the said Code is amended by replacing the words “persons concerned” in the second and third lines of subparagraph c by the words “qualified voters”.

**720.** Articles 109 to 114 of the said Code are repealed.

**721.** Article 143 of the said Code is amended by striking out the fifth paragraph.

**722.** Article 159 of the said Code is amended by striking out the third paragraph.

**723.** Article 162 of the said Code is repealed.

**724.** Article 164 of the said Code is amended by replacing the words “personal interest” in the third line of the first paragraph by the words “his interest in the question concerned, under the Act respecting elections and referendums in municipalities”.

**725.** Article 167 of the said Code is amended by replacing the words and figure “the form in article 112” in the third and fourth lines of the first paragraph by the word and figure “form 4.1”.

**726.** The heading of Title VI of the said Code is replaced by the following:

“PERSONS DISQUALIFIED FROM MUNICIPAL OFFICE”.

**727.** The heading of Chapter I of Title VI and article 268 of the said Code are repealed.

**728.** Article 269 of the said Code is amended

(1) by replacing that part which precedes paragraph 1 by the following:

“**269.** The following persons shall not be appointed to nor hold any office as an officer or employee of the corporation:”;

(2) by inserting the words “, other than his contract as an officer or employee” after the word “corporation” in the second line of the first paragraph of paragraph 4;

(3) by striking out the second paragraph of paragraph 4;

(4) by replacing paragraph 7 by the following:

“(7) any person who is disqualified from office as a member of the council of a municipality under any of sections 305 and 307 to 311 of the Act respecting elections and referendums in municipalities.

Disqualification under paragraph 5 or 6 of the first paragraph is incurred only if the offence relates to the office of the municipal officer or employee and shall cease upon his obtaining a pardon.”

**729.** Article 270 of the said Code is repealed.

**730.** Titles VII to X of the said Code, comprising articles 271 to 409, are repealed.

**731.** Article 414 of the said Code is repealed.

**732.** Chapter V of Title XIII of the said Code, comprising article 444, is repealed.

**733.** Sections III and IV of Chapter I of Title XIV of the said Code, comprising articles 456 to 485, are repealed.

**734.** The heading of section V of Chapter I of Title XIV of the said Code is amended by replacing the word “ELECTORS” by the words “QUALIFIED VOTERS”.

**735.** Article 486 of the said Code is amended by replacing the word “electors” in the third line of the first paragraph by the words “qualified voters”.

**736.** Article 557 of the said Code is amended

(1) by replacing the last sentence of paragraph 2 by the following sentence: “Any by-law made under this paragraph must be submitted to the qualified voters and to the Government for approval;”;

(2) by replacing the last sentence of paragraph 4 by the following sentence: “Every by-law passed under this paragraph must be submitted to the qualified voters and to the Government for approval; where it is necessary to hold a referendum poll, approval of the by-law by the qualified voters requires not only that the greater number of votes be affirmative but also that it be equal to or greater than one-third of the number of qualified voters;”.

**737.** Article 590 of the said Code is amended by inserting, after the word “vote” in the second line of the first paragraph, the words “, unless he is prevented therefrom by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities”.

**738.** Article 591 of the said Code is repealed.

**739.** Article 592 of the said Code is amended by replacing the second paragraph by the following paragraph:

“However, such a person does not cease to hold office as such at the end of his term as a member of the municipal council if he is reelected at the election during or after which his term expires, according as he is a councillor or the mayor, and if, after his reelection, he makes the required oath or solemn affirmation within the prescribed time.”

**740.** Article 608 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Before approving the by-law, the Minister may order each corporation whose territory is under the jurisdiction of the management board to submit the by-law to the qualified voters for approval. A

referendum poll must then be held in accordance with the Act respecting elections and referendums in municipalities.”

**741.** Article 627 of the said Code is amended

(1) by replacing the second paragraph of paragraph 8 by the following paragraph:

“Every by-law passed under this paragraph must be submitted to the qualified voters, to the council of the municipality where the road is situated and to the Government, for approval.”;

(2) by replacing the words “property-owners of such territory shall be entitled to vote upon the by-law” in the fifth and sixth lines of the fourth paragraph of paragraph 8, by the words “qualified voters of such territory are referred to in the second paragraph”.

**742.** Article 640 of the said Code is replaced by the following article:

“**640.** Subject to this division, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities, adapted as required, apply to the registration and the poll.”

**743.** Article 690 of the said Code is amended by striking out the words “elector or other” in the second paragraph.

**744.** Article 935 of the said Code is amended by inserting, after the third paragraph of subarticle 9, the following paragraph:

“Disqualification may also be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**745.** Articles 1061 and 1062 of the said Code are replaced by the following articles:

“**1061.** Every loan and every issue of bonds made by the corporation, in payment or for aid, shall be effected under a by-law, subject to any provision to the contrary.

Every by-law of a local corporation referred to in the first paragraph must be submitted to the qualified voters and to the Minister of Municipal Affairs for approval.



Notwithstanding any inconsistent provision of this Code, every by-law of a regional county municipality referred to in the first paragraph must be submitted to the Minister for approval.

**“1062.** Where it is necessary to hold a referendum poll under the Act respecting elections and referendums in municipalities, approval of the by-law of the local corporation requires not only that the greater number of votes be affirmative, but also that the total number of votes cast corresponds to at least the following proportion of the number of qualified voters domiciled in the municipality:

- (1) one eighth, if there are fewer than 1 000;
- (2) eight hundredths, if there are 1 000 or more but fewer than 2 000;
- (3) one twentieth, if there are 2 000 or more.

Any fraction resulting from the computation pursuant to the first paragraph shall be counted as a unit.”

**746.** Article 1071.1 of the said Code is amended by replacing the words “the approval” in the first line by the words “any approval”.

**747.** Article 1074 of the said Code is repealed.

**748.** Article 1075 of the said Code is amended

- (1) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) a certificate of waiver of a referendum poll, where applicable;

“(4.1) a copy of the notice of registration proceedings, where applicable;

“(5) a certificate of the publication of the notice of registration proceedings, where applicable;”;

- (2) by replacing paragraphs 7 and 8 by the following paragraphs:

“(6.1) a copy of the certificate of the results of the registration proceedings, where applicable;

“(7) a copy of the resolution of the council fixing the referendum polling day, where applicable;

“(8) a copy of the certified statement of the final results of the referendum poll, where applicable;”.

**749.** Article 1082 of the said Code is amended by adding, at the end, the following paragraph:

“Disqualification may also be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**750.** Article 1084 of the said Code, amended by section (*insert here the section number of the version assented to of Bill 37 of 1986 corresponding to section 19 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 37 of 1986*) of the statutes of 1986, is replaced by the following articles:

**“1084.** When the repayment of a loan must be borne by the owners of immoveable property of a part only of the municipality or by the persons benefiting from the works determined in accordance with article 979, the tax to be levied each year during the term of the loan shall be imposed only on the immovables of the property owners concerned.

The tax must be sufficient to pay the interest each year and make up the capital repayable at the maturity of the bonds or notes.

**“1084.1** Every by-law of a local corporation ordering a loan referred to in article 1084 shall be submitted for approval to the Minister of Municipal Affairs and to the qualified voters in the concerned part of the municipality or, as the case may be, in the part consisting of the aggregate of the immovables of the persons who benefit.

For the purposes of the Act respecting elections and referendums in municipalities, such part of the municipality is the precinct concerned.

**“1084.2** Where it is necessary to hold a referendum poll under the Act respecting elections and referendums in municipalities, approval of the by-law contemplated in article 1084 requires not only that the greater number of votes be affirmative, but also that the total number of votes cast corresponds to at least the majority of the qualified voters referred to in that article who are domiciled in the municipality.

**“1084.3** Where repayment of 75 % or more of the loan is charged to the owners of immovables of only a part of the municipality or to the persons who benefit from the works, in accordance with section 979, articles 1084.1 and 1084.2 apply as if repayment of the entire amount of the loan were charged to them.

For the purposes of the first paragraph, the part of the municipality consists of the combination of several separate parts contemplated in the by-law only if owners of immovables of each of such parts are charged with repayment of 75% or more of the loan; the aggregate of the

immovables of the persons who benefit from the works is such a separate part.”

**751.** Article 1094 of the said Code is amended by adding, at the end of subarticle 5, the following paragraph:

“Disqualification may also be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**752.** The said Code is amended by inserting, after form 4, the following form:

“4.1— (*Article 167*)

*Oath or solemn affirmation of a municipal officer*

I, (*insert here the given name and surname of the municipal officer*) swear (*or solemnly affirm*) that I will perform my duties as (*enter here the office of the municipal officer and the name of the municipal corporation*) according to law.

So help me God. (*this sentence is omitted in the case of a solemn affirmation*)

.....  
(*signature of the municipal officer*)

Declared under oath (*or solemnly affirmed*) before me,

at ....., (*place*) this ..... (*date*)

.....  
(*signature of the person administering the oath or solemn affirmation*)

**753.** Forms 6 to 15 of the said Code are repealed.

ACT RESPECTING THE COMMISSION MUNICIPALE

**754.** Section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing the words “elector-proprietors” in the fifth line of the second paragraph of subsection 2 by the words “qualified voters”.

**755.** Section 54 of the said Act is amended by replacing the words “elector-proprietors” in the twelfth line of subparagraph *b* of the first paragraph by the words “qualified voters”.

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**756.** Section 11 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election during or after which his term expires, according as he is a councillor or the mayor, if within the prescribed period he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council as the representative of the same municipality.”

**757.** Section 35 of the said Act is replaced by the following section:

“**35.** Subject to sections 34.2 and 87.2, every member of the Council other than the chairman or the vice-chairman who attends a meeting shall vote, unless he is prevented from doing so by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

**758.** Section 63.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, a person does not cease to be a member of the council of a municipality at the expiry of his term if he is elected to a seat on the same council at the election during or after which the term expires, according as he is a councillor or the mayor, and if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person.”

**759.** Section 169.8 of the said Act is repealed.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**760.** Sections 12.1 to 12.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) are replaced by the following sections:

**“12.1** The chairman of the executive committee shall table a written statement before the Council, within sixty days of his appointment, declaring the existence of his pecuniary interests in immovables situated in the territory of the Community and in legal persons, partnerships and undertakings likely to have commercial dealings with the community.

The statement must, in particular, declare every employment and directorship held by the chairman and the existence of every loan he has obtained from a person or body other than a financial institution on which the balance in principal and interest is over \$2 000.

The statement need not declare the value of the interests set forth nor the extent of the chairman's interests in legal persons, partnerships or undertakings. Nor need it declare the existence of sums deposited in a financial institution nor the ownership of bonds issued by a government, a municipality or any other public body.

**“12.2** The chairman shall table an updated statement before the Council each year, within sixty days after the anniversary of his appointment.

**“12.3** Where the chairman fails to table the statement within the prescribed time, he shall no longer be entitled to sit on the Council, the executive committee, the board of directors of the Société de transport de la Communauté and any committee thereof nor on any other board, committee, commission or public body of which he is a member owing to his office as chairman of the executive committee, from the tenth day following the expiry of the prescribed time and until the statement is tabled. He shall lose his right to attend and speak at sittings of commissions of the Council.

Upon the expiry of the time prescribed for tabling the statement, the secretary shall inform the chairman who has not tabled the statement of his failure to do so and of the effects of his failure.

**“12.4** Where the chairman loses his right to sit, he also loses his right to receive the remuneration or allowance provided for each sitting he is not authorized to attend.

Where the chairman's remuneration or allowance is not established for each sitting, 1% of the annual amount thereof shall be subtracted for each sitting he is not authorized to attend.

**“12.5** If the chairman of the executive committee is present at a sitting when a matter in which he has, directly or indirectly, a special

pecuniary interest is being taken for consideration, he shall disclose the general nature of his interest before discussion of the matter begins and abstain from the discussion and from voting or attempting to influence the voting on the matter.

The first paragraph also applies to any sitting of a council, committee or commission of the community or any municipal body on which the chairman sits.

Where the sitting is not public, the chairman, in addition to observing the obligations imposed by the first paragraph, shall, after disclosing the general nature of his interest leave the sitting for the duration of the discussion and voting on the matter.

Where the matter is taken for consideration at a sitting at which the chairman is not present, he shall disclose the general nature of his interest at the next sitting he attends.

**“12.6** Section 12.5 does not apply where the interests of the chairman consist in remunerations, allowances, reimbursements of expenses, social benefits or other conditions of employment related to his duties with the community or the municipal body.

Nor does section 12.5 apply where the chairman’s interest is so slight that the chairman cannot reasonably be influenced by it.

**“12.7** For the purposes of sections 12.5 and 12.6, the words “municipal body” have the same meaning as in the provisions of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) which regard the disclosure of the pecuniary interests of the members of the council of a municipality.

**“12.8** Every person who knowingly makes a false or incomplete statement of his pecuniary interests or who contravenes section 12.5 is disqualified from office as chairman or as a member of the council of a municipality.

The disqualification continues until the expiry of a period of five years after the day the judgment declaring the person disqualified becomes a *res judicata*.

**“12.9** Disqualification of the chairman may be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.

**“12.10** A chairman who knowingly takes part in a sitting although he has lost his right to do so under section 12.3 is guilty of an offence.

A chairman who is guilty of the offence described in the first paragraph is liable, on summary proceedings, in addition to costs, to a fine of \$50 to \$500 for each sitting in which he takes part while he is disqualified.

**“12.11** An act performed by a council, committee, commission or body at a sitting attended by the chairman although he is disqualified from office or is not entitled to attend is not invalid by the mere fact that he attends the sitting.”

**761.** Section 54 of the said Act is replaced by the following section:

**“54.** Every member of the Council present at a meeting shall vote, unless he is prevented from voting by reason of his interest in the matter concerned, under this Act or the Act respecting elections and referendums in municipalities.”

**762.** Section 82.4 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election during or after which his term expires, according as he is a councillor or the mayor, if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council as the representative of the same municipality.”

**763.** Section 101.1 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election during or after which his term expires, according as he is a councillor or the mayor, if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council as the representative of the same municipality.”

**764.** Section 255 of the said Act is replaced by the following section:

**“255.** Every member of the board of directors present at a meeting shall vote unless he is prevented from voting by reason of his interest in the matter concerned, under this Act or the Act respecting elections and referendums in municipalities.

Where a member chosen from among citizens has a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Société, he shall disclose it to the board of directors and abstain from taking part in the discussion and voting on any matter regarding the undertaking in which he has an interest.”

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**765.** Sections 6.3.1 to 6.3.6 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) are replaced by the following sections:

**“6.3.1** The chairman of the executive committee shall table a written statement before the Council, within sixty days of his appointment, declaring the existence of his pecuniary interests in immovables situated in the territory of the Community and in legal persons, partnerships and undertakings likely to have commercial dealings with the community.

The statement must, in particular, declare every employment and directorship held by the chairman and the existence of every loan he has obtained from a person or body other than a financial institution on which the balance in principal and interest is over \$2 000.

The statement need not declare the value of the interests set forth nor the extent of the chairman’s interests in legal persons, partnerships or undertakings. Nor need it declare the existence of sums of money deposited in a financial institution nor the ownership of bonds issued by a government, a municipality or any other public body.

**“6.3.2** The chairman shall table an updated statement before the Council each year, within sixty days after the anniversary of his appointment.

**“6.3.3** Where the chairman fails to table the statement within the prescribed time, he shall no longer be entitled to sit on the Council, the executive committee, commissions of the Council and the board of directors of the Transit Commission nor on any other board, committee, commission or public body of which he is a member owing to his office as chairman of the executive committee, from the tenth day following the expiry of the prescribed time and until the statement is tabled.



Upon the expiry of the time prescribed for tabling the statement, the secretary shall inform the chairman who has not tabled the statement of his failure to do so and of the effects of his failure.

**“6.3.4** Where the chairman loses his right to sit, he also loses his right to receive the remuneration or allowance provided for each sitting he is not authorized to attend.

Where the chairman’s remuneration or allowance is not established for each sitting, 1% of the annual amount thereof shall be subtracted for each sitting he is not authorized to attend.

**“6.3.5** If the chairman of the executive committee is present at a sitting when a matter in which he has, directly or indirectly, a special pecuniary interest is being taken for consideration, he shall disclose the general nature of his interest before discussion of the matter begins and abstain from the discussion and from voting or attempting to influence the voting on the matter.

The first paragraph also applies to any sitting of a council, committee or commission of the Community or any municipal body on which the chairman sits.

Where the sitting is not public, the chairman in addition to observing the obligations imposed by the first paragraph, shall, after disclosing the general nature of his interest leave the sitting for the duration of the discussion and voting on the matter.

Where the matter is taken for consideration at a sitting at which the chairman is not present, he shall disclose the general nature of his interest at the next sitting he attends.

**“6.3.6** Section 6.3.5 does not apply where the interests of the chairman consist in remunerations, allowances, reimbursements of expenses, social benefits or other conditions of employment related to his duties with the Community or the municipal body.

Nor does section 6.3.5 apply where the chairman’s interest is so slight that the chairman cannot reasonably be influenced by it.

**“6.3.7** For the purposes of sections 6.3.5 and 6.3.6, the words “municipal body” have the same meaning as in the provisions of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) which regard the disclosure of the pecuniary interests of the members of the council of a municipality.

**“6.3.8** Every person who knowingly makes a false or incomplete statement of his pecuniary interests or who contravenes section 6.3.5 is disqualified from holding office as chairman or as a member of the council of a municipality.

The disqualification continues until the expiry of a period of five years after the day on which the judgment declaring the person disqualified becomes a *res judicata*.

**“6.3.9** Disqualification of the chairman may be declared by way of an action for the declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.

**“6.3.10** A chairman who knowingly takes part in a sitting although he has lost his right to do so under section 6.3.3 is guilty of an offence.

A chairman who is guilty of the offence described in the first paragraph is liable, on summary proceedings, in addition to costs, to a fine of \$50 to \$500 for each sitting in which he takes part while he is disqualified.

**“6.3.11** An act performed by a council, committee, commission or body at a sitting attended by the chairman although he is disqualified from office or is not entitled to attend is not invalid by the mere fact that he attends.”

**766.** Section 40 of the said Act is replaced by the following section:

**“40.** Subject to section 29, every member of the Council present at a meeting shall vote, unless he is the chairman of the executive committee or the chairman or vice-chairman of the Council and unless he is prevented from voting by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities.”

**767.** Section 69.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

**“For the purposes of the second paragraph, a person does not cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election during or after which his term expires, according as he is a councillor or the mayor, if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council as the representative of the same municipality.”**

**768.** Section 182 of the said Act is amended by replacing the words “no commissioner” in the first line of the third paragraph by the words “the director general”.

**769.** Section 234 of the said Act is amended by striking out the words and figure “the Act respecting municipal bribery and corruption (chapter F-6),”, in the fourth and fifth lines.

#### MUNICIPAL FRANCHISES ACT

**770.** Section 1 of the Municipal Franchises Act (R.S.Q., chapter C-49) is amended by replacing the second paragraph by the following paragraph:

“The by-law or resolution granting such privilege, right or franchise shall be submitted to the qualified voters for approval.”

**771.** Section 2 of the said Act is amended by replacing the words “municipal electors” in the second line by the words “qualified voters”.

**772.** Section 3 of the said Act is repealed.

#### ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

**773.** Section 14 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by replacing the second paragraph by the following paragraph:

“However, such a person does not cease to hold office as such at the expiry of his term as a member of the council if he has been elected to such an office at the election during or after which his term expires, according as he is a councillor or the mayor, and if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person.”

**774.** Section 27 of the said Act is repealed.

#### ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

**775.** Section 45 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is amended by replacing the word “electors” in the second line of the second paragraph by the words “qualified voters”.

## ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

**776.** The Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is repealed.

## ELECTION ACT

**777.** Section 483 of the Election Act (R.S.Q., chapter E-3.2) is amended by replacing the words and figures “in certain municipalities (R.S.Q., chapter E-2.1)” in the third and fourth lines by the words and figures “and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*)”.

## PUBLIC OFFICERS ACT

**778.** Section 9 of the Public Officers Act (R.S.Q., chapter E-6) is amended

(1) by striking out the words “every mayor,” in the second line of the first paragraph;

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

“The first two paragraphs do not apply in the case of a municipality or public corporation the majority of the members of the council or board are persons elected in municipal elections.”

## ACT RESPECTING PUBLIC ELEMENTARY AND SECONDARY EDUCATION

**779.** Section 229 of the Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1) is amended

(1) by replacing the first paragraph by the following paragraph:

“**229.** Sections 308 to 316 of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) apply to the members of the council of commissioners in the same manner as to the members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be the council of a municipality and a school board is deemed to be a municipality.”;

(2) by replacing the word and figures “3 and 4” in the first line of the second paragraph by the word and figures “308 and 309”.

## ACT RESPECTING MUNICIPAL TAXATION

**780.** The Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by repealing sections 60 and 60.1.

## ACT RESPECTING MUNICIPAL BRIBERY AND CORRUPTION

**781.** The Act respecting municipal bribery and corruption (R.S.Q., chapter F-6) is repealed.

## EDUCATION ACT

**782.** Section 80 of the Education Act (R.S.Q., chapter I-14) is replaced by the following section:

**“80.** No member of the staff of a school board nor any person who has an undertaking or a contract with the school board or who is in the circumstances described in section 316 is eligible for office as a commissioner.

Sections 308 to 316 of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) apply in respect of school commissioners or trustees and of delegates to a regional school board or to a protestant central school board in the same manner as in respect of members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be the council of a municipality and each of these school boards is deemed to be a municipality.”

**783.** Section 194 of the said Act is amended by striking out the words “and notwithstanding section 80” in the first and second lines of the first paragraph.

**784.** Section 500 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Sections 308 to 316 of the Act respecting elections and referendums in municipalities apply to the members of the Council and substitutes in the same manner as to the members of the council of a municipality. For the purposes of those sections, the Council is deemed to be the council of a municipality.”

## ELECTRICITY MUNICIPALIZATION ACT

**785.** Section 4 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is replaced by the following section:

“**4.** Every by-law made under section 3 shall be submitted to the qualified voters for approval.

It requires no further approval.”

**786.** Section 14 of the said Act is amended

(1) by replacing the word “elector-proprietors” in the fifth line of paragraph *b* of subsection 2 by the words “qualified voters”;

(2) by replacing subsection 3 by the following subsection:

“(3) The provisions of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) relating to the manner in which the rights of a legal person may be exercised, and the manner in which applications for a referendum poll are counted apply, adapted as required, to any application referred to in paragraph *b* of subsection 2. For the purposes of determining which qualified voters are qualified to submit the application, the reference date within the meaning of the said Act is the date of receipt of the application.

The Commission municipale du Québec, before taking charge of the management of the electricity system, shall submit the application to the qualified voters of each municipality concerned for approval. The consultation shall be made by means of a referendum poll in accordance with the above-mentioned Act. The Commission shall take charge of the management of the electricity system only if the results of the poll indicate a greater number of affirmative votes than negative votes.”

## ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

**787.** Section 5 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended

(1) by replacing paragraphs *h* and *i* of subsection 2 by the following paragraphs:

“(*h*) establish the division of the new municipality into electoral districts or the manner of doing so, where such is the case;

“(i) where the new municipality will not be divided into electoral districts, determine the number of its councillors;”;

(2) by replacing paragraph *k* of subsection 2 by the following paragraph:

“(k) fix the polling date for each of the first two general elections in the new municipality;”.

**788.** Section 6 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

“For the purposes of the first paragraph, an interested person is any person who would be a qualified voter of a municipality contemplated in the petition if the reference date, within the meaning of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*) were the date of passage of the by-law authorizing the petition of the municipality giving the notice.

The provisions of the said Act relating to the manner in which the rights of a legal person may be exercised, and the manner in which applications for a referendum poll are counted, apply, adapted as required, to any objection referred to in the first paragraph.”

**789.** Section 7 of the said Act is amended by striking out the word “interested” in the second line.

**790.** Section 9 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**9.** Every interested person, within the meaning of section 6, who objects to the principle of amalgamation or to the terms and conditions of the joint petition may, within thirty days after the date that the notice provided for in that section is last published, state the grounds of his objection in writing to the Commission.”;

(2) by replacing the words “interested persons” in the fifth line of the third paragraph by the words “qualified voters”.

**791.** Section 12 of the said Act is amended by replacing the words “interested persons” in the third line by the words “qualified voters”.

**792.** Section 13 of the said Act is replaced by the following section:

**“13.** The consultation shall be made by referendum poll, in accordance with the Act respecting elections and referendums in municipalities. The said Act applies insofar as it is not inconsistent with this section.

The referendum poll shall be presided over by the person designated by the Minister.

The following question shall be entered on the ballot paper: “Do you approve of the amalgamation of your municipality?”.

The results of the poll shall be transmitted to the Minister without delay.

The referendum poll of qualified voters of several municipalities shall be held on the same day in all of them.

Expenses incurred for the holding of the poll are payable by the municipalities concerned and shall be shared among them proportionately to the total taxable value on each of their assessment rolls. The third paragraph of subsection 1 of section 10 applies to the case contemplated in this section.”

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

**793.** Section 44 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21) is replaced by the following section:

**“44.** This Act does not prevent a municipality from holding, in respect of a convention under the first paragraph of section 21 or an agreement under the second paragraph of section 27.1, a consultative referendum in accordance with the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

#### MUNICIPAL WORKS ACT

**794.** Section 6 of the Municipal Works Act (R.S.Q., chapter T-14) is amended by inserting, after the second paragraph, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”



## ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

**795.** Section 1 of the Act respecting sales of municipal public utilities (R.S.Q., chapter V-4) is replaced by the following section:

“**1.** No municipality may sell, cede or otherwise alienate any public utility service belonging to it, except by a by-law subject to approval by the qualified voters and by the Government.”

## ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**796.** The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting, after section 20, the following section:

“**20.1** Disqualification from office as an officer or employee under paragraph 6 or 7 of section 20 is incurred only if the offence relates to the office of the municipal officer or employee and shall cease upon his obtaining a pardon.”

**797.** The said Act is amended by inserting, after section 22, the following section:

“**22.1** Disqualification of a member of the council may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

**798.** Section 204 of the said Act is amended by adding, at the end of subsection 11, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities.”

**799.** The said Act is amended by adding, after section 246, the following section:

“**246.1** Disqualification of a member of the council may be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.”

**800.** Section 358 of the said Act is amended by adding, at the end of subsection 11, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities, which then applies adapted as required.”

**801.** Section 408 of the said Act is amended by striking out, in the fourth and fifth lines, the words and figure “, the Act respecting municipal bribery and corruption (chapter F-6)”.

#### MINING TOWNS ACT

**802.** Section 6 of the Mining Towns Act (R.S.Q., chapter V-7) is repealed.

**803.** Section 10 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**10.** The poll for the first general election of the members of the municipal council shall be held, in accordance with the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*), on the first Sunday of November of the year during which the term of the municipal council the members of which are appointed under section 8 expires.”

#### TEMPERANCE ACT

**804.** Section 7 of the Temperance Act (R.S.Q., 1964, chapter 45) is replaced by the following section:

“**7.** If the council orders that the by-law be submitted for approval to the qualified voters, with or without a requisition under section 5, or if the requisition referred to in section 6 has been received, a referendum poll shall be held so that the qualified voters may approve or adopt the by-law.

For the purposes of determining which qualified voters are qualified to submit a requisition, the reference date, within the meaning of the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*), is the date of receipt of the requisition. In the case of a requisition referred to in section 6, the reference date is also taken into account to determine which persons are qualified voters on polling day.”

**805.** Sections 8 to 32 of the said Act are repealed.

**806.** Section 42 of the said Act is repealed.

**807.** The said Act is amended by inserting, after section 43, the following sections:

**“44.** Any provision of this Act affecting the qualified voters of a regional county municipality is deemed to affect the qualified voters of each local municipality whose territory is comprised in that of the regional county municipality and which is affected by any by-law referred to in this Act, as well as the qualified voters of any territory referred to in article 36 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) which is comprised therein and which is so affected. Every poll provided for in this Act shall be held separately for each such group of qualified voters.

**“45.** The provisions of the Act respecting elections and referendums in municipalities relating to the manner in which the rights of a legal person may be exercised and the manner in which applications for a referendum poll are counted, apply adapted as required, to any application provided for in this Act.

**“46.** The approval or adoption, by the qualified voters, of a by-law provided for in this Act shall be effected by means of a referendum poll, in accordance with the Act respecting elections and referendums in municipalities.”

**808.** The said Act is amended by replacing the words “municipal electors” or “electors”, wherever they appear, by the words “qualified voters” and by adjusting the text accordingly.

#### ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

**809.** Section 17 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is replaced by the following section:

**“17.** Every member of the board of directors who attends a meeting shall vote, unless he is prevented from doing so by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

#### ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

**810.** Section 21 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is replaced by the following section:

**“21.** Each member of the board of directors present at a meeting has an obligation to vote, unless he is prevented from doing so by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

#### CHARTER OF THE CITY OF QUÉBEC

**311.** Section 1 of the Charter of the city of Québec (1929, chapter 95) is amended

(1) by replacing paragraph *n* by the following paragraph:

“(n) The words “list”, “electoral list” and “voters’ list” shall mean the list of electors prepared in accordance with the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*);”;

(2) by replacing paragraph *q* by the following paragraph:

“(q) The words “electoral district” and “ward” shall mean an electoral district delimited pursuant to the Act respecting elections and referendums in municipalities;”.

**312.** Section 14 of the said Charter, replaced by section 3 of chapter 46 of the statutes of 1985, is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) by a council consisting of the mayor and one councillor per electoral district;”.

**313.** The heading of Section VI of the said Charter is repealed.

**314.** Sections 18 to 20e of the said Charter are repealed.

**315.** Section 21 of the said Charter, replaced by section 2 of chapter 86 of the statutes of 1969 and amended by section 6 of chapter 46 of the statutes of 1985, is again amended

(1) by replacing what precedes paragraph *a* by the following:

**“21.** The following persons shall not be appointed to or hold office as an officer or employee of the city:”;

(2) by striking out the second paragraph of paragraph *a*;

(3) by striking out the second paragraph of paragraph *b*;

(4) by replacing paragraph *d* by the following paragraph:

“(d) whoever has, directly or indirectly, by himself or through his partner, any contract with the city other than his contract as an officer or employee. Acceptance of or application for municipal services available to ratepayers according to a fixed tariff shall not be deemed to be a contract with the city;”;

(5) by replacing paragraph *g* by the following:

“(g) every person who is disqualified from holding office as a member of the council of a municipality under any of sections 305 and 307 to 311 of the Act respecting elections and referendums in municipalities.

Disqualification under paragraph *e* or *f* of the first paragraph is incurred only where the offence relates to the office of the municipal officer or employee and shall cease upon his obtaining a pardon.”

**816.** Section 22 of the said Charter, replaced by section 7 of chapter 46 of the statutes of 1985, is repealed.

**817.** Sections 24 to 26 of the said Charter are repealed.

**818.** Section 29 of the said Charter is repealed.

**819.** Sections VII to XV-A of the said Charter, comprising sections 30 to 146g, are repealed.

**820.** Section 151 of the said Charter, replaced by section 43 of chapter 81 of the statutes of 1965 (1<sup>st</sup> session) and amended by section 100 of chapter 16 of the statutes of 1980, is again amended by striking out the second, third and fourth paragraphs.

**821.** Section 286*b* of the said Charter, enacted by section 1 of chapter 34 of the statutes of 1984, is amended by replacing the words and figures “in certain municipalities (R.S.Q., chapter E-2.1)” in the last line of the third paragraph by the words and figures “and referendums in municipalities”.

**822.** Schedules A to H-2 and J of the said Charter are repealed.

## CHARTER OF THE CITY OF MONTRÉAL

**823.** Article 2 of the Charter of the City of Montréal (1959-60, chapter 102) is amended by replacing paragraph *j* by the following paragraph:

“(j) “elector”: any person who is a qualified elector of the city;”.

**824.** Article 58 of the said Charter is repealed.

**825.** Article 59 of the said Charter is amended by replacing the fourth paragraph by the following paragraph:

“Saving the case of articles 69 to 72, the acting-mayor has and shall exercise all the powers of the mayor, whenever the mayor is absent from the city or is unable to perform the duties of his office, and during any vacancy in the office of mayor.”

**826.** Articles 62 and 63 of the said Charter are repealed.

**827.** Article 68 of the said Charter is repealed.

**828.** Articles 74 and 75 of the said Charter are repealed.

**829.** Article 107 of the said Charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, is again amended by adding, at the end of subsection 8, the following paragraph:

“Disqualification may also be declared by way of an action for declaration of disqualification under the Act respecting elections and referendums in municipalities (1986, chapter *insert here the chapter number of this Act*).”

**830.** Article 112 of the said Charter, replaced by section 19 of chapter 77 of the statutes of 1977, is again replaced by the following article:

**“112.** After each general election, the clerk shall convene a special meeting of the council for a date within thirty days after the date on which the majority of the members of the council have taken the oath or made the solemn affirmation required of any elected person.

The object of the meeting is to proceed with the appointments and elections provided for in article 79 and the designation of the acting-mayor in accordance with article 59.”

**831.** Article 113 of the said Charter, replaced by section 20 of chapter 77 of the statutes of 1977, is amended by replacing the words and figure “articles 68 and” in the first line by the word “article”.

**832.** Article 119 of the said Charter, amended by section 23 of chapter 77 of the statutes of 1977, is again amended by striking out the figure “68,” in the first line of the first paragraph.

**833.** Article 125*a* of the said Charter, enacted by section 17 of chapter 70 of the statutes of 1963 (1<sup>st</sup> session), is replaced by the following article:

“**125*a*.** Every councillor who is present shall vote, unless he is prevented from doing so by reason of his interest in the matter concerned, under the Act respecting elections and referendums in municipalities.”

**834.** Titles VI to VIIA of the said Charter, comprising articles 196 to 450*a*, are repealed.

**835.** Chapter III of Title VIII of the said Charter, comprising articles 471 to 514, is repealed.

**836.** Article 661.1 of the said Charter, replaced by section 2 of chapter 34 of the statutes of 1984, is amended by replacing the words and figures “in certain municipalities (R.S.Q., chapter E-2.1)” in the third line of the third paragraph by the words “and referendums in municipalities”.

**837.** Form 1 of the said Charter is repealed.

**838.** Forms 4 to 30 of the said Charter are repealed.

#### AMENDMENTS TO PARTICULAR CHARTERS

**839.** The legislative provisions listed in the Schedule are repealed to the extent indicated therein.

#### IMPLICIT AMENDMENTS

**840.** No provision, in force on 30 June 1987, of a general law, special Act, letters patent, proclamation, order, order in council, ordinance, regulation, by-law or resolution shall apply insofar as it is inconsistent with this Act.

**841.** No provision of the charter of a municipality which on 30 June 1987 is inoperative pursuant to the second or fourth paragraph of section 2 of the Cities and Towns Act remains inoperative notwithstanding that such paragraph is replaced or struck out by section 666 of this Act, even if the provision is not inconsistent with this Act.

**842.** Every provision of a general law or special Act to the effect that a by-law, resolution or order of a municipality shall be submitted for approval to the qualified voters of that municipality or of another municipality is deemed to refer to Title II of this Act.

The qualified voters at the referendum are those determined under Title II of this Act, even if the provision referred to in the first paragraph describes them as "electors", "municipal electors", "elector-proprietors" or "proprietors" or by any other similar expression.

**843.** If the provision referred to in the first paragraph of section 842 is to the effect that the consultation of the qualified voters may or must be preceded by an application from a certain number of them, the provisions of this Act relating to the manner in which the rights of a legal person may be exercised, the number of applications for a referendum poll that that way be submitted by a qualified voter and the manner in which the applications are counted, adapted as required, apply to any application referred to in the first paragraph.

If the required number of applications is reached, a referendum poll shall be held without registration proceedings.

For the purposes of this section, the date of reference used to determine who are the qualified voters is the date on which the required number of applications are received by the person authorized to receive them.

**844.** Every reference in any general law or special Act to a provision replaced or repealed by this Act is a reference to the corresponding provision of this Act, if any.

### CHAPTER III

#### TRANSITIONAL PROVISIONS

**845.** Every member of the council of a municipality in office on 30 June 1987 shall remain in office until the end of his term in accordance with this Act.



**846.** The day fixed for the poll at the first general election held in accordance with this Act in a municipality is the first Sunday of November of the calendar year during which the next general election, within the meaning of this Act, or, as the case may be, the next fixed-date election for the office of mayor is to be held under the Act governing the municipality in that matter is on 30 June 1987.

If necessary, the term of any member of the council in office on 30 June 1987 shall be extended or reduced to comply with the first paragraph, subject to a premature ending of his term under this Act.

**847.** The division of the territory of a municipality for election purposes and the composition of its council, as they stand on 30 June 1987, remain unchanged until they are replaced in accordance with this Act.

**848.** Section 46 applies only from the election referred to in section 846, to any municipality whose territory is not divided for election purposes and whose council consists of less than six offices of councillor on 30 June 1987.

**849.** Sections 60 and 61 and paragraph 3 of section 304 do not apply to any person who on 30 June 1987 legally holds both the office of member of the council of a municipality and any office referred to in the said provisions until he no longer holds both offices at the same time.

A person shall not cease to hold both offices at the end of his term in one such office, where the latter term is renewed.

**850.** Paragraphs 1 and 2 of section 304 apply to a member of the council of a municipality in office on 30 June 1987 during his term still running on that date, only where he was not eligible when he was elected under the legislative provisions then applicable or if he subsequently ceases to be eligible under those provisions.

**851.** The second and third paragraphs of section 322 do not apply to a member of the council in office on 30 June 1987 whose term of office, under those paragraphs, should have ended before 1 July 1987.

His term of office shall end on the day on which the judgment declaring him disqualified becomes a *res judicata*, unless his term ended sooner for any other reason.

**852.** Until the list of electors of a municipality governed by the Municipal Code of Québec is prepared, the schedule to its valuation roll takes the place of that list.

**853.** Until a tariff established under section 575 comes into force, the tariff established by the Minister of Municipal Affairs under section 303 of the Cities and Towns Act and in force on 30 June 1987, adapted as required, applies to the elections and referendums held under this Act.

**854.** Until a tariff established under section 578 comes into force, the tariff established by the Government under section 482 of the Election Act, or the section replaced by it, and in force on 30 June 1987 applies to a recount of votes carried out in accordance with this Act, save insofar as it is inconsistent therewith.

**855.** The Government, the Minister of Municipal Affairs, the Chief Electoral Officer, any municipality or any person may perform any act provided for in this Act after (*insert here the date of assent to this Act*) but before 1 July 1987, including the making or publishing of an order, regulation, by-law, resolution or ordinance, so as to give effect to the provisions of this Act as soon as possible after the latter date.

No act referred to in the first paragraph may become binding before 1 July 1987.

**856.** Proceedings brought before 30 June 1987 in accordance with any provision amended, replaced or repealed by this Act may be continued in accordance with that provision as it stood on that date where it cannot be continued in accordance with this Act, in particular by reason of the time limits fixed by this Act or any other Act.

The first paragraph does not apply to proceedings referred to in section 12 or 13 of the Interpretation Act (R.S.Q., chapter I-16).

**857.** Every letters patent, order, regulation, by-law, resolution or ordinance in force on 30 June 1987 and issued or made under any provision replaced or repealed by this Act remains in force until the date provided for the end of its operation, until its object is carried out or it has been replaced or repealed by this Act. Where such is the case, it is deemed to have been issued or made under the corresponding provision of this Act.

However, it has no effect if its object is to fix the first Monday of November as the polling day of a general election, fix the hours for the poll, fix the term of the members of the council, order that a poll be held at several places or that the vote be taken by voice vote.

**858.** Every act performed before 1 July 1987 under any provision replaced or repealed by this Act retains its effects if it is still relevant. Where such is the case, it is deemed to have been performed under the corresponding provision of this Act.

**859.** Every person in office on 30 June 1987 and appointed under a provision replaced or repealed by this Act shall remain in office until the end of the period for which he was appointed or until he is replaced or otherwise ceases to hold office according to law. Where such is the case, the person is deemed to have been appointed under the corresponding provision of this Act.

The first paragraph does not prevent a person from continuing to hold office notwithstanding the end of his term, until he is replaced or re-appointed again, if that provided for by law.

## CHAPTER IV

### FINAL PROVISIONS

**860.** Not later than 30 September of each calendar year, the Chief Electoral Officer and the Commission de la représentation shall submit to the President of the National Assembly a report on their respective operations under this Act for the preceding calendar year.

The report shall be tabled in the National Assembly within thirty days of its receipt if the Assembly is in session or, if it is not sitting, within thirty days of the opening of the next session or of resumption.

**861.** The Minister of Municipal Affairs is responsible for the administration of this Act.

**862.** Sections 264 and 574 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information.

**863.** This Act comes into force on 1 July 1987 except section 855 and this section, which come into force on (*insert here the date of assent to this Act*).

## SCHEDULE

LEGISLATIVE PROVISIONS REPEALED  
UNDER SECTION 839

Municipality	Title of the Act	Provisions repealed
1. Acton-Vale	An Act to incorporate the town of Acton-Vale (1908, chapter 102)	Sections 6 to 13
2. Arthabaska	An Act to incorporate the town of Arthabaska (1903, chapter 70)	Sections 6, 7, 14 to 16, 18 and 20
3. Asbestos	An Act to amend the charter of the town of Asbestos (1941, chapter 79)	Section 1
	An Act to amend the charter of the town of Asbestos and respecting certain municipal and school corporations of the county of Richmond (1953-54, chapter 91)	Section 1
	An Act to amend the charter of the town of Asbestos (1959-60, chapter 132)	Sections 1 and 2
4. Aylmer	Charter of the city of Lucerne (1974, chapter 88, section 23)	Section 8
5. Baie-d'Urfé	An Act to consolidate the charter of the town of Baie d'Urfée (1953-54, chapter 111)	Sections 7 to 24, 33 and 34
6. Barkmere	An Act to incorporate the Town of Barkmere (1926, chapter 80)	Sections 5 to 16

Municipality	Title of the Act	Provisions repealed
7. Beauharnois	An Act to revise the charter of the town of Beauharnois and to incorporate its territory into a city municipality (1948, chapter 69)	The second paragraph of section 9 replaced by section 5 of chapter 90 of the statutes of 1956-57
8. Beauport	Charter of the city of Beauport (1975, chapter 91, section 1)	Section 8
9. Bedford	An Act to incorporate the town of Bedford (1890, 1 <sup>st</sup> session, chapter 77)	Section 5 replaced by section 4 of chapter 106 of the statutes of 1919  Section 7 replaced by section 5 of chapter 106 of the statutes of 1919 and by section 3 of chapter 100 of the statutes of 1952-53
10. Belleterre	An Act to incorporate the town of Belleterre (1942, chapter 89)	Sections 5, 6, 9 to 15 and 23 to 25
11. Beloeil	An Act to incorporate the town of Beloeil (1913-14, chapter 92)	Section 6, amended by section 1 of chapter 141 of the statutes of 1959-60
	An Act to amend the charter of the town of Beloeil (1950-51, chapter 98)	Sections 7 to 12  Sections 4 to 9

Municipality	Title of the Act	Provisions repealed
12. Berthierville	An Act respecting the town of Berthier and to ratify an agreement between the school commissioners for the municipality of Berthierville and for that of Berthier parish (1942, chapter 88)	Section 3
13. Black-Lake	An Act to incorporate the town of Black-Lake (1908, chapter 101)	Sections 8, 9, 11 and 12
14. Bromptonville	An Act to incorporate the town of Bromptonville (1903, chapter 72)	Sections 9 and 10 replaced by sections 1 and 2 of chapter 148 of the statutes of 1959-60
	An Act to amend the charter of the town of Bromptonville (1959-60, chapter 148)	Section 11, amended by section 4 of chapter 148 of the statutes of 1959-60
15. Cadillac	An Act respecting the incorporation of the town of Cadillac (1948, chapter 78)	Sections 10 to 13, 15 and 16
16. Candiac	An Act to incorporate the town of Candiac (1956-57, chapter 124)	Sections 5, 6 and 8 to 19
17. Cap-de-la-Madeleine	An Act to incorporate the town of Cap de la Madeleine (1917-18, chapter 97)	Section 8 replaced by section 5 of chapter 100 of the statutes of 1922 (2 <sup>nd</sup> session)

Municipality	Title of the Act	Provisions repealed
18. Chandler	An Act to amend the charter of the town of Cap-de-la-Madeleine (1922, 2 <sup>nd</sup> session, chapter 100)	Section 4 Section 7 replaced by section 5 of chapter 58 of the statutes of 1948 Sections 11 and 13 to 15
	An Act respecting the city of Cap de la Madeleine (1944, chapter 57)	Section 1
	An Act respecting the city of Cap-de-la-Madeleine (1948, chapter 58)	Sections 7 to 10
19. Charlesbourg	An Act to incorporate the town of Chandler and to grant to the school commissioners for the municipality of Chandler the right to impose an education tax (1957-58, chapter 105)	Section 12
	Charter of the city of Charlesbourg (1975, chapter 91, section 2)  Cities and Towns Act (Revised Statutes, 1964, chapter 193)	Section 9  The words “composed of the mayor and ten councillors” in paragraph <i>a</i> of section 46 replaced for the city of Charlesbourg by section 2 of chapter 87 of the statutes of 1977

Municipality	Title of the Act	Provisions repealed
20. Châteauguay	An Act respecting the town of Châteauguay-Centre and the town of Châteauguay (1975, chapter 98)	Section 7
21. Chicoutimi	An Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88)	Section 6a, enacted by section 1 of chapter 81 of the statutes of 1977
22. Coaticook	An Act respecting the town of Coaticook (1940, chapter 99)	Sections 4 to 11 and 15 to 29
	An Act respecting the town of Coaticook (1946, chapter 70)	Sections 5 and 6
	An Act respecting the town of Coaticook (1950-51, chapter 90)	Sections 5 to 16 and 30
	An Act respecting the town of Coaticook (1957-58, chapter 86)	Sections 3, 4 and 6 to 11
23. Cookshire	An Act to amend the charter of The corporation of the town of Cookshire (1958-59, chapter 104)	Sections 3 and 4
24. Côte-Saint-Luc	An Act to incorporate the town of Côte St. Luc (1951-52, chapter 98)	Sections 8 and 11 to 21
	An Act to amend the charter of the town of Côte Saint-Luc (1955-56, chapter 109)	Section 4
25. Cowansville	An Act to grant a charter and certain special powers to the town of Cowansville (1959-60, chapter 139)	Sections 8 to 12



Municipality	Title of the Act	Provisions repealed
26. Danville	An Act to amend the charter of the town of Danville (1959-60, chapter 155)	Sections 3 to 5
27. Deauville	An Act to erect the village of " <i>Petit Lac Magog</i> " into a municipality (1916, 2 <sup>nd</sup> session, chapter 86)	Sections 7 and 8
	An Act to amend the charter of The Municipality of the Village of Petit Lac Magog (1945, chapter 96)	Sections 3 to 7
	An Act to amend various legislative provisions respecting municipalities (1982, chapter 2)	Section 120
28. Delson	An Act to incorporate as a town the municipality of the village of Delson and to annex thereto certain portions of territory and also to annex a certain portion of territory to The school board of Delson (1956-57, chapter 121)	Sections 12 and 13
	Cities and Towns Act (Revised Statutes, 1941, chapter 233)	The second paragraph of section 30, replaced for the town of Delson by section 15 of chapter 121 of the statutes of 1956-57
29. Dolbeau	An Act to incorporate the town of Dolbeau (1927, chapter 87)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Dolbeau (1956-57, chapter 108)	Sections 1 to 3

Municipality	Title of the Act	Provisions repealed
30. Dorion	An Act respecting Dorion Village and to erect it as a town under the name of "The Town of Dorion" (1916, 1 <sup>st</sup> session, chapter 59)	Sections 8 and 11
31. Dorval	An Act to consolidate the charter of the town of Dorval (1950, chapter 120)	Sections 8 to 21
	An Act to amend the charter of the town of Dorval (1953-54, chapter 97)	Section 2
32. Duparquet	An Act to incorporate the town of Duparquet (1933, chapter 136)	Sections 5 to 7, 9 to 11 and 14
33. East-Angus	An Act to incorporate the town of East-Angus (1912, 1 <sup>st</sup> session, chapter 72)	Section 8 Section 9 replaced by section 1 of chapter 102 of the statutes of 1919-20
	An Act to amend the charter of the town of East-Angus (1952-53, chapter 95)	Section 4
34. Estérel	An Act to incorporate the town of Estérel (1958-59, chapter 107)	Sections 6 and 9
35. Farnham	An Act to consolidate and amend the charter of Farnham (1956-57, chapter 93)	Sections 10 to 12 and 18
36. Fossambault-sur-le-Lac	An Act respecting the town of Fossambault-sur-le-Lac (1975, chapter 102)	Sections 1 to 4

Municipality	Title of the Act	Provisions repealed
37. Gagnon	An Act to incorporate the town of Gagnon, The Catholic school commission of the town of Gagnon and the Protestant board of school trustees of the town of Gagnon (1959-60, chapter 161)	<p>Sections 5 and 8 to 10</p> <p>Section 11 replaced by section 1 of chapter 96 of the statutes of 1964</p> <p>Sections 18<i>a</i> and 18<i>b</i>, enacted by section 2 of chapter 96 of the statutes of 1964</p>
38. Gatineau	Charter of the city of Gatineau (1974, chapter 88, section 18)	<p>Section 19</p> <p>Section 9</p>
39. Granby	An Act respecting the village of Granby and to erect it as a city under the name of the City of Granby (1916, 2 <sup>nd</sup> session, chapter 70)	<p>Section 10 replaced by section 8 of chapter 98 of the statutes of 1925 and by section 1 of chapter 75 of the statutes of 1951-52</p> <p>Section 15 replaced by section 2 of chapter 75 of the statutes of 1951-52</p> <p>Sections 16 to 22</p> <p>Sections 29, 30 and 32</p>

Municipality	Title of the Act	Provisions repealed
		Section 33 replaced by section 9 of chapter 98 of the statutes of 1925
	An Act to amend The Granby City Charter (1925, chapter 98)	Section 10
	An Act to amend the charter of the city of Granby (1951-52, chapter 75)	Section 5
	An Act to amend the charter of the city of Granby (1955-56, chapter 79)	Sections 7 to 9 and 17
40. Grand-Mère	An Act to amend the charter of the city of Grand'Mère (1955-56, chapter 87)	Section 2
41. Greenfield-Park	An Act to incorporate the town of Greenfield Park (1911, chapter 68)	Section 6 replaced by section 2 of chapter 104 of the statutes of 1953-54
		Sections 8 and 12
	An Act to amend the charter of the town of Greenfield Park (1953-54, chapter 104)	Sections 4, 5 and 7 to 14
	An Act to amend the charter of the town of Greenfield Park (1958-59, chapter 87)	Sections 6 to 9
42. Hampstead	An Act to amend the charter of the town of Hampstead (1958-59, chapter 88)	Sections 3 and 6 to 9

Municipality	Title of the Act	Provisions repealed
43. Hull	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	<p>The words “composed of the mayor and eight councillors, one for each ward described in subsection 2” in paragraph <i>a</i> of subsection 1 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975</p> <p>Subsection 2 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975</p>
44. Huntingdon	<p>An Act to amend the Cities and Towns Act respecting the town of Huntingdon (1957-58, chapter 98)</p> <p>Cities and Towns Act (Revised Statutes, 1964, chapter 193)</p>	<p>Sections 2, 5 and 6</p> <p>Last paragraph of section 30 replaced for the town of Huntingdon by section 1 of chapter 98 of the statutes of 1957-58</p>

Municipality	Title of the Act	Provisions repealed
45. Iberville	An Act to consolidate the charter of the town of Iberville (1907, chapter 72)	<p>Sections 13, 16 and 17</p> <p>Sections 17<i>a</i> and 17<i>b</i>, enacted by section 1 of chapter 63 of the statutes of 1943</p> <p>Section 18 replaced by section 2 of chapter 63 of the statutes of 1943</p> <p>Sections 18<i>a</i> to 18<i>d</i>, enacted by section 3 of chapter 63 of the statutes of 1943</p> <p>Sections 19 to 21</p>
46. Île-Cadieux	An Act to incorporate the Town of Île Cadieux (1922, 1 <sup>st</sup> session, chapter 115)	Sections 5 to 12 and 14 to 19
47. Île-Dorval	An Act to incorporate the town of Dorval Island (1915, chapter 106)	Sections 3, 4 and 8 to 16
48. Île-Perrot	An Act to erect as a town corporation the municipality of Île Perrot (1954-55, chapter 96)	Sections 9 and 12 to 24
49. Joliette	An Act to amend the charter of the city of Joliette and to annex new territories to the school municipality of the town of Joliette (1946, chapter 63)	Section 8

Municipality	Title of the Act	Provisions repealed
50. Jonquière	Charter of the city of Jonquière (1974, chapter 88, section 1)	Section 7
51. Kirkland	An Act to incorporate as a town under the name of Kirkland the municipality of the parish of Saint-Joachim de la Pointe- Claire (1960-61, chapter 131)	Sections 12 to 16
52. Lac Delage	An Act to incorporate the town of Lac Delage (1958-59, chap- ter 109)	Section 8
53. Lac-des- Seize-Îles	An Act to incorporate the munic- ipality of Sixteen-Island Lake (1913-14, chapter 98)	Sections 3, 8 and 9
54. Lachine	An Act to consolidate and amend the charter of the town of Lachine and to incorporate it as a city (1909, chapter 86)	Section 11 replaced by sec- tion 11 of chapter 57 of the statutes of 1912 (2 <sup>nd</sup> ses- sion), by section 1 of chapter 79 of the statutes of 1913-14, by sec- tion 2 of chapter 126 of the sta- tutes of 1930-31, by section 3 of chapter 120 of the statutes of 1935 and by sec- tion 1 of chapter 61 of the statutes of 1946
		Section 13

Municipality	Title of the Act	Provisions repealed
		Sections 19 and 21 replaced by sections 10 and 11 of chapter 78 of the statutes of 1945
		Section 23 replaced by section 5 of chapter 120 of the statutes of 1935, by section 1 of chapter 108 of the statutes of 1937, by section 1 of chapter 80 of the statutes of 1942 and by section 2 of chapter 61 of the statutes of 1946
		Sections 24 to 26 replaced by sections 3 to 5 of chapter 80 of the statutes of 1942
	An Act to amend the charter of the city of Lachine (1913-14, chapter 79)	Form I
	An Act to amend the charter of the city of Lachine (1915, chapter 96)	Section 1 Section 2 replaced by section 6 of chapter 80 of the statutes of 1942



Municipality	Title of the Act	Provisions repealed
55. Lac-Mégantic	An Act to amend the charter of the city of Lachine (1935, chapter 120)	Section 4
	An Act to amend the charter of the city of Lachine (1937, chapter 108)	Section 8
	An Act to amend the charter of the city of Lachine (1945, chapter 78)	Section 10 replaced by section 3 of chapter 72 of the statutes of 1951-52
		Sections 11 and 12
	An Act to amend the charter of the city of Lachine (1949, chapter 82)	Sections 16 and 17
	An Act to amend the charter of the city of Lachine (1951-52, chapter 72)	Sections 1 and 3
	An Act to amend the charter of the city of Lachine (1953-54, chapter 71)	Sections 1 and 6
56. Lac-Paré	An Act to amend the charter of the town of Mégantic (1957-58, chapter 84)	Section 2
	An Act to amend the charter of the town of Lac Mégantic (1965, 1 <sup>st</sup> session, chapter 102)	Section 4
56. Lac-Paré	An Act to erect the municipality of the parish of Lac Paré (1949, chapter 105)	Sections 3, 6 to 9, 13 and 14

Municipality	Title of the Act	Provisions repealed
57. Lac-Poulin	An Act to erect The municipality of the village of Lac Poulin (1958-59, chapter 119)	Sections 8 to 14
58. Lac-Saint-Joseph	An Act to incorporate the town of Lake St. Joseph (1936, 1 <sup>st</sup> session, chapter 13)	Sections 7 to 15 and 19
	An Act to amend the Act to incorporate the town of Lake St. Joseph (1973, chapter 86)	Section 1
59. Lac-Sergent	An Act to incorporate the town of Lac Sergent (1921, chapter 128)	Sections 5 to 18
60. Lac-Tremblant-Nord	An Act to incorporate the municipality of Lac Tremblant Nord (1915, chapter 112)	Sections 3, 4, 7 and 8
61. La Malbaie	An Act to increase the powers of the corporation of the village of Malbaie (1905, chapter 50)	Section 1
62. La Pocatière	An Act respecting the town of La Pocatière (1966-67, chapter 114)	Section 1
63. La Prairie	An Act to incorporate the town of La Prairie (1909, chapter 92)	Sections 9 and 12
	An Act to amend the charter of the town of La Prairie (1958-59, chapter 86)	Section 3
64. La Salle	An Act to incorporate the town of Lasalle (1912, 1 <sup>st</sup> session, chapter 73)	Section 8
	An Act to amend the charter of the town of Lasalle (1916, 2 <sup>nd</sup> session, chapter 75)	Section 5

Municipality	Title of the Act	Provisions repealed
65. L'Assomption	An Act to incorporate the town of L'Assomption (1957-58, chapter 95)	Sections 12 to 15 and 17 to 21
66. La Tuque	An Act to incorporate the town of La Tuque (1911, chapter 69)	Section 12
	An Act to amend the charter of the town of La Tuque (1913-14, chapter 86)	Sections 4 to 16
	An Act to amend the charter of the town of La Tuque (1922, 2 <sup>nd</sup> session, chapter 99)	Section 2
	An Act to amend the charter of the town of La Tuque (1955-56, chapter 94)	Section 7
67. Laval	Charter of the City of Laval (1965, 1 <sup>st</sup> session, chapter 89)	Sections 8, 11, 14 and 20 to 23 and Schedule two replaced by section 29 of chapter 96 of the statutes of 1968
	An Act to amend the charter of the city of Laval (1966-67, chapter 91)	Section 5
	An Act to amend the charter of the city of Laval (1968, chapter 96)	Sections 2, 3 and 5 to 18
	An Act to amend the charter of the city of Laval (1969, chapter 93)	Section 1
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	Sections 56 and 57 replaced for the city of Laval by section 13 of chapter 89 of the

Municipality	Title of the Act	Provisions repealed
		statutes of 1965 (1 <sup>st</sup> session)
68. Lebel-sur-Quévillon	An Act to incorporate the Town and the school municipality of Lebel-sur-Quévillon (1965, 2 <sup>nd</sup> session, chapter 108)	Sections 5 and 9
	An Act respecting the Town of Lebel-sur-Quévillon (1968, chapter 108)	Section 1
69. Lemoyne	An Act to incorporate the town of Lemoyne (1949, chapter 100)	Section 5 Section 6 replaced by section 1 of chapter 100 of the statutes of 1953-54 Section 11
	An Act to amend the charter of the town of Lemoyne (1953-54, chapter 100)	Sections 2, 3 and 5 to 13
70. Lennoxville	An Act to incorporate the town of Lennoxville (1919-20, chapter 107)	Sections 8 to 15
71. Léry	An Act to incorporate the town of DeLéry (1913-14, chapter 90)	Sections 8 and 12 to 18
72. Lévis	An Act to consolidate the charter of the city of Lévis (1956-57, chapter 84)	Section 16
73. Lorraine	An Act to incorporate the town of Lorraine (1959-60, chapter 162)	Sections 5, 8 and 17

Municipality	Title of the Act	Provisions repealed
74. Louiseville	An Act to amend the charter of the town of Louiseville (1957-58, chapter 92)	Section 2
75. Macamic	An Act to incorporate as a town the village of Macamic (1954-55, chapter 95)	Sections 5 and 11
76. Malartic	An Act to incorporate the town of Malartic (1939, chapter 124)	Sections 5 and 9 Section 11 replaced by section 2 of chapter 118 of the statutes of 1950 Sections 12 and 13 Section 15 replaced by section 3 of chapter 118 of the statutes of 1950 Sections 17, 32 and 33 Section 33a, enacted by section 4 of chapter 118 of the statutes of 1950
77. Maple-Grove	An Act to amend the charter of the town of Malartic (1950, chapter 118) An Act to incorporate the town of Maple Grove (1917-18, chapter 94)	Section 1 Section 8

Municipality	Title of the Act	Provisions repealed
78. Marievalle	An Act to incorporate the town of Marievalle (1905, chapter 47)	The second paragraph of section 6  The words “, and the deposit required from candidates for the election to the office of alderman shall be twenty-five dollars, instead of fifty dollars” in section 10
79. Matagami	An Act to amend the charter of the town of Matagami (1981, chapter 48)	Section 1
80. Métis-sur-Mer	An Act to incorporate the village of Little Metis (1896-97, chapter 70)	Section 8
	An Act to amend the charter of the village of Little Metis (1921, chapter 135)	Sections 5 to 8
81. Mirabel	An Act respecting the vicinity of the new international airport (1970, chapter 48)	The second sentence of the first paragraph and the second paragraph of section 5
82. Mont-Joli	An Act to incorporate the town of Mont-Joli (1945, chapter 91)	Sections 10 and 11  Section 11a, enacted by section 1 of chapter 93 of the statutes of 1950-51

Municipality	Title of the Act	Provisions repealed
		Section 12
	An Act respecting the town of Mont-Joli (1953-54, chapter 98)	Section 1
83. Montréal-Est	An Act to consolidate the charter of the town of Montreal East (1934, chapter 100)	Sections 8 and 9
84. Montréal-Nord	An Act to incorporate the parish of Sault-au-Recollet, under the name of the town of Montreal North (1915, chapter 108)	Sections 3, 7 and 8 Section 9 replaced by section 1 of chapter 95 of the statutes of 1917-18
	An Act respecting the corporation of the town of Montreal North (1919, chapter 109)	Section 14
	An Act to amend the charter of the town of Montreal North (1958-59, chapter 78)	Section 2
85. Montréal-Ouest	An Act to revise and consolidate the charter of the town of Montreal West (1911, chapter 65)	Sections 10 and 12 replaced by sections 1 and 3 of chapter 97 of the statutes of 1919-20
		Sections 14 to 18
	An Act to amend the charter of the town of Montreal West (1919-20, chapter 97)	Sections 4 and 6 to 21
86. Mont-Royal	An Act to incorporate Mount Royal as a town (1912, 2 <sup>nd</sup> session, chapter 72)	Section 4 replaced by section 4 of chapter 64 of the statutes of 1944

Municipality	Title of the Act	Provisions repealed
		Section 5 replaced by section 1 of chapter 102 of the statutes of 1915
	An Act to confirm the extinguishment of certain restrictions, servitudes and charges, and to amend the charter of the town of Mount Royal (1944, chapter 64)	Sections 3 and 5
	An Act to confirm the extinguishment of certain restrictions, to amend certain by-laws of the town of Mount-Royal and to amend the charter of the town of Mount Royal (1952-53, chapter 83)	Section 3
	An Act respecting the town of Mount Royal (1953-54, chapter 88)	Sections 2 and 3 to 7
	An Act to amend the charter of the town of Mount Royal (1957-58, chapter 74)	Sections 1 to 3 Paragraphs <i>a</i> and <i>b</i> of section 4
87. Nicolet	An Act to revise and consolidate the charter of the town of Nicolet (1910, chapter 57)	Sections 11 to 13 Section 14 replaced by section 1 of chapter 96 of the statutes of 1958-59
		Sections 15 and 16
88. Notre-Dame-de-la-Merci	An Act respecting the municipality of Notre-Dame-de-la-Merci (1980, chapter 54)	The third paragraph of section 6



Municipality	Title of the Act	Provisions repealed
		Section 7
89. Notre-Dame-de-l'Île-Perrot	An Act respecting the parish of Notre-Dame-de-l'Île-Perrot (1958-59, chapter 123)	Section 9
90. Outremont	An Act to amend and consolidate the charter of the town of Outremont, and to incorporate it into a city (1915, chapter 93)	Sections 8, 11 to 15 and 23
		Section 24 replaced by section 1 of chapter 92 of the statutes of 1923-24 and by section 1 of chapter 108 of the statutes of 1960-61
		Sections 25 to 32
	An Act to amend the charter of the city of Outremont (1953-54, chapter 69)	Sections 1 and 2
	An Act to amend the charter of the city of Outremont (1959-60, chapter 112)	Sections 1 and 5
	An Act to amend the charter of the city of Outremont (1960-61, chapter 108)	Sections 2 and 3
	An Act respecting the city of Outremont (1962, chapter 69)	Section 3
91. Percé	Charter of the City of Percé (1970, chapter 77)	The second sentence of the first paragraph and the second paragraph of section 5

Municipality	Title of the Act	Provisions repealed
92. Pierrefonds	An Act to incorporate the town of Pierrefonds (1958-59, chapter 110)	Sections 12 to 14, 16 and 25 to 30
	An Act to amend the charter of the Town of Pierrefonds and of the town of Dollard des Ormeaux (1960-61, chapter 132)	Section 6
93. Pincourt	An Act to incorporate as a town the village of Pincourt (1959-60, chapter 168)	Sections 9 to 13
94. Pointe-au-Pic	An Act to erect the village of Pointe au Pic into a separate municipality (1876, chapter 46)	Section 4 <i>i</i> enacted by section 2 of chapter 51 of the statutes of 1905 and replaced by section 2 of chapter 108 of the statutes of 1952-53  Section 4 <i>o</i> enacted by section 2 of chapter 51 of the statutes of 1905
95. Pointe-Calumet	An Act respecting the municipality of the village of Pointe Calumet (1952-53, chapter 110)	Sections 6 to 11 and 13
96. Pointe-Claire	An Act to incorporate the town of Pointe Claire (1911, chapter 71)	Section 8 replaced by section 1 of chapter 79 of the statutes of 1916 (2 <sup>nd</sup> session)

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of Pointe Claire (1916, 2 <sup>nd</sup> session, chapter 79)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Pointe Claire (1951-52, chapter 86)	Sections 2, 3, 8, 9, 11, 14 to 17 and 30
	An Act to amend the charter of the town of Pointe Claire (1954-55, chapter 73)	Section 1
	An Act to amend the charter of the town of Pointe-Claire (1956-57, chapter 98)	Sections 1 to 4
	An Act to amend the charter of the city of Pointe-Claire (1958-59, chapter 61)	Sections 2 and 3
97. Pointe-des-Cascades	An Act to incorporate the municipality of the village of Pointe-des-Cascades (1960-61, chapter 139)	Section 5
98. Port-Cartier	An Act to incorporate the town of Port Cartier and concerning the school commissioners of Schelter Bay (1958-59, chapter 111)	Sections 5, 8 to 12 and 22
99. Prévost	An Act to incorporate the village of Shawbridge (1909, chapter 95)	Section 5
100. Repentigny	An Act to incorporate the town of Repentigny (1956-57, chapter 125)	Sections 9, 11, 12 and 14 to 17 Section 30a enacted by section 8 of chapter 158 of the statutes of 1959-60

Municipality	Title of the Act	Provisions repealed
101. Richmond	An Act to amend the charter of the town of Repentigny (1959-60, chapter 158)	Section 1
	An Act to amend and consolidate the charter of the town of Richmond (1901, chapter 50)	The second paragraph of section 5, replaced by section 1 of chapter 81 of the statutes of 1941
		The second sentence of section 7 replaced by section 2 of chapter 81 of the statutes of 1941
	An Act to amend the charter of the corporation of the town of Richmond (1941, chapter 81)	Section 3
	An Act to amend the charter of the town of Richmond (1957-58, chapter 93)	Sections 2 to 5
102. Rigaud	An Act to amend the charter of the town of Richmond (1958-59, chapter 93)	Section 2
	An Act to incorporate the municipality of Rigaud village as a town (1911, chapter 72)	Sections 11 to 23
103. Rimouski	An Act to revise and consolidate the charter of the town of Saint Germain de Rimouski (1904, chapter 64)	Section 6 replaced by section 5 of chapter 96 of the statutes of 1919-20
	An Act to amend the charter of the town of Saint Germain de Rimouski (1919-20, chapter 96)	Section 6

Municipality	Title of the Act	Provisions repealed
104. Rivière-du-Loup	Revised statutes, 1909	The second paragraph of section 5300 replaced by section 12 of chapter 56 of the statutes of 1910
	An Act to amend the charter of the city of Rivière-du-Loup (1949, chapter 87)	Section 3
105. Rock-Island	An Act to incorporate as a town the Corporation of the village of Rock Island, county of Stanstead (1956-57, chapter 118)	Sections 10 to 12 and 14
106. Rosemère	An Act to incorporate the town of Rosemère (1957-58, chapter 109)	Sections 8 to 14
107. Roxboro	An Act to incorporate the town of Roxboro and ratify the titles of Remi Realty Limited to certain real estate therein (1913-14, chapter 91)	<p>Section 3 replaced by section 1 of chapter 77 of the statutes of 1916 (2<sup>nd</sup> session) and by section 1 of chapter 104 of the statutes of 1919-20</p> <p>Sections 4 to 6, 9 and 10</p> <p>Section 11 replaced by section 5 of chapter 77 of the statutes of 1916 (2<sup>nd</sup> session) and by section 3 of chapter 104 of the statutes of 1919-20</p>

Municipality	Title of the Act	Provisions repealed
108. Sainte-Agathe-des-Monts		Sections 12 to 16
	An Act to amend the charter of the town of Roxboro (1916, 2 <sup>nd</sup> session, chapter 77)	Section 3
	An Act to amend the charter of the town of Roxboro (1946, chapter 74)	The third paragraph of section 4
	An Act to amend the charter of the town of Roxboro (1958-59, chapter 100)	Sections 1 and 2
	An Act to incorporate the town of Ste. Agathe des Monts (1915, chapter 103)	Section 8 replaced by section 1 of chapter 86 of the statutes of 1927
		Section 12
		Section 13 replaced by section 1 of chapter 99 of the statutes of 1974
		Sections 15 and 20
		Sections 22 to 24 replaced by sections 3 to 5 of chapter 86 of the statutes of 1927
		Section 25
		Sections 26 to 29 replaced by sections 6 to 9 of chapter 86 of the statutes of 1927

Municipality	Title of the Act	Provisions repealed
		Sections 30, 31 and 33 to 35
109. Sainte-Anne-des-Lacs	An Act to erect the municipality of the parish of Sainte-Anne-des-Lacs and the school municipality of Sainte-Anne-des-Lacs (1946, chapter 81)	Sections 5 to 15
110. Sainte-Anne-du-Lac	An Act to erect the village of Ste. Anne du Lac, in the county of Megantic, for municipal and school purposes (1949, chapter 102)	Sections 3 and 6 to 8
111. Sainte-Catherine-de-la-Jacques-Cartier	An Act to grant certain special powers to the municipality of the parish of Ste. Catherine de Fossambault (1933, chapter 138)	Sections 2 to 13
112. Sainte-Foy	An Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56)	The words “and shall be divided into seven wards as described in Schedule II” in section 4
		Sections 12 to 16 Schedule II
	Cities and Towns Act (Revised statutes, 1964, chapter 193)	The words “composed of the mayor and seven councillors, one for each ward described in Schedule II” in paragraph <i>a</i> of section 46 replaced by section 6 of chapter

Municipality	Title of the Act	Provisions repealed
		56 of the statutes of 1976
113. Sainte-Geneviève	An Act to incorporate as a town the village of Sainte-Geneviève de Pierrefonds (1958-59, chapter 115)	Sections 13 to 16
114. Sainte-Thérèse	An Act to consolidate the charter of the town of Sainte Thérèse (1951-52, chapter 84)	Sections 6 to 8, 10, 11, 13 to 18 and 20
		Section 22 replaced by section 5 of chapter 112 of the statutes of 1971
	An Act to annex certain territories to the city of Sainte-Thérèse (1959-60, chapter 124)	Section 9
115. Saint-François-Xavier-de-la-Petite-Rivière	An Act respecting the parish municipality of Saint-François-Xavier-de-la-Petite-Rivière (1977, chapter 97)	Paragraph <i>c</i> of section 6 Section 7
116. Saint-Hubert	An to incorporate as a town The corporation of Saint-Hubert (1957-58, chapter 112)	Sections 4, 14 and 16 to 21
	An Act to incorporate the town of Jacques Cartier and the town of Mackayville (1947, chapter 102)	Section 8 Section 9 replaced by section 1 of chapter 100 of the statutes of 1956-57 and amended by section 2 of chapter 80 of the statutes of 1958-59



Municipality	Title of the Act	Provisions repealed
		Sections 10 and 11
	An Act to amend the charter of the town of Mackayville (1950, chapter 114)	Section 1
	An Act to amend the charter of the town of Mackayville (1956-57, chapter 100)	Sections 3, 4 and 6 to 9
117. Saint-Jean-sur-Richelieu	An Act respecting the city of St. Johns and the town of Saint-Luc (1964, chapter 82)	Section 2
118. Saint-Jérôme	An Act to consolidate the Charter of the Town of St. Jerome and to constitute its territory a city municipality (1950, chapter 103)	Section 13
119. Saint-Joseph-de-Sorel	An Act respecting the town of Saint-Joseph-de-Sorel (1947, chapter 107)	Section 1
120. Saint-Laurent (city)	An Act to amend the charter of the town of St. Laurent (1908, chapter 94)	Section 5 replaced by section 1 of chapter 86 of the statutes of 1950-51
		Section 7 replaced by section 2 of chapter 86 of the statutes of 1951-52
	An Act to amend the charter of the town of Saint Laurent (1917-18, chapter 91)	Section 2 replaced by section 2 of chapter 97 of the statutes of 1966-67

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of St. Laurent (1922, 2nd session, chapter 97)	Section 1
	An Act to amend the charter of the town of St. Laurent (1925, chapter 99)	Section 1
	An Act to amend the charter of the town of St. Laurent (1950, chapter 106)	Section 1
	An Act respecting the town of St. Laurent, the town of Côte St-Luc and the Canadian Pacific Railway Company (1953-54, chapter 84)	Sections 1 and 12
	An Act to amend the charter of the city of Saint-Laurent (1959-60, chapter 110)	Section 2
121. Saint-Laurent (parish)	An Act respecting certain powers of the municipal corporation of the parish of St. Laurent (1952-53, chapter 111)	Sections 1 to 6
122. Saint-Léonard	An Act to incorporate the municipality of the parish of St. Léonard de Port Maurice as a town (1915, chapter 105)	Section 13
123. Saint-Ours	An Act to incorporate the town of St. Ours (29-30, Victoria, chapter 60)	Sections 3, 4 and 7
124. Saint-Pierre	An Act to amend the charter of the town of St. Pierre (1955-56, chapter 98)	Section 1
125. Saint-Tite	An Act to incorporate the town of St. Tite (1910, chapter 64)	Sections 7 and 9 to 16

Municipality	Title of the Act	Provisions repealed
126. Salaberry-de-Valleyfield	An Act respecting Cities and Towns (Revised statutes, 1925, chapter 102)	Paragraphs 9, 10 and 30 of section 4 replaced for the city of Salaberry-de-Valleyfield by section 4 of chapter 111 of the statutes of 1931-32
	An Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111)	<p data-bbox="825 633 971 667">Section 15</p> <p data-bbox="825 684 1047 867">Sections 16 and 18 replaced by sections 1 and 2 of chapter 87 of the statutes of 1940</p> <p data-bbox="825 884 1072 1260">Section 19 replaced by section 3 of chapter 87 of the statutes of 1940 and by section 3 of chapter 72 of the statutes of 1953-54 and amended by section 2 of chapter 59 of the statutes of 1958-59</p> <p data-bbox="825 1277 971 1311">Section 58</p> <p data-bbox="825 1328 1059 1482">Section 59 amended by section 3 of chapter 78 of the statutes of 1955-56</p> <p data-bbox="825 1499 971 1533">Section 60</p>

Municipality	Title of the Act	Provisions repealed
		Section 61 replaced by section 1 of chapter 95 of the statutes of 1934
		Sections 62 to 76
		Sections 76 <i>a</i> and 76 <i>b</i> enacted by section 5 of chapter 59 of the statutes of 1958-59
		Sections 77 and 82
		Section 111 <i>a</i> enacted by section 1 of chapter 130 of the statutes of 1933
		Section 111 <i>b</i> enacted by section 1 of chapter 130 of the statutes of 1933 and amended by section 3 of chapter 60 of the statutes of 1954-55
		Sections 111 <i>c</i> to 111 <i>o</i> enacted by section 1 of chapter 130 of the statutes of 1933
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1954-55, chapter 60)	Section 4

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1956-57, chapter 78)	Sections 5, 6 and 9
127. Schefferville	An Act respecting the town of Shefferville (1966-67, chapter 115)	Sections 2 to 8
128. Scotstown	An Act to incorporate the town of Scotstown (1892, chapter 58)	Sections 4 to 6 and 37
129. Senneville	An Act to incorporate the village de Senneville (1894-95, chapter 60)	Section 5
	An Act to amend the charter of the village of Senneville (1935, chapter 147)	The sixth paragraph of section 1
130. Sept-Îles	An Act to erect the town of Sept-Îles, in the county of Saguenay (1950-51, chapter 69)	Sections 4 and 8 Sections 15, 16 and 21 enacted by section 1 of chapter 102 of the statutes of 1952-53
	An Act to amend the charter of the town of Sept-Îles (1956-57, chapter 117)	Section 2
131. Shawinigan	An Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, chapter 95)	Sections 12 to 14 replaced by sections 1 to 3 of chapter 56 of the statutes of 1944, by sections 1 to 3 of chapter 77 of the statutes of

Municipality	Title of the Act	Provisions repealed
		1950-51 and by sections 1 to 3 of chapter 55 of the statutes of 1958-59
		Section 21 replaced by section 4 of chapter 120 of the statutes of 1921
	An Act to amend the charter of the city of Shawinigan (1968, chapter 100)	Sections 1 to 7
132. Sherbrooke	An Act to revise the charter of the city of Sherbrooke (1974, chapter 101)	Sections 6 and 7
133. Sillery	An Act to amend the Charter of the city of Sillery (1983, chapter 63)	Sections 4 and 5
134. Sorel	An Act to incorporate the city of Sorel (1889, chapter 80)	Sections 23, 24, 28, 58 and 98
		Section 99 amended by section 8 of chapter 59 of the statutes of 1912 (1st session), by section 1 of chapter 59 of the statutes of 1943 and by section 4 of chapter 66 of the statutes of 1958-59

Municipality	Title of the Act	Provisions repealed
		Section 100 replaced by section 9 of chapter 59 of the statutes of 1912 (1st session)
		Sections 101 to 108 and 128 to 138
		Section 138a enacted by section 8 of chapter 112 of the statutes of 1931-32
		Section 139 replaced by section 10 of chapter 60 of the statutes of 1899 and by section 2 of chapter 82 of the statutes of 1956-57
		Sections 140 and 141 replaced by sections 3 and 4 of chapter 82 of the statutes of 1956-57
		Sections 142 and 143
		Section 144 replaced by section 5 of chapter 82 of the statutes of 1956-57
		Section 145

Municipality	Title of the Act	Provisions repealed
		Section 146 replaced by section 5 of chapter 67 of the statutes of 1954-55
		Sections 147 to 154
		Section 155 replaced by section 9 of chapter 60 of the statutes of 1899
		Sections 156 to 163
		Section 164 replaced by section 3 of chapter 73 of the statutes of 1962
		Sections 165 to 167
		Section 168 replaced by section 11 of chapter 59 of the statutes of 1912 (1st session) and by section 9 of chapter 112 of the statutes of 1931-32
		Sections 169 to 195
		Section 196 replaced by section 12 of chapter 59 of



Municipality	Title of the Act	Provisions repealed
		the statutes of 1912 (1st session) and by section 10 of chapter 112 of the statutes of 1931-32
		Section 197
		Section 197 <i>a</i> enacted by sec- tion 6 of chapter 67 of the statutes of 1954-55
		Sections 198 to 226
		Section 227 amended by sec- tion 4 of chapter 52 of the statutes of 1892
		Section 228
		Section 229 amended by sec- tion 5 of chapter 52 of the statutes of 1892
		Sections 230 to 236
		Section 237 repla- ced by section 13 of chapter 59 of the statutes of 1912 (1st session)

Municipality	Title of the Act	Provisions repealed
		Sections 238 to 246
		Sections 248 to 253
		Sections 256 to 274
		Sections 292 to 299
		Section 300 amended by section 6 of chapter 52 of the statutes of 1892
		Sections 301 to 303
	An Act to amend the charter of the city of Sorel and to establish a body to promote industry in the region of Sorel (1958-59, chapter 66)	Sections 19 and 20
	An Act to amend the charter of the city of Sorel (1962, chapter 73)	Section 2
135. Témiscaming	An Act to incorporate the town of Kipawa (1919-20, chapter 110)	Sections 6, 9, 10 and 14 to 23
136. Terrebonne	An Act to consolidate and replace the Charter of the Town of Terrebonne (1907, chapter 75)	Section 21
	An Act to amend the Charter of the Town of Terrebonne (1951-52, chapter 94)	Section 6

Municipality	Title of the Act	Provisions repealed
137. Thetford-Mines	An Act to amend the Charter of the Town of Terrebonne (1960-61, chapter 125)	Sections 3 and 4
	An Act to incorporate the town of Thetford Mines (1905, chapter 48)	<p data-bbox="829 462 952 493">Section 9</p> <p data-bbox="829 522 1076 676">Section 10 replaced by section 2 of chapter 68 of the statutes of 1912 (1st session)</p> <p data-bbox="829 696 1076 935">Section 13 replaced by section 1 of chapter 64 of the statutes of 1946 and by section 2 of chapter 85 of the statutes of 1955-56</p> <p data-bbox="829 956 1076 1111">Section 13<i>a</i> enacted by section 3 of chapter 68 of the statutes of 1912 (1st session)</p>
		Section 14
		Section 14 <i>a</i> enacted by section 4 of chapter 68 of the statutes of 1912 (1st session)
	An Act to amend the charter of the city of Thetford Mines (1950, chapter 90)	Sections 3 to 7
	An Act to amend the charter of the city of Thetford-Mines (1952-53, chapter 73)	Section 2

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Thetford Mines (1955-56, chapter 85)	Sections 3 to 5
	An Act to amend the charter of the city of Thetford Mines (1956-57, chapter 81)	Section 4
	An Act to amend the charter of the city of Thetford Mines (1959-60, chapter 118)	Section 2
138. Tracy	An Act to incorporate as a town corporation the parish of St. Joseph, county of Richelieu (1953-54, chapter 113)	Section 11
	An Act to amend the charter of the town of Tracy (1959-60, chapter 137)	Sections 2 and 4
139. Trois-Lacs	An Act to incorporate the municipality of La Rochelle for municipal purposes only (1950, chapter 125)	Sections 7 to 11
140. Trois-Pistoles	An Act to incorporate the town of Trois Pistoles (1916, 1st session, chapter 62)	Sections 10 to 15
141. Trois-Rivières	An Act to amend and consolidate the charter of the city of Three Rivers (1915, chapter 90)	Section 6 replaced by section 2 of chapter 94 of the statutes of 1965 (1st session) Section 33

Municipality	Title of the Act	Provisions repealed
142. Vanier	An Act to amend the charter of the city of Three Rivers (1937, chapter 106)	Section 5
	An Act to amend the charter of the city of Trois-Rivières (1947, chapter 84)	Section 4
	An Act to amend the charter of the city of Trois-Rivières (1965, 1st session, chapter 94)	Section 26 replaced by section 10 of chapter 99 of the statutes of 1966-67
	An Act to incorporate the town of Quebec West (1916, 1 <sup>st</sup> session, chapter 61)	Sections 5, 11 to 16, 30 and 31
	An Act to amend the charter of the town of Quebec West (1917-18, chapter 96)	Sections 8 and 9
143. Vaudreuil	An Act to incorporate the town of Vaudreuil (1963, 1st session, chapter 93)	Sections 8 and 12 to 14
	An Act respecting Cities and Towns (Revised Statutes, 1941, chapter 233)	The last two paragraphs of section 30 replaced for the town of Vaudreuil by section 10 of chapter 93 of the statutes of 1963 (1st session)
144. Verdun	An Act to amend the charter of the city of Verdun (1916, 1st session, chapter 48)	Section 3 replaced by section 1 of chapter 55 of the statutes of 1943

Municipality	Title of the Act	Provisions repealed
		Section 7 replaced by section 2 of chapter 100 of the statutes of 1929
	An Act to amend the charter of the city of Verdun (1929, chapter 100)	Section 1
	An Act to amend the charter of the city of Verdun (1934, chapter 90)	Sections 1 and 2
	An Act to amend the charter of the city of Verdun (1937, chapter 109)	Sections 5 and 9
	An Act to amend the charter of the city of Verdun (1939, chapter 106)	Section 5
	An Act to amend the charter of the city of Verdun (1940, chapter 81)	Section 1
	An Act to amend the charter of the city of Verdun (1944, chapter 53)	Sections 2, 3, 5 and 6
	An Act to amend the charter of the city of Verdun (1945, chapter 73)	Section 10
	An Act to amend the charter of the city of Verdun (1947, chapter 82)	Section 6
	An Act to amend the charter of the city of Verdun (1960-61, chapter 103)	Section 3

Municipality	Title of the Act	Provisions repealed
145. Victoriaville	An Act to amend the charter of the city of Verdun (1963, 1st session, chapter 75)	Section 20
	An Act to erect the corporation of Victoriaville into a town municipality (1936, 1st session, chapter 8)	Sections 4 to 7
	An Act to amend the charter of the town of Victoriaville (1939, chapter 116)	Sections 1 to 3
	An Act to amend the charter of the town of Victoriaville (1940, chapter 93)	Sections 1 and 3
	An Act to amend the charter of the town of Victoriaville (1953-54, chapter 86)	Sections 4 to 6 and 8 to 11
	An Act to amend the charter of the town of Victoriaville (1954-55, chapter 68)	Section 4
	An Act to amend the charter of the town of Victoriaville (1955-56, chapter 92)	Section 1
	An Act to amend the charter of the town of Victoriaville (1957-58, chapter 75)	Sections 1 to 5
146. Weedon-Centre	An Act to erect a certain portion of the parish of St. Janvier de Weedon into a village municipality (1887, chapter 23)	Section 2
147. Westmount	An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city (1908, chapter 89)	Sections 16, 18 to 22, 25 and 26

Municipality	Title of the Act	Provisions repealed
148. Windsor	An Act to amend the charter of the city of Westmount (1912, 1st session, chapter 60)	Sections 3, 5, 14 and 17 Schedule A (Form H-1)
	An Act to amend the charter of the city of Westmount (1954-55, chapter 58)	Section 1
	An Act to amend the charter of the city of Westmount (1955-56, chapter 76)	Sections 2 and 4
	An Act to incorporate the town of Windsor Mills (1899, chapter 68)	Sections 15, 16 and 18
	An Act to amend the charter of the town of Windsor (1945, chapter 87)	Sections 3 to 9
	An Act to amend the charter of the town of Windsor (1952-53, chapter 92)	Sections 5 to 8



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