



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 79

An Act to amend the Act respecting elections and referendums in municipalities

Introduction

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

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EXPLANATORY NOTE

The object of this bill is to provide a transitional provision permitting the election of councillors to be held in certain municipalities before general elections are held in those municipalities.

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An Act to amend the Act respecting elections and referendums in municipalities

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 869 of the Act respecting elections and referendums in municipalities (1987, chapter 57) is amended by inserting the words “and subject to section 869.1” after the word “Act” in the third line of the second paragraph.

2. The said Act is amended by inserting, after section 869, the following section:

“869.1 If, in a municipality in which an office of councillor must, pursuant to the Act governing it in that respect on 31 December 1987, be open for nominations after that date at a fixed-date election in a calendar year prior to that contemplated in section 869, an election for that office shall be held in that prior year.

The election is a regular election within the meaning of this Act and, except for sections 2 and 3, it applies to it. The date of the poll is that prescribed by the legislative or regulatory provision applicable to the municipality on 31 December 1987; if that date is not the first Sunday or Monday of November, sections 341 and 344 apply as if it were a by-election.

If the periodicity of elections observed by the municipality on 31 December 1987 and that provided for by the Act governing the municipality in that respect at that date do not coincide, the calendar year in which the election for the office of councillor is to be held is

the year determined according to the periodicity observed by the municipality.”

3. Section 883 of the said Act is replaced by the following section:

“**883.** All the orders, orders in council, letters patent, proclamations, regulations, by-laws, resolutions and ordinances in force on 31 December 1987 and issued or made under a provision replaced or repealed by this Act remain in force until the date fixed for the cessation of their effect, until their object is achieved or until they are replaced or repealed by this Act. Where such is the case, they are deemed to have been issued or made under the corresponding provision of this Act.

Notwithstanding the foregoing, they are without effect if their object is to fix the hours of the poll, fix the term of the members of the council, order that the poll be held at several places or that the vote be taken by voice vote or, except for the purposes of section 869.1, fix the first Monday of November as the date of the poll at a regular election.”

4. This Act comes into force on 1 January 1988.