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# NATIONAL ASSEMBLY

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FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 19

## **Election Act**

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**Introduction**

**Introduced by  
Mr Jean-François Bertrand  
Government House Leader**



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## EXPLANATORY NOTES

*The first object of this bill is to consolidate the Election Act, the Act respecting electoral lists and the Act to govern the financing of political parties into a single Act following in that respect the recommendation of the advisory board and make the necessary amendments of concordance to the Referendum Act.*

*The second object of the bill is to propose a certain number of amendments designed to facilitate and harmonize the various operations of the electoral process.*

*With respect to the Election Act, the amendments are designed, more particularly, to*

*— permit the extension of the election period to enable the returning officer to accomplish the several tasks which follow the issue of a writ of election and facilitate the operations pertaining to an election preceded by an enumeration;*

*— specify the terms and conditions governing the leave to which candidates, revisors, official agents and election officers are entitled for the purposes of an election;*

*— include an enumerator, a revisor, the secretary of a board of revisors and the investigating assistants within the definition of election officers;*

*— facilitate the computation of the votes of inmates by the introduction of a different ballot paper;*

*— ensure that the office of every returning officer and every advance polling station are accessible to handicapped persons;*

*— specify that only the schools under the jurisdiction of a school board are to be closed on polling day.*

*With regard to the Act respecting electoral lists, the amendments are designed to*

— *introduce a mandatory form enabling the enumerators to prepare a statement of the addresses where enumeration has not been carried out;*

— *provide for a single mode of enumeration by two enumerators in all the polling subdivisions;*

— *empower the director general of elections to establish another mode of enumeration in certain polling subdivisions where required by the prevailing circumstances;*

— *abolish the annual enumeration and discontinue the sending of the lists of electors to municipalities and school boards;*

— *simplify the revision procedures and its application.*

*Finally, with regard to the Act to govern the financing of political parties, the amendments are designed to*

— *change the requirements for the authorization of political formations;*

— *provide that an authorized entity will be required to discharge, within six months, any claim addressed to it and determine the terms and conditions governing any loan that may be made by an official representative as well as the yearly payment of interest on such a loan;*

— *enable every candidate who is entitled to the reimbursement of part of his election expenses to receive, once his nomination paper is filed, an advance payment corresponding to 70% of the maximum reimbursement permitted by the Act;*

— *specify that the members of the Office Staff of the National Assembly and of the staff of a Member are not subject to this Act.*

**ACTS AMENDED BY THIS BILL**

- The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- the Act respecting the National Assembly (R.S.Q., chapter A-23.1);
  - the Municipal Code (R.S.Q., chapter C-27.1);
  - the Referendum Act (R.S.Q., chapter C-64.1);
  - the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);
  - the Taxation Act (R.S.Q., chapter I-3);
  - the Jurors Act (R.S.Q., chapter J-2);
  - the Act respecting electoral representation (R.S.Q., chapter R-24.1).



# Bill 19

## Election Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### TITLE I

DIRECTOR GENERAL OF ELECTIONS AND ELECTION OFFICERS

### CHAPTER I

THE DIRECTOR GENERAL OF ELECTIONS

DIVISION I

APPOINTMENT

- 1.** On a motion of the Prime Minister, the National Assembly, by a resolution approved by two-thirds of its Members, shall appoint a director general of elections chosen from among the electors and fix his salary.
- 2.** The term of office of the director general of elections is seven years and may be renewed; notwithstanding the expiry of his term of office, the director general of elections shall remain in office until he is reappointed or replaced.
- 3.** The director general of elections may resign at any time by giving notice in writing to the President of the National Assembly; he shall not be dismissed except by a resolution approved by two-thirds of the members of the Assembly.

**4.** Before taking office, the director general of elections shall make the oath provided in Schedule H before the President of the National Assembly.

**5.** The director general of elections shall devote his time exclusively to the duties of his office; he may, however, carry out any other mandate entrusted to him by the National Assembly.

**6.** If the director general of elections is temporarily incapacitated or in case of vacancy, the Government may, after consulting the leaders of the authorized parties represented in the National Assembly, designate a person to perform the duties of the director general of elections for a period not exceeding six months, with such salary as it may fix.

The designated person shall also act as chairman of the Commission de la représentation.

## DIVISION II

### FUNCTIONS AND POWERS

**7.** The function of the director general of elections is to see to the administration of this Act.

In respect of this Act, the director general of elections may conduct an analysis and assessment of electoral procedures and conduct studies on the financing of political parties. After having sought the advice of the advisory committee, he may also carry out any other research he considers advisable.

**8.** In respect of this Act, the director general of elections shall, in particular,

(1) ensure the training of the election officers;

(2) supervise the conduct of the enumeration, the revision and the voting;

(3) issue directives for the administration of this Act;

(4) receive complaints and make inquiries where he considers it advisable.

**9.** In respect of the financing of political parties and the control of election expenses, the director general of elections shall, in particular,

(1) authorize parties, party authorities and independent candidates;

(2) verify that the parties, party authorities and candidates are complying with Title VIII;

(3) establish the forms and documents for use in the administration of Title VIII;

(4) issue directives on the bookkeeping of the parties, party authorities and independent candidates he has authorized;

(5) receive and examine the financial reports and statements and returns of election expenses;

(6) inquire into the legality of expenditures incurred by an authorized entity, and election contributions and expenses.

**10.** In respect of information of the public, the director general of elections shall, in particular,

(1) provide any person applying therefor with advice and information regarding the administration of this Act;

(2) give public access to the information, reports, statements, returns or documents relating to this Act;

(3) maintain a public information centre on this Act and on the Act respecting electoral representation (R.S.Q., chapter R-24.1);

(4) regularly hold information meetings and conferences for the benefit of the political parties, regional and municipal bodies and the public;

(5) at the request of a political party, furnish the information required for the training of the representatives of candidates, while allowing the other parties to delegate observers;

(6) make any publicity he considers necessary.

**11.** The director general of elections may, at a by-election, test new voting procedures, following an agreement with the leaders of the authorized parties represented in the National Assembly.

The agreement shall describe the new voting procedures and refer to the provisions of this Act that it replaces; it shall be signed by each of the persons concerned.

The agreement has force of law.

**12.** The director general of elections, of his own initiative or at the request of another person, may inquire into the administration of this Act.

**13.** The director general of elections 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.

**14.** Each time the director general of elections 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.

**15.** In respect of his inquiries, the director general of elections or any person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37). He has no power, however, to punish a person for contempt of court.

Articles 307 to 309 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply to witnesses heard at an inquiry.

### DIVISION III

#### THE PERSONNEL OF THE DIRECTOR GENERAL OF ELECTIONS

**16.** The personnel required by the director general of elections are appointed and remunerated in accordance with the Public Service Act (1983, chapter 55).

The powers conferred by the said Act on a deputy minister or on the chief executive officer of an agency are conferred on the Government which may delegate them wholly or in part to the director general of elections.

**17.** The director general of elections may appoint two assistants to assist him in the carrying out of his duties. He shall determine the level of their positions. Where the Public Service Act is not then applicable to an assistant, it is hereby made applicable to him without any other formality.

The director general of elections may generally or specially delegate the exercise of the powers and duties conferred on him by this Act to his assistants. The act of delegation shall be published in the *Gazette officielle du Québec*.

**18.** The director general of elections may also delegate the powers conferred on him by section 331 of this Act to any person he may designate for that purpose.

**19.** The director general of elections may retain, on a temporary basis, the services of any persons he considers necessary; he shall fix their remuneration and expenses.

**20.** The director general of elections shall define the duties of the members of his personnel and direct their work.

No member of the personnel may engage in partisan work.

**21.** Before taking office, the members of the personnel of the director general of elections shall make an oath provided in Schedule H before the director general of elections or the person he designates.

**22.** Documents and copies emanating from the director general of elections or his personnel are authentic if they are signed by the director general of elections or by a member of his personnel but, in the latter case, only to the extent determined by regulation.

**23.** No deed, document or writing binds the director general of elections or may be attributed to him unless it is signed by him or by a member of his personnel and, in the latter case, only to the extent determined by regulation.

## CHAPTER II

### ELECTION OFFICERS

**24.** Returning officers, election clerks and their assistants, polling officers, enumerators, revisors, and the secretaries and investigating assistants of boards of revisors are election officers; they are chosen from among the persons qualified to vote.

Before taking office, a returning officer shall make the oath provided in Schedule H before the director general of elections or the person designated by him; other election officers shall make the same oath before the returning officer or the person designated by him.

Election officers shall comply with the directives of the director general of elections.

**25.** The tariff of remuneration and expenses of election officers shall be fixed by government regulation.

The first ranking representative of a candidate who has recommended the appointment of a deputy returning officer or poll clerk shall receive the same remuneration as the poll clerk when he acts in a polling station.

The director general of elections may, in an election period, increase the amounts fixed by the tariff. The additional expenses resulting from the increase shall not exceed the amount established by government regulation.

**26.** No elector found guilty or convicted of a corrupt electoral practice may become an election officer for five years following the date of the judgment.

**27.** From the time he is sworn in, no election officer may engage in partisan work.

**28.** In carrying out their duties of office, all election officers except the officer in charge of information and order may administer the oaths provided for in this Act, and they shall do so gratuitously.

**29.** The returning officer may dismiss the election clerk or his assistants or any polling officer or enumerator, or any secretary or investigating assistant of a board of revisors who neglects to perform his duties, engages in partisan work or is not qualified to hold the office.

An enumerator who is dismissed is not entitled to any remuneration.

**30.** If an election officer ceases to perform his duties of office, he shall be replaced, if practicable, in the same manner as he was appointed.

**31.** An election officer who no longer holds office shall return all the official documents in his possession to the director general of elections in the case of the returning officer, or to the returning officer in the case of another officer.

**32.** Every employer shall, on request in writing, grant leave without pay to an employee who is an election officer to enable him to perform his duties.

Every employer is bound by sections 181, 182 and 183.

## CHAPTER III

### THE RETURNING OFFICER

**33.** The director general of elections shall appoint a returning officer for each electoral division.

**34.** The appointment of a returning officer shall be made after a public competition among the qualified electors domiciled in the electoral division, or in a contiguous electoral division, provided in this latter case that the person is in a position to carry out his duties in as satisfactory a manner as if he were domiciled in the electoral division for which he is appointed.

The competition shall be designed to allow impartial consideration of the merits of the candidates.

The selection shall be based on criteria of qualifications and competence and the appointment shall be made according to the order of merit of the candidates.

**35.** A notice of competition shall be published by the director general of elections so as to allow every qualified person a reasonable opportunity to apply.

**36.** The term of office of a returning officer is five years, and may be renewed. Notwithstanding the expiry of his term of office, he shall remain in office until he is reappointed or replaced.

**37.** If a returning officer is absent or incapacitated or if the office of returning officer is vacant, the director general of elections may appoint a substitute for him with all his powers and duties.

An appointment under this section ceases to have effect immediately upon the termination of the absence or incapacity or the appointment of a new returning officer.

**38.** The conditions of exercise of the duties of a returning officer shall be determined by regulation.

**39.** On the appointment of a returning officer, the director general of elections shall publish a notice of it in the *Gazette officielle du Québec*.

**40.** On being appointed, the returning officer shall appoint an election clerk. That person shall not be his spouse, his ascendant or descendant, his brother, sister, father-in-law, step-father, mother-in-law, step-mother, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

If the returning officer considers it necessary, he may, with the consent of the director general of elections, appoint one or more assistants to the election clerk for the exercise of his duties.

**41.** The election clerk shall assist the returning officer in the exercise of his duties and replace him in case of his absence or while he is incapacitated, unless the director general of elections exercises his powers under section 37.

**42.** The returning officer, under the authority of the director general of elections, is responsible, in the electoral division to which he is appointed,

(1) for the administration of Title V and the training of the election officers; and

(2) for the establishment of polling subdivisions comprising not more than 300 electors each, in the electoral precincts of his division.

After ascertaining that the polling subdivisions are delimited in accordance with his directives, the director general of elections shall send the list of these polling subdivisions to the Commission de la représentation.

**43.** The director general of elections may dismiss a returning officer who fails to perform his duties, engages in partisan work or is not qualified to hold the office or who does not comply with one of the requirements of the office.

## TITLE II

### ADVISORY BOARD

**44.** An advisory board on the administration of this Act is hereby established.

**45.** The board shall be composed of the director general of elections and of three representatives of each authorized political party represented in the National Assembly.

The leader of each party shall designate the representatives of the party; at least one representative shall be a Member of the National Assembly.

**46.** The board shall be presided over by the director general of elections, who shall direct its activities and coordinate its work.

**47.** The majority of the members of the board, including the chairman, are a quorum.

**48.** The chairman and the members of the board are not remunerated.

Notwithstanding the foregoing, those members who are not Members of the National Assembly are entitled to the reimbursement of reasonable expenses incurred by them in the performance of their duties and shall receive an attendance allowance fixed by the Government.

**49.** At the request of the chairman or of one-third of its members, the board may meet as often as necessary to carry out its duties and functions.

**50.** The function of the board is to give its advice on any question relating to this Act.

**51.** The board may make the results of its work public.

**52.** The director general of elections shall consult the board periodically with regard to the administration of this Act.

**53.** The director general of elections shall submit beforehand to the board every directive he is authorized to issue under Title VIII.

The director general of elections shall also previously submit to the board every directive he is authorized to issue under this Act, except during an election period or during the annual enumeration period.

### TITLE III

#### ELECTORS

**54.** A person is a qualified elector if

- (1) he has attained 18 years of age;
- (2) he is a Canadian citizen;
- (3) he has been domiciled in Québec for at least 12 months; and
- (4) is not under any disqualification to vote contemplated in this Act nor under any other legal disqualification.

**55.** The director general of elections does not have the right to vote.

**56.** The director general of elections, the judges of the courts of justice, the Public Protector and the members of the Commission de la représentation shall not engage in partisan work.

**57.** For the purposes of this Act, the domicile of a person is at the same place as under the Civil Code as to the exercise of his civil rights.

Notwithstanding the foregoing, a person who has left his principal establishment in Québec for more than one year is deemed to have changed his domicile, except where he exercises a function outside Québec for the government of Québec or of Canada.

**58.** An inmate retains his domicile notwithstanding his detention.

**59.** To exercise his right to vote, a person shall be qualified as an elector on polling day and be registered on the list of electors of

the polling subdivision where his domicile is situated on the day the writ of election is issued.

He shall exercise his right to vote at the polling station of that polling subdivision.

**60.** An elector who temporarily leaves his domicile to work or to study in another electoral precinct shall vote in the polling subdivision of his domicile or in that where he resides for the purposes of his work or studies.

An elector staying in a hospital centre or reception centre shall vote in the polling subdivision of his domicile or in that where he is residing for the purposes of his stay.

An elector referred to in the first two paragraphs is deemed to have made his choice if, at the time of revision, he requests that his name be entered on the list of electors of the polling subdivision where he resides.

Registration under this section in view of a by-election is valid only for the by-election being held.

## TITLE IV

### LIST OF ELECTORS

#### CHAPTER I

##### INTERPRETATION

**61.** In this Act, unless the context requires a different meaning,

“**community**” means a group of persons living together and observing common rules under the direction of a superior;

“**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 community, the superior or his duly authorized delegate;

“**rural polling subdivision**” means any polling subdivision not comprised in the definition of the expression “urban polling subdivision” or comprised in the municipalities of the Côte Nord du golfe Saint-Laurent and Baie James;

“**spouse**” means the person who is married to and lives with the person in whose respect he made an application under section 106 or 110 or the person to whom he is not married but with whom he has been living, as husband and wife, for three years or for one year if, in this last case, a child has been born of their union, and who publicly represents that person as his spouse;

“**urban polling subdivision**” means a polling subdivision included in whole or in part in a municipality of over 2 000 inhabitants or in any other municipality declared urban by the director general of elections on the recommendation of a returning officer.

For the application of this section, the population of a municipality is that which is indicated in the latest government order published in the *Gazette officielle du Québec*.

**62.** The director general of elections shall prescribe the form and tenor of all the forms required for the administration of this Title.

## CHAPTER II

### PREPARATION OF THE LIST OF ELECTORS

#### DIVISION I

##### GENERAL PROVISION

**63.** The list of electors of each polling subdivision shall be prepared every year by two enumerators.

**64.** Where a writ of election is issued between 30 June and the third Monday following Labour Day, the enumeration shall be made during the election period.

An enumeration made under the first paragraph shall be in lieu of the annual enumeration, which shall not be made that year in the electoral division where the election is held.

#### DIVISION II

##### ENUMERATORS

**65.** The two enumerators shall be appointed by the returning officer, one on the recommendation of the authorized party that ranked first in the last election or of the independent Member elected as such, and the other on the recommendation of the authorized party that ranked second in the last election.

Where the enumeration is made during the election period, the independent Member elected as such in the last election is entitled to

make the recommendation contemplated in the first paragraph only if his nomination paper has been received.

**66.** In a new electoral division, in a division the boundaries of which have been changed since the last election, in a division where no authorized party ranked second in the last election or where the independent Member has not filed his nomination paper, the director general of elections shall decide, according to the criteria prescribed by regulation, which parties or candidates are entitled to make the recommendations contemplated in section 65.

**67.** The recommendations shall be made by the party leader or the independent Member, as the case may be, or by the person he designates in writing for that purpose.

**68.** The recommendations must be received by the returning officer on or before Wednesday of the week preceding enumeration week. Where no recommendation is made or where the person recommended is not qualified for the office, the returning officer shall make the appointment without any other formality.

**69.** Enumerators are chosen from among the electors of the electoral division.

**70.** The returning officer shall post up in his official office and transmit to each authorized party represented in the National Assembly and to any independent Member elected as such, the list of the enumerators he has appointed.

The returning officer shall immediately inform the parties and the independent Member of any change that is made to the list.

**71.** Not later than the day before enumeration begins, the returning officer shall provide the enumerators with the directives issued by the director general of elections concerning the procedure to follow in making the enumeration, the necessary material and a badge in the form prescribed by regulation, which shall be worn in a conspicuous fashion by the enumerator while carrying out the enumeration. The badge shall bear a number.

The returning officer shall also inform each enumerator of the name and address of the other enumerator.

### DIVISION III

#### ENUMERATION

**72.** Enumeration shall take place from the fourth Monday following Labour Day to Thursday of the same week.

Where an enumeration must be made during an election period, it shall take place from Monday to Thursday of the fifth week preceding that of the polling.

**73.** The enumerators shall work together; they shall never work separately.

In the event of disagreement between them, the matter shall be submitted to the returning officer who shall decide it immediately, and the enumerators shall be bound by such decision.

**74.** The enumerators shall visit every dwelling situated in the polling subdivision assigned to them, the first time between 9.00 a.m. and 6.00 p.m., and a second time between 7.00 a.m. and 10.00 p.m., unless they are certain that they registered every qualified elector at the first visit.

At each dwelling where the enumerators receive no answer at the time of their first visit, they shall leave a card, in accordance with the prescribed form, indicating the date and time of their second visit.

**75.** During their joint house-to-house visit, the enumerators shall gather the surnames, given names, addresses, professions or occupations and ages of the persons qualified to vote on the first day fixed for enumeration or, where enumeration takes place during the election period, on polling day.

The persons enumerated shall be registered on the list of electors of the polling subdivision where he has his domicile on the first day fixed for enumeration or, where enumeration takes place during the election period, on the day the writ is issued.

**76.** In no case may the enumerators enter the name of an elector unless the entry is requested at the domicile of the elector by the elector himself or, by reason of absence or illness, by any person present who is qualified to vote.

**77.** The enumerators shall leave for each elector registered on the list a certificate of registration according to the form prescribed, bearing their signatures.

**78.** If, after entering the name of a person on the list, either of the enumerators has serious doubt as to the person's right to be registered, he shall fill, in prescribed form, a report of the reasons on which his doubt is based that he shall give, in a sealed envelope, to the returning officer and intended for the revisors.

**79.** The owner or the administrator of a multiple-dwelling immovable shall allow and facilitate access to the immovable to the enumerators.

**80.** Enumerators shall prepare in the prescribed form a statement containing a list of inoccupied dwellings, of the places where the occupants refused to be registered, of the places where none of the occupants qualified as an elector and of the places where, after two visits, they obtained no answer.

The enumerators shall forward the statement to the returning officer together with the list of electors.

**81.** Notwithstanding sections 74 to 77, the director general of elections may, where circumstances require it, authorize the enumerators to carry out the enumeration by any other means deemed appropriate that he determines.

#### DIVISION IV

##### PREPARATION AND SENDING OF THE LISTS OF ELECTORS

**82.** Following the enumeration, the enumerators shall type on the form prescribed and according to the directives of the director general of elections the list of electors of the polling subdivision assigned to them.

The enumerators shall enter on the list the name of each person to whom they have issued a certificate of registration.

**83.** A description of the polling subdivision enumerated must appear on every list of electors.

**84.** The enumerators shall enter at the head of the list of electors the name of the electoral division and that of the municipality as well as the number of the electoral precinct and that of the polling subdivision.

**85.** The enumerators shall prepare the list of electors according to the numerical or alphabetical order of the street names and according to the numerical order the addresses where the dwellings are numbered or according to the numerical order of the cadastres in other cases; they shall also take into account the numerical order of apartments.

The enumerators shall insert, for each street, one after the other and without blanks or interlineations, the surname, given name, occupation or profession and age of each elector, placing his address before his name.

**86.** The enumerators shall ascertain that the entries opposite the name of each elector correspond to the certificate of registration and that the description of the polling subdivision is accurate.

**87.** Not later than Saturday of the week during which an enumeration has taken place, the enumerators shall forward the list of electors they have prepared and the statement they have prepared under section 80 to the returning officer or to the person designated by him to receive them.

The enumerators shall then certify under oath, according to the prescribed form, the correctness of the electoral list they have prepared.

#### DIVISION V

##### TRANSMISSION OF THE LIST OF ELECTORS

**88.** Not later than Tuesday of the week following enumeration week, the returning officer shall transmit five certified copies of the list of electors of each polling subdivision to the authorized parties represented in the National Assembly and, as the case may be, to any independent Member.

Where enumeration takes place during the election period, the returning officer shall also transmit five certified copies of the lists to each candidate.

**89.** The returning officer shall also transmit, together with the lists of electors, a copy of the statement prepared by the enumerators under section 80.

**90.** As soon as an election is instituted and no enumeration is required during the election period, the returning officer shall transmit five certified copies of the list of electors of each polling subdivision to each candidate.

**91.** For the purposes of sections 88 and 90, the lists of electors are certified either by the returning officer or by the election clerk.

**92.** The returning officer shall also transmit to the sheriff of the judicial district comprised in whole or in part in the electoral division a certified copy of the list of electors of each polling subdivision of a municipality included in the list of municipalities forwarded to him by the sheriff pursuant to section 7 of the Jurors Act (R.S.Q., chapter J-2).

## CHAPTER III

### REVISION OF THE LISTS OF ELECTORS

#### DIVISION I

##### PRINTING OF THE LISTS OF ELECTORS

**93.** As soon as an election is instituted and no enumeration is required during the election period, the returning officer shall have the list of electors of each polling subdivision printed as prepared following the last annual enumeration.

Where enumeration takes place during the election period, the returning officer shall cause the lists of electors to be printed as soon as the enumeration is completed.

**94.** The lists of electors shall be printed according to the model and in accordance with the directives issued by the director general of elections. The age and the occupation or profession are omitted from the printed lists of electors.

Each printed list of electors shall bear the name and address of the printer and, where possible, include the notice provided for in section 98.

**95.** Immediately after the lists of electors are printed, the returning officer shall send twenty copies of them to each candidate.

**96.** Not later than twenty-two days before polling day, the returning officer shall deliver to each dwelling a printed copy of the list of electors of the polling subdivision.

**97.** Every owner or administrator of a multiple-dwelling immovable shall allow the distribution of the list of electors in the immovable.

**98.** The director general of elections shall publish in a newspaper circulated in the electoral division a notice, advising the electors as to the revision of the list and indicating the places where applications for entry, striking off or correction on the list may be filed and the hours during which the offices are open.

## DIVISION II

## URBAN REVISION

§ 1.—*Revision offices*

**99.** The returning officer shall establish for all the urban polling subdivisions of his electoral division, the number of revision offices determined by the director general of elections; he shall immediately inform the director general of elections, each candidate and each authorized authority of a party at the level of the electoral division, of the selected places.

The revision offices shall be situated and distributed in such a way as to accommodate the electors of the urban polling subdivisions as equally as possible.

**100.** The revision offices shall be open from 10:00 a.m. to 10:00 p.m. from Monday to Saturday of the third week preceding that of the polling.

**101.** The returning officer shall appoint, for each office, the number of competent persons he considers necessary.

**102.** The returning officer shall put in the revision office, at the disposal of the electors, a copy of the printed list of electors of each urban polling subdivision of the electoral division.

**103.** The persons appointed to act in a revision office shall, in particular,

(1) receive and assist every person wishing to make an application to have an entry made, deleted or corrected on the list of electors;

(2) ascertain the nature of the application;

(3) receive the application and complete the form prescribed;

(4) administer the oath to the applicant;

(5) give a copy of the application to the applicant.

**104.** Every day, after the revision offices are closed, the persons appointed to act in each office shall forward every application duly completed during the day to the returning officer.

§ 2.—*Applications for entry, striking off or correction*

**105.** Every person who is qualified to vote on polling day may be registered on the list of electors.

**106.** Any person who finds that his name is not on the list of electors of the polling subdivision in which his domicile is situated on the day of the issue of the writ of election although he is qualified to vote, or that his name is entered on list although he is not qualified to vote, may go to a revision office to file an application to have his name entered on or struck from the list of electors, as the case may be.

An application for entry or striking off may be filed by a relative or the spouse who is qualified to vote.

**107.** Where an application for the entry of a name follows a change of domicile that occurred after the last annual enumeration, the application must be accompanied with an application to have the name of the person struck from the list of electors of the polling subdivision where he was registered following the last annual enumeration.

**108.** Where a worker, student or hospitalized person makes an application to have his name entered on the list of electors of the polling subdivision in which he resides, in accordance with section 60, the application must be accompanied, except for a by-election, with an application to have his name struck from the list of electors of the polling subdivision where he was registered following the last annual enumeration.

**109.** Every elector registered on the list of electors of a polling subdivision may, if he finds that the name of a person has been entered on the list of the same polling subdivision although he is not qualified to vote, go to a revision office to file an application to have the name of the person struck from the list.

The elector shall declare under oath that, to his knowledge, the person whose name he is requesting to be struck from the list is not qualified to vote.

**110.** Any error in the entry of the name or the designation of an elector on a list of electors may be corrected upon an application filed in the revision office by the elector, his spouse or one of his relatives.

**111.** Every application filed pursuant to sections 106 to 110 shall be made under oath according to the prescribed form not later than Saturday of the third week preceding that of the polling.

Every application shall indicate clearly the surname, given names, address, profession or occupation and age of the person making the application and of the person in respect of whom it is made. The application shall also indicate the telephone number of the person who is making the application.

**112.** Every application to have the name of an elector in another electoral division struck from the list of electors made pursuant to sections 106 and 108, shall be sent to the returning officer on the same day; the latter shall immediately send the application to the returning officer of the other electoral division who shall transmit it without delay to the revisors.

§ 3.—*Board of revisors*

**113.** The returning officer shall establish, for all urban polling subdivisions in his electoral division, the number of boards of revisors determined by the director general of elections and shall assign to each of them the polling subdivisions specified to him by the director general of elections.

The returning officer shall thereupon inform the director general of elections, each candidate and each party authority at the level of the electoral division of the selected places.

**114.** Each board of revisors is composed of three revisors.

**115.** The revisors are chosen from among the electors of the electoral division or an adjoining electoral division.

They shall not, however, be chosen from among persons who, within the past ten years, have been candidates in a federal or provincial election, nor from among members of the Senate.

**116.** Not later than Tuesday of the fourth week preceding polling day, the returning officer shall appoint two revisors in the manner prescribed by sections 65 to 67.

**117.** Recommendations must be received by the returning officer on or before Monday of the fourth week preceding that of the polling.

If the returning officer does not receive any recommendations or if the person recommended is not qualified to hold the position, the returning officer shall proceed with the appointment without any other formality.

**118.** The two revisors appointed by the returning officer shall choose and appoint the third revisor within three days following their

appointment, failing which the director general of elections shall choose and appoint him himself.

Where the two revisors have chosen and appointed the third revisor, they shall thereupon so notify the returning officer.

**119.** The returning officer shall post up in his official office and transmit to the director general of elections, to each candidate and to each party authority at the level of the electoral division, the list of revisors appointed for each board of revisors.

**120.** The returning officer shall appoint a secretary and two investigating assistants for each board of revisors.

At the request of the board of revisors and with the authorization of the director general of elections, the returning officer may appoint as many assistants to the secretary of the board or assistant investigators as the board of revisors may need.

**121.** The secretary of the board of revisors is responsible, in particular, for

(1) entering all the decisions of the board of revisors in the register of the board of revisors;

(2) drawing up notices to convene the persons in respect of whom applications to have their names struck from the list of electors have been made;

(3) completing the statements of changes.

**122.** The investigating assistants are responsible, in particular, for

(1) serving the convening notices to the persons in respect of whom applications to have their names struck from the list of electors have been made;

(2) gathering, at the request of the board of revisors, any information relevant to the making of a decision.

**123.** The investigating assistants shall carry out their work together; in no case may they ever act separately. In the event of disagreement, the matter shall be submitted to the revisors who shall decide the matter immediately; the investigating assistants are bound by the decision.

**124.** Not later than the day before the work of the board of revisors is begun, the returning officer shall remit to the revisors the directives

issued by the director general of elections concerning the procedure to be followed with respect to revision, the certified list of electors of each electoral division assigned to them, accompanied with the oath of the enumerators, the reports on doubtful entries remitted to him by enumerators pursuant to section 78 and the register in which they enter all the decisions made by them in respect of the applications submitted to them.

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

**126.** The board of revisors shall sit from 10 a.m. until 12:30 p.m., from 2:30 p.m. to 5:30 p.m. and from 7 p.m. to 8 p.m. on Wednesday of the third week to Thursday of the second week preceding that of the polling.

If such hours are insufficient, the board of revisors shall take whatever additional time is necessary.

**127.** The revisor recommended by the authorized party that ranked first in the last election or by an independent Member of the National Assembly elected as such shall act as chairman of the board of revisors.

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

**128.** Two revisors shall constitute a quorum.

**129.** 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.

**130.** The board shall, upon beginning its work, verify whether

(1) the lists of electors remitted to it are those of the polling subdivisions assigned to it;

(2) the name of the electoral division, the name of the municipality, the number of the electoral precinct, the description and number of the polling subdivision appear on each list;

(3) the number of electors entered on each list of electors corresponds to that indicated on the certificate of the enumerators.

The board of revisors shall make the necessary corrections and rectifies, if need be, on the prescribed form the number of entries each of the lists of electors included before the revision and shall then draw up a minute thereof in the register.

**131.** The board of revisors shall then examine the applications for entry, striking off or correction remitted to it by the returning officer as well as the reports on doubtful entries made by enumerators under section 78.

It shall receive the depositions on oath 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 the secretary of the board shall note each of those decisions in the register.

**132.** The board of revisors and every revisor duly authorized by it have the right to make an inquiry to ensure that a person already entered on the list of electors, or who applies to be, is entitled to be entered on it. The person may be assisted by an advocate.

For the purposes of the inquiry, the board of revisors may assign witnesses by way of the prescribed form. The summons shall be served by the investigating assistants.

Service is made by remitting the form to the person concerned, or at his domicile, to a reasonable person. If the form cannot be served, it shall be left at the address of the domicile of the person concerned.

A minute of the service shall be drawn up by the investigating assistants in accordance with the prescribed form and remitted to the board of revisors.

**133.** Every municipal corporation shall give free access to the assessment and collection rolls in force in the municipality.

**134.** Before taking into consideration an application for the striking off of a name from a list of electors, the board of revisors shall give or cause to be given by its secretary a special notice, in the prescribed form, to every person the striking off of whose name has been applied for.

The notice shall be of one clear day.

The notice shall be served by the investigating assistants at the address where, according to the list of electors, the person concerned is deemed to be domiciled.

Service is made by remitting the form to the person concerned or to a reasonable person. If no person is available, the form shall be left at the address referred to in the first paragraph.

A minute of the service shall be drawn up by the investigating assistants in accordance with the prescribed form and remitted to the board of revisors.

**135.** If, when an application is taken into consideration, the board of revisors comes to the conclusion that the person is entitled to be entered on the list of another polling subdivision in its territorial jurisdiction, the board of revisors must enter the name of the person on such latter list and strike it off the list on which it was originally entered.

**136.** When the board of revisors, after an inquiry, comes to the conclusion that a person whose name is entered on the list is not qualified as an elector, it shall strike that person's name from the list; it shall, beforehand, cause the notice prescribed in section 134 to be served on that person according to the formalities prescribed in that section.

**137.** The board of revisors may also, on its own initiative, correct the name or designation of any person entered on a list when, after inquiry, it comes to the conclusion that the name or designation is erroneous.

**138.** When the board of revisors must decide if a person is of Canadian citizenship the burden of proof shall be upon such person.

#### § 4.—*Abstracts of changes*

**139.** The board of revisors upon completing its work shall prepare in the prescribed form an abstract of each entry, striking off and correction made to the list of each polling subdivision assigned to it.

**140.** The board of revisors shall also, in the form prescribed, certify for each polling subdivision

(1) the number of names entered on the list of electors before revision;

(2) the number of names that have been added to, struck from or corrected on the list; and

(3) the total number of names appearing on the revised list of electors.

**141.** In addition, the board of revisors shall certify a sufficient number of copies of the abstracts provided for in sections 139 and 140 to enable the returning officer to give five copies of them to each candidate.

**142.** Not later than Saturday of the second week preceding that of the polling, the board of revisors shall remit to the polling officer the abstracts, the certified copies of the abstracts and a copy of the revised list of electors.

**143.** The returning officer shall immediately transmit to each candidate five certified copies of the abstracts he received from the board of revisors.

**144.** If there is an insufficient number of abstracts, the returning officer may make copies, certify them and give them, free of charge, to the persons who are entitled to them.

### DIVISION III

#### RURAL REVISION

##### § 1.—*Municipalities comprising more than one polling subdivision*

**145.** The list of electors of the rural polling subdivisions included in a municipality comprising more than one polling subdivision shall be revised by a board of revisors composed of three revisors.

**146.** Sections 115 to 119 and 127 to 144 apply to this subdivision, with the required changes.

**147.** The board of revisors shall sit from 10 a.m. to 12:30 p.m., from 2:30 p.m. to 5:30 p.m., and from 7 p.m. to 10 p.m. on Monday of the third week to Thursday of the second week preceding that of the polling.

If such hours are insufficient, the board of revisors shall take whatever additional time is necessary.

**148.** Applications for entry, striking off or correction shall be filed with the board of revisors. Sections 106 to 112 apply to the filing of those applications.

##### § 2.—*Municipalities with only one polling subdivision*

**149.** The list of electors of a rural polling subdivision included in a municipality for which there is only one polling subdivision shall be revised in the polling subdivision by two revisors.

**150.** Except in the case of inconsistent provisions, sections 115 to 117, 119, 124, 130 to 134 and 136 to 144, adapted as required, apply to this subdivision.

**151.** The revisors shall sit from 4 p.m. to 6 p.m. and from 7 p.m. to 9 p.m. on Monday of the third week to Thursday of the second week preceding that of the polling.

If such hours are insufficient, the board of revisors shall take whatever additional time is necessary.

**152.** Applications for entry, striking off or correction shall be filed with the revisors. Sections 106 to 112 apply to the filing of those applications.

**153.** If one revisor is absent or neglects to act, the other may act alone.

**154.** In case of disagreement between the two revisors as to a decision to be rendered, the question shall be submitted to the returning officer who shall decide it immediately; the revisors are bound by the decision.

#### DIVISION IV

##### COMING INTO FORCE OF THE LIST OF ELECTORS

**155.** The list of electors of each polling subdivision of an electoral division, prepared and revised in accordance with this title is the only official list, and it alone shall be used in the election.

The list shall come into force immediately after revision.

#### TITLE V

##### ELECTION PERIOD

#### CHAPTER I

##### WRIT OF ELECTIONS

**156.** The holding of an election is instituted by a writ of the Government addressed to the director general of elections. This writ enjoins him to hold an election on the date fixed therein and indicates each division in which an election must be held.

The director general of elections shall send a copy of the writ to the returning officer of each division contemplated, and the returning officer shall comply with it.

**157.** At a general election, the election date is the same for all the electoral divisions.

**158.** Where the seat of a Member in the National Assembly becomes vacant, the writ of election must be issued not later than six months after the vacancy.

Once the writ instituting the holding of a general election is issued, any writ instituting the holding of a by-election becomes null.

**159.** Every election shall take place on the sixth Monday following the issue of the writ of election.

Notwithstanding the first paragraph, if a writ is issued between 30 June and the third Monday following Labour Day, the election shall take place on the seventh Monday following the issue of the writ if the writ is issued on a Monday, Tuesday or Wednesday; if the writ is issued on another day, the election takes place on the eighth Monday.

If polling day falls on a holiday, the poll shall be held on the following day.

**160.** On receiving a copy of the writ, the returning officer shall immediately establish an official office in an easily accessible place in the electoral division, and communicate the address to the director general of elections, to each party authority at the level of the electoral division and to the public.

The official office shall be open from 9 a.m. until 10 p.m.. It must be accessible to handicapped persons and accommodated in accordance with the norms prescribed by the director general of elections.

**161.** The director general of elections shall publish an election calendar in the form provided in Schedule A or B, as the case may be.

**162.** The returning officer shall send to every dwelling in his electoral division, not later than the twenty-second day preceding polling day, a notice indicating the place, dates and hours of the polling for advance polling, and a manual prepared by the director general of elections.

The manual informs citizens on the right to vote, the list of electors and its revision, the financing of political parties and of candidates and the terms and conditions of participation in the vote.

**163.** The returning officer shall send to every dwelling in his electoral division, not later than the second day preceding polling day, a reminder informing the electors of the place, date and hours of the polling, the number of their polling subdivisions, and of the particulars that will be contained in the ballot paper.

## CHAPTER II

### CANDIDATES

**164.** Any elector may be elected to the National Assembly.

**165.** Notwithstanding the preceding section, the following persons are not qualified to be elected:

- (1) judges of the courts of justice;
- (2) the official agent of a candidate or of a political party during an election;
- (3) Members of the Parliament of Canada;
- (4) a person found guilty of an indictable offence punishable by two years of imprisonment or more, for the term of the sentence pronounced.

Moreover, the following persons are not qualified to be elected:

- (1) a candidate at a previous election whose official agent has not produced a return of election expenses or the statement provided for in section 433;
- (2) an independent candidate contemplated in section 402;
- (3) a person contemplated in section 404 or 444;
- (4) a person found guilty or convicted of a corrupt electoral practice.

**166.** No person may be a candidate for election in more than one electoral division at the same time.

**167.** A person who has held the office of director general of elections or member of the Commission de la représentation shall not be a candidate at an election, unless he had ceased to hold that office not less than three months before the date on which the Government instituted the election.

## CHAPTER III

## NOMINATION PAPERS

**168.** A person wishing to be a candidate shall, not later than 2 p.m. on the sixteenth day preceding polling day, file a nomination paper at the official office of the returning officer.

**169.** A person wishing to be a candidate may designate a person to act in his name as his mandatary.

**170.** The nomination paper shall be made on the form prescribed by regulation and signed by the person wishing to be a candidate. The person shall indicate his surname and given name, the address of his domicile, his date of birth, his occupation and his affiliation with an authorized party or, failing that, the mention "independent" if he so wishes. In addition, he shall indicate the name of his official agent and, if he chooses to appoint one, the name of his mandatary.

**171.** A candidate may offer himself as a candidate under his ordinary surname and given 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.

**172.** A person offering himself as a candidate shall attach to his nomination paper

(1) his act of birth or any other identification paper prescribed by regulation;

(2) a letter from the leader of an authorized party recognizing him as the party's candidate;

(3) a photograph in accordance with the standards prescribed by regulation and bearing on the back the signatures of two electors of the electoral division who know him.

The two electors who sign the photograph thereby attest that the photograph is that of the person offering himself as a candidate and that the given name, surname and address indicated in the nomination paper are those of that person.

**173.** A nomination paper shall bear the signatures and addresses of at least 60 electors of the electoral division for which the nomination paper is filed.

The signatures shall be affixed by the persons whose names appear on the nomination paper.

Only the person offering himself as a candidate or his mandatary is authorized to collect the signatures.

**174.** The person collecting supporting signatures shall declare under oath that he knows the persons whose names appear on the nomination paper, that they have affixed their signatures in his presence and that, to his knowledge, they are electors of that electoral division.

**175.** The penalties applicable to a person supporting a nomination who is not an elector or who is not domiciled in the electoral division or who signs for another person must be set forth on the form itself.

**176.** The returning officer shall immediately receive the nomination paper if it is completed and if all the required documents are attached to it.

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

**177.** An elector may examine any nomination paper received, at the official office of the returning officer. A candidate may obtain a copy of the nomination paper.

**178.** If the returning officer has received only one nomination paper at the end of the period provided for the filing of nomination papers, he shall return the candidate as elected and immediately so inform the director general of elections.

## CHAPTER IV

### LEAVE OF CANDIDATES AND OFFICIAL AGENTS

**179.** Every employer shall, upon a written request, grant a leave without pay to an employee who is a candidate or intends to become one. The request may be made at any time from the date of the writ of election.

The employee's leave begins on the day requested by the employee and ends on the thirtieth day following the period prescribed for the filing of nomination papers if he is not a candidate, or if he is, on the thirtieth day following the declaration of election.

The employee may terminate his leave at any time.

**180.** Every employer shall, upon a written request, grant a leave without pay to an employee who acts as the official agent of a candidate. The request may be made at any time from the receipt by the returning

officer of the nomination paper of the candidate for whom the employee acts as the official agent.

The employee's leave begins on the day requested by the employee and ends on the one hundred and twentieth day following polling day.

The employee may terminate his leave at any time.

**181.** The employee may, according to his request, be granted part-time leave or full-time leave. If the employee applies for part-time leave, he shall specify the days and the hours envisaged.

**182.** No employer may, by reason of the leave, dismiss, lay off, suspend, demote or transfer an employee, nor grant him working conditions that are less advantageous than those he is entitled to, especially by subtracting the leave from the employee's period of vacation, nor change any of the benefits related to his employment.

The leave does not interrupt the continuous service of the employee.

While on leave, the employee may continue to contribute to all the plans in which he participates if he makes a written application to that effect at the beginning of the leave and if he pays the totality of the premiums, including the contribution of the employer.

At the expiry of the leave, the employee is entitled to the benefits he would have received if he had been at work during that time.

**183.** Contravention of section 179, 180 or 182 authorizes the employee, if he is not governed by a collective agreement, to assert his rights before a labour commissioner appointed pursuant to the Labour Code (R.S.Q., chapter C-27), as if he had been dismissed for union activities. Sections 15 to 20 of the Labour Code apply, adapted as required.

If the employee is governed by a collective agreement, his association or himself is entitled to submit a grievance to arbitration in accordance with sections 47.2 to 47.6 of the Labour Code. Section 17 of the Labour Code, adapted as required, applies to the arbitration of the grievance.

## CHAPTER V

### PROCLAMATION

**184.** At the end of the period for the filing of nomination papers, the returning officer, if he has received more than one nomination paper, shall draw up a proclamation.

**185.** The proclamation shall set forth, in the form provided in Schedule C, the surname and given name of each candidate, his political affiliation where that is the case, his address and the surname and given name of his official agent and of his mandatary, if any.

**186.** The proclamation shall be posted up in the official office of the returning officer and a copy shall be transmitted to each candidate or his mandatary.

## CHAPTER VI

### WITHDRAWAL OR DEATH OF A CANDIDATE

**187.** A candidate may withdraw if he files with the returning officer a declaration to that effect, signed by himself and by two electors of the electoral division in which he is a candidate.

**188.** The name of the candidate shall not appear on the ballot paper if the declaration of withdrawal is filed with the returning officer within three days after the expiry of the period provided for the filing of nomination papers.

Notwithstanding the foregoing, if the declaration is filed more than three days after the expiry of that period and it is impossible to print new ballot papers, the deputy returning officer shall strike off the name of the candidate from every ballot paper.

**189.** If, after the withdrawal, there remains but one candidate, the returning officer shall return him as elected and immediately so inform the director general of elections.

**190.** Where a candidate dies between the twenty-first day preceding polling day and that of the close of the poll, the polling day is postponed.

Nomination papers shall then be filed not later than the second Monday following the day of the death of the candidate and the poll shall take place on the second subsequent Monday.

The returning officer shall, after informing the director general of elections, immediately publish, in the manner prescribed by regulation, a notice informing the electors of the new period for the filing of nomination papers and of the new polling date.

## CHAPTER VII

## ADVANCE POLLING

## DIVISION I

## GENERAL PROVISIONS

**191.** The returning officer shall, before the twenty-eighth day preceding polling day, establish in his electoral division as many advance polling stations as he considers necessary and determine which polling subdivisions are attached to each; he shall immediately inform each candidate and each authorized party authority at the level of an electoral division.

The polling stations must be accessible to handicapped persons and accommodated in accordance with the norm established by the director general of elections.

**192.** Except as otherwise provided, sections 219, 220, 222 to 234, 237 to 248, 250 and 252 to 269, adapted as required, apply to advance polling.

**193.** The advance polling station shall be open from 2 p.m. until 10 p.m., on Sunday and Monday of the week preceding polling day.

**194.** Election officers, handicapped persons, inmates or persons who have reason to believe they will be absent from the polling subdivision or unable to vote therein on polling day may vote in the advance poll.

**195.** On an elector's presenting himself to vote in an advance polling station, the poll clerk shall enter his surname, given name and address in the poll book.

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

**197.** On the first day, after the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 271.

The deputy returning officer shall place in separate envelopes the ballot papers that are in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers, the forms, and the list of electors; he shall then seal the envelopes. These envelopes, except the envelope

containing the list of electors, and the poll book shall be placed in the ballot box sealed by the deputy returning officer with a secure seal bearing a number.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes and of the ballot box. The deputy returning officer shall then remit the ballot box to the returning officer or the person designated by him.

**198.** At the beginning of the second day, the deputy returning officer, in the presence of the poll clerk and of the representatives present, shall resume possession of the poll book and of the envelopes containing the forms, the unused ballot papers and the list of electors.

At the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 271. The deputy returning officer shall then proceed as in section 197, and remit the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.

**199.** The returning officer shall immediately transmit to the candidates the list of the electors of the electoral division who have voted in the advance poll.

**200.** If the list of electors on which the poll clerk has indicated that an elector has voted is lost or spoiled, the returning officer shall take possession of the poll book contained in the ballot box to draw up the list of the electors who voted in the advance poll.

As soon as that list is drawn up, the returning officer shall replace the poll book in the ballot box, seal the ballot box and affix his initials to the seals.

Before acting under this section, the returning officer shall notify each candidate or his mandatory of it; the latter may attend and may affix their initials to the seals.

**201.** Notwithstanding section 27, the deputy returning officer and the poll clerk may engage in partisan work from the time the returning officer resumes possession of the ballot box on the second day, 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 provided in Schedule H before the returning officer or the person designated by him.

**202.** From 8 p.m. on polling day, the deputy returning officer shall proceed with the counting of the votes, assisted by the poll clerk, and

in the presence of those representatives who wish to attend, at the official office of the returning officer. The counting shall be effected in accordance with sections 272 to 279, adapted as required.

The deputy returning officer and poll clerk may be persons other than those appointed to act in the advance polling station; in that case, sections 227 and 228 do not apply.

## DIVISION II

### SPECIAL PROVISIONS ON THE VOTING OF INMATES

**203.** Every inmate has the right to vote at a general election.

To exercise his right to vote, an inmate must be registered on the list of electors of the house of detention in which he is detained. He shall exercise his right to vote in the advance polling station of that establishment.

His vote shall be counted in the electoral division of his domicile.

**204.** The warden of a house of detention shall draw up the list of the inmates of that establishment who are electors. The list shall indicate the surname and given name, the address of the domicile and the age of each elector.

The warden shall then ask every inmate if he wishes to be registered on the list of electors and verify with him the accuracy of the particulars concerning him.

The warden shall send the list of electors to the director general of elections not later than the sixteenth day preceding polling day.

**205.** The returning officer of the electoral division in which the house of detention is situated shall establish in it, in cooperation with the warden of the house of detention, as many advance polling stations as he considers necessary.

The returning officer shall appoint the polling officers for each of these stations in accordance with sections 225 and 226.

**206.** Each authorized party may, in accordance with sections 231 to 234, designate a representative.

**207.** The director general of elections shall cause ballot papers to be printed in accordance with the model provided in Schedule D and transmit them to the returning officer contemplated in section 205.

The director general of elections shall also transmit to him the list of electors of the house of detention.

**208.** The returning officer contemplated in section 205 shall remit to the deputy returning officer in a sealed ballot box, after affixing his initials to the seals, a copy of this Act and the regulations, the list of electors of the house of detention, a poll book, the ballot papers and the forms.

In addition, the returning officer shall remit to him the material required for the poll.

**209.** The advance polling station shall be open from 10 a.m. to 8 p.m. on Monday of the week preceding polling day.

**210.** The deputy returning officer shall remit to the inmate who has been admitted to vote the list of the candidates in his electoral division and the ballot paper he has detached from the counterfoil after having affixed his initials and written the name of the electoral division of the inmate in the space reserved for that purpose.

The inmate shall mark his ballot paper by writing the given name and surname of the candidate of his choice and the name of the political party, as the case may be.

**211.** At the close of the advance polling station, the procedure set out in section 198 shall be followed and the deputy returning officer shall remit the ballot box and the envelope containing the list of electors to the director general of elections or the person designated by him.

**212.** The director general of elections shall establish as many stations as he considers necessary to proceed with the counting of the votes. He shall appoint, for each station, a deputy returning officer and a poll clerk.

The director general of elections shall appoint as deputy returning officer the person recommended by the party that received the greatest number of votes at the last general election.

He shall appoint as poll clerk the person recommended by the party that received the second highest number of votes at the last general election.

**213.** From 8 p.m. on polling day, the deputy returning officer, with the help of the poll clerk, shall proceed, for each advance polling station, with the counting of the votes in the presence of a representative designated by each authorized party. The counting of the votes is effected at the place determined by the director general of elections in accordance with sections 272 to 276, adapted as required.

No ballot paper may be rejected for the sole reason that it contains a spelling mistake.

Furthermore, no ballot paper may be rejected when it is possible to determine clearly for whom the elector intended to vote.

**214.** After counting the votes of each electoral division and drawing up a statement of the poll for each of them, in the form prescribed by regulation, the deputy returning officer shall place in separate envelopes, for each division, the ballot papers assigned to each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of the poll. He shall seal the envelopes and place them in another sealed envelope bearing the name of the division concerned.

The deputy returning officer, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

The envelope, the poll book and the list of electors shall be placed in the ballot box.

**215.** The deputy returning officer shall draw up a statement of votes for each advance polling station, in the form prescribed by regulation and an abstract of the statement of votes for each electoral division.

The deputy returning officer shall seal the ballot box; the latter, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

The deputy returning officer shall then remit the ballot box, the statement of votes and the abstracts of the statement to the director general of elections or the person designated by him.

**216.** The director general of elections shall immediately communicate the results of the vote to every returning officer concerned and send him the abstract of the statement of votes with which he is concerned.

**217.** To allow inmates to exercise their right to vote, the director general of elections may make any agreement he considers expedient with the warden of any house of detention established under an Act of the Parliament of Canada or of Québec.

## CHAPTER VIII

## POLLING DAY

## DIVISION I

## PREPARATION FOR THE POLL

§ 1.—*Polling stations*

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

He shall inform each candidate of the place where the polling station of each polling subdivision is situated not later than the twelfth day before polling day.

**219.** The polling stations of an electoral precinct must be grouped in one public place. However, if the returning officer considers it preferable by reason of the area of the electoral precinct, or if the director general of elections considers it preferable by reason of the presence of a hospital centre or a reception centre in the electoral precinct, the returning officer may establish these stations at more than one place.

**220.** A municipality, a school board and an establishment established 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.

**221.** Polling day is a holiday in every school of a school board situated in an electoral division in which an election is held.

Every educational establishment shall, on polling day, grant leave to those students who are electors.

**222.** The director general of elections shall give such directives as he considers expedient to the returning officer on the manner of arranging and identifying a place where a polling station is established.

§ 2.—*Polling officers*

**223.** Deputy returning officers, poll clerks and officers in charge of information and order are polling officers; they shall be chosen from among the electors of the electoral division.

**224.** The returning officer shall appoint an officer in charge of information and order at every place where there is a group of polling stations and at every place where there is only one polling station.

**225.** In every polling station, the returning officer shall appoint as deputy returning officer the person recommended by the candidate of the authorized party whose candidate came first at the last election or by the independent Member elected as such if he is again nominated.

He shall appoint as poll clerk the person recommended by the candidate of the authorized party whose candidate came second at the last election.

**226.** In a new electoral division, in a division whose boundaries have been changed since the last election or in a division in which no candidate of an authorized party came second at the last election or where persons who would have been entitled to recommend the deputy returning officer or the poll clerk are not candidates, the director general of elections shall decide, in accordance with the criteria provided by regulation, which candidates are entitled to make the recommendations provided for in section 225.

**227.** The recommendations must be received by the returning officer not later than the fourteenth day preceding polling day. Failing recommendations or when the person recommended is not qualified for that function, the returning officer shall make the appointment without other formality.

**228.** On the twelfth day preceding polling day, the returning officer shall post up in his official office and transmit to each candidate the list of the deputy returning officers and poll clerks he has appointed.

He shall immediately inform the candidates of any changes to the list.

**229.** 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;
- (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.

**230.** The functions of the poll clerk are, in particular,

- (1) to enter in the poll book the particulars relating to the conduct of the polling;

(2) to assist the deputy returning officer.

§ 3.—*Representatives*

**231.** A candidate may designate a person and give him a mandate by power of attorney to represent him before the deputy returning officer or the officer in charge of information and order, or before each of them.

**232.** The power of attorney shall be signed by the candidate or his mandatary and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling.

**233.** The candidate may assist his representative in the exercise of his functions and may himself be present wherever his representative is authorized to act.

**234.** The representative shall declare under oath, in the form prescribed by regulation, that he will not disclose the name of the candidate for whom a person has voted in his presence.

§ 4.—*Canvassers*

**235.** A candidate may also designate, on polling day, a person for each place where polling stations are established, and give him a mandate by power of attorney to collect a list of the persons who have already exercised their right to vote.

**236.** The power of attorney shall be signed by the candidate or his mandatary and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling.

§ 5.—*Ballot papers and ballot boxes*

**237.** The returning officer shall cause ballot papers to be printed in accordance with the model provided in Schedule E and according to the directives of the director general of elections.

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

**238.** The paper necessary for the printing of the ballot paper shall be provided by the director general of elections. This paper shall contain a thread which neither the director general of elections nor the maker may reveal.

**239.** The printer and the paper maker shall comply with the standards prescribed by regulation.

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

**241.** The ballot paper must permit each candidate to be clearly identified.

It must contain on the obverse, in alphabetical order, first, the surname and given name of the candidate of each authorized party and then those of the other candidates; these given names and surnames shall be spelled as in the nomination paper. The name of the authorized party shall appear under the name of the candidate of that party; the indication "independent" shall be entered under the name of the independent candidate if he has indicated it in his nomination paper.

It must contain on the reverse, a space reserved for the initials of the deputy returning officer, the name and address of the printer and the designation of the electoral division.

**242.** The director general of elections shall cause ballot boxes to be made, in accordance with the standards he may fix, in sufficient number for each electoral division.

These ballot boxes shall be made of durable material and of uniform size and shape; they must bear the official emblem of Québec.

**243.** Between the date of issue of the writ of election and that of publication of the notice contemplated in section 290, the returning officer shall have custody of the ballot boxes.

Outside that period, the returning officer shall, as the case may be, give custody of the ballot boxes for an electoral division to the sheriff of the judicial district or, with the authorization of the director general of elections, to any other competent person.

**244.** Not later than the day preceding the polling, the returning officer shall remit to the deputy returning officer, in a sealed ballot box, after affixing his initials to the seals, a copy of this Act and the regulations, the list of electors of the polling subdivision, the list of the electors who voted in the advance poll, a poll book, the required number of ballot papers, but not over 25 more than the number of electors entered, the forms and the documents necessary for the counting of the votes.

In addition, he shall remit to him the material required for the poll.

## DIVISION II

## THE VOTE

§ 1.—*Preliminary formalities*

**245.** The officer in charge of information and order, the deputy returning officer and the poll clerk shall be present at the polling station one hour before opening.

The representatives of the candidates may be present from the same moment. They may attend any operation conducted there.

**246.** 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 objects necessary for the poll, complying with the directives issued by the director general of elections.

**247.** The place where the polling stations are situated and the polling officers must be identified in the manner prescribed by regulation.

**248.** At the time fixed for the opening of the poll, the deputy returning officer and the poll clerk shall see that the ballot box contains no ballot paper. It shall then be sealed and placed on the table of the polling station so as to be visible to the polling officers.

§ 2.—*Polling hours*

**249.** The polling shall take place from 10 a.m. until 8 p.m.

**250.** During polling hours, the director general of elections and the returning officer must be easily accessible to candidates and their mandataries.

**251.** An employer shall grant to an elector in his employ, during the hours the polling stations are open, 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.

§ 3.—*Exercise of the right to vote*

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

**253.** The elector shall indicate, to the deputy returning officer and the poll clerk, his surname, given name and address and, when so required, his age and occupation.

**254.** The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is entered on the list of electors of the polling subdivision and if his surname, given name, address and, where such is the case, his age and occupation, correspond to those appearing on the list of electors.

The elector whose designation does not correspond exactly to that appearing on the list of electors may nevertheless be admitted to vote after making the oath in the form prescribed by regulation; an indication shall be made of it in the poll book.

The deputy returning officer, after initialling a ballot paper in the space reserved for that purpose, and detaching the counterfoil, shall remit the ballot paper to the elector admitted to vote.

**255.** After receiving a ballot paper, the elector shall enter the polling booth, mark the ballot paper in one of the circles and fold it; he shall leave the polling booth, and allow the initials of the deputy returning officer to be examined by the latter, the poll clerk and every representative of a candidate who wishes to do so; then, the elector, in view of the persons present, shall detach the stub and remit it to the deputy returning officer, who shall destroy it, and the elector himself shall place the ballot paper in the ballot box.

**256.** The elector shall mark the ballot paper by making a cross, an "X", a check mark or a line on the ballot paper with a pen or, as the case may be, the pencil remitted to him by the deputy returning officer at the same time as the ballot paper.

**257.** 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.

**258.** If the initials appearing on the back of the ballot paper are not those of the deputy returning officer, he shall cancel it and the poll clerk shall make an indication of it in the poll book.

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

**260.** An elector who declares under oath that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted by either the deputy returning officer or the poll clerk in the presence of the representatives, or by an elector of the same electoral division who declares under oath that he has not assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence. In either case, an indication shall be made of it in the poll book.

The oath shall be made in the form prescribed by regulation.

**261.** The deputy returning officer shall provide a visually handicapped person with a template, in accordance with the model prescribed by regulation, to enable him to vote without assistance. The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot paper, and the indications entered under their names, where such is the case.

**262.** Before the deputy returning officer remits a ballot paper, he, the poll clerk or the representative of a candidate may require a person to declare under oath, in the form prescribed by regulation, that

(1) he is a qualified elector;

(2) he was domiciled or had his residence in that polling subdivision on the day of issue of the writ;

(3) he has not already voted in the current election;

(4) he has received no benefit intended to engage his support in favour of a candidate; or that

(5) he has no ballot paper in his possession that may be used in the current election.

The poll clerk shall indicate the name of the person requiring the declaration and the reasons for the requirement, in the poll book.

**263.** A deputy returning officer shall not give a ballot paper to a person who refuses to take the oath, and an indication shall be made of it in the poll book.

**264.** An elector under whose name a person has already voted may nevertheless be admitted to vote after making the oath in the form prescribed by regulation; an indication shall be made of it in the poll book.

**265.** An elector whose name does not appear on the copy of the list of electors used in the polling station although it is on the revised list of electors in the possession of the returning officer, may obtain an authorization to vote, in the form prescribed by regulation, from the returning officer or the election clerk.

An elector who has obtained an authorization under the first paragraph shall present it to the deputy returning officer and declare under oath that he is indeed the person who obtained it; an indication shall be made of it in the poll book.

**266.** On the premises of a polling station, no person may use anything to signify his political affiliation or express his support of a party or a candidate.

**267.** The returning officer and the deputy returning officer have, in the exercise of their functions, all the powers of a justice of the peace.

**268.** If it is not possible for the polling to begin at the fixed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, it shall be continued until it has lasted ten hours.

**269.** Any electors on the premises of a polling station at the close of the poll who have not been able to vote before the appointed time may exercise their right to vote, and the deputy returning officer shall declare the polling closed after they have voted.

### DIVISION III

#### PROCEEDINGS AFTER CLOSE OF POLL

**270.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes. The candidates and their representatives may attend.

**271.** Before opening the ballot box, the poll clerk shall enter in the poll book

- (1) the number of electors who have voted;
- (2) the number of ballot papers spoiled or cancelled and the number of unused ballot papers; and
- (3) the names of the persons who have exercised functions as polling officers or representatives, indicating those entitled to remuneration.

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

**273.** 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 them.

**274.** The deputy returning officer shall declare valid every ballot paper which an elector has marked in one of the circles in the manner provided in section 256.

Notwithstanding the foregoing, the deputy returning officer shall reject every ballot paper which

- (1) has not been furnished by him;
- (2) does not bear his initials;
- (3) has not been marked;
- (4) has been marked in favour of more than one candidate;
- (5) has been marked in favour of a person who is not a candidate;
- (6) has been marked elsewhere than in one of the circles;
- (7) bears fanciful or injurious entries; or
- (8) bears a mark allowing the elector to be identified.

**275.** No ballot paper may be rejected for the sole reason that the stub has not been detached. In such a case, the deputy returning officer shall detach the stub and destroy it.

Furthermore, no ballot paper may be rejected for the sole reason that the mark made in one of the circles by the elector extends beyond the circumference of the circle.

**276.** The deputy returning officer shall consider every objection raised by a candidate or the representative of a candidate regarding the validity of a ballot paper and decide it immediately. The objection and the decision of the deputy returning officer shall be entered in the poll book.

**277.** After counting the ballot papers and drawing up a statement of the poll as in Schedule F, the deputy returning officer shall place, in separate envelopes, the ballot papers marked in favour of each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of the poll. He shall then seal the envelopes.

The deputy returning officer, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

The envelopes, the poll book and the list of electors shall be placed in the ballot box.

**278.** The deputy returning officer shall draw up a statement of the votes as in Schedule G and remit a copy of it to the representative of each candidate and to the returning officer.

**279.** The deputy returning officer shall seal the ballot box, and he, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

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

## CHAPTER IX

### ADDITION OF VOTES

**281.** The returning officer shall notify each candidate or his mandatary of the time when he is ready to proceed to the addition of the votes.

The addition, wherever possible, shall begin at 9 a.m. on the day following polling day; it shall take place in the official office of the returning officer and any candidate, mandatary or elector may attend.

**282.** 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 in each polling subdivision of the electoral division.

He shall also use the abstract of the statement of votes contemplated in section 216 if he has received it at the time of the addition or, if he has not received it, he shall use the results communicated in accordance with that section.

**283.** If the statement of the poll has not been placed in the ballot box or if the returning officer has not yet obtained a ballot box, he shall adjourn the addition of the votes until he obtains that statement or ballot box.

If it appears impossible to obtain them, he shall use the statement of votes that was remitted to him or, failing that, the statement of the deputy returning officer or of an agent, and he shall continue with the addition.

**284.** The returning officer shall return as elected the candidate who, when the addition is completed, has received the greatest number of votes.

He may then communicate to any person requesting it the results of the addition.

**285.** In the case of a tie-vote, the returning officer shall apply for a recount of the votes in accordance with Title VII.

## CHAPTER X

### DECLARATION OF ELECTION AND PUBLICATION OF THE RESULTS

**286.** If no application for a recount of the votes is filed within the time prescribed, the returning officer shall declare elected the candidate who has received the greatest number of votes. The returning officer shall send a copy of the declaration to each candidate.

The returning officer shall without delay transmit to the director general of elections the declaration of election and the result of the addition of the votes.

**287.** The returning officer shall thereafter transmit to the director general of elections a complete return of the election proceedings.

He shall also transmit, to the director general of elections, all the ballot papers, the statements of the votes, the statements of the poll, the lists of electors and the poll books.

**288.** The director general of elections shall keep the documents transmitted to him by the returning officer for one year from the transmission of these documents or, if the election is contested, for one year from the decision on the contestation.

**289.** The director general of elections shall enter the names of the candidates declared elected and the official results of the poll in a register.

**290.** After transmitting a list of the candidates declared elected to the Secretary General of the National Assembly, the director general of elections shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating the surname and given name of each elected candidate, his political affiliation, the name of his electoral division and the date of receipt of the list by the Secretary General.

The candidate declared elected shall become a Member of the National Assembly from the receipt, by the Secretary General of the National Assembly, of the list of the candidates declared elected.

**291.** The director general of elections shall, as soon as possible after the election, publish a detailed return of the election, containing, in particular, the results for each electoral precinct, and also indicating the results of each polling subdivision.

He shall transmit the return to the Secretary General of the National Assembly.

## TITLE VI

### SECRECY OF VOTING

**292.** Voting is secret.

**293.** No elector may, at the place where the polling station is located, let it be known, in any manner, in favour of whom he proposes to vote or has voted.

**294.** No candidate, representative or election officer may, at the place where the polling station is located, attempt to learn the name of the candidate in favour of whom an elector proposes to vote or has voted.

**295.** No candidate or representative, nor any election officer or elector who has given assistance to another elector, may communicate the name of the candidate for whom an elector has voted.

**296.** No person may be compelled to declare for whom he voted.

## TITLE VII

### RECOUNT

**297.** Any reliable person may demand a recount of the votes if he shows that a deputy returning officer has unlawfully counted or rejected ballot papers or has drawn up an incorrect statement of the number of ballot papers marked in favour of one of the candidates.

**298.** The candidate who came second, or his mandatary, may demand a recount where the majority is not over one thousandth of the votes cast.

**299.** The demand for a recount is made by way of a motion to a judge of the Provincial Court of the judicial district in which the electoral division where the election was held is situated in whole or in part, filed in the office of that court.

**300.** The motion must be presented within four days of the counting of the votes.

**301.** The recount shall begin within four days from the presentation of the motion and be carried out as rapidly as possible.

**302.** The judge shall give notice of at least one clear day to the director general of elections and to the candidates of the day, time and place at which he will proceed to a recount of the votes.

The judge shall summon the election clerk and the returning officer, and order the returning officer to bring the ballot boxes and the statement of the votes of his electoral division and, where such is the case, the abstract of the statement of votes contemplated in section 216. They must comply with the order.

Where a recount is demanded in an electoral division in which the votes of inmates have been counted, the director general of elections shall bring every envelope contemplated in section 214 bearing the name of that division.

**303.** On the appointed day, the judge, in the presence of the returning officer and election clerk, shall examine the ballot papers and the other documents contained in the ballot box.

The persons contemplated in the first paragraph, those contemplated in section 302 and the mandataries of the candidates may examine the documents contained in the ballot box.

**304.** Sections 274 and 275 apply to a decision on the validity of a ballot paper and the judge may for that purpose take the measures he considers appropriate.

**305.** If a ballot box or the required documents are missing, the judge shall take the appropriate measures to ascertain the result of the vote. For that purpose, he 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 on that occasion before a judge has the same privileges and immunity as a witness before the Superior Court, and articles 307 to 309 of the Code of Civil Procedure apply, adapted as required.

**306.** While the recount is in progress, the judge has the custody of the ballot boxes and their contents, and of all the other documents that have been remitted to him.

**307.** Immediately upon the completion of the recount, the judge shall compile the votes cast in favour of each candidate, verify or rectify any statement of the poll and statement of votes and certify the result of the vote.

The judge shall remit the ballot boxes to the returning officer, and all the other documents used for the recount, to the director general of elections.

**308.** The returning officer shall thereupon declare elected the candidate who received the greatest number of votes and section 286 applies, adapted as required.

**309.** In case of a tie-vote, a new election shall be held.

The returning officer, after informing the director general of elections, shall immediately publish a notice in the form prescribed by regulation informing the electors of the new period for filing nomination papers and the new polling date.

Nomination papers shall be filed not later than the second Monday following the day of the judge's decision, and the poll shall be held on the second subsequent Monday.

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

Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes shall be assumed by the person who demanded the recount.

In the case contemplated in section 298, the person who demanded the recount shall pay no costs.

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

**312.** If the judge fails to comply with this title, the aggrieved party may, within the four following days, apply to a judge of the Court of Appeal, by filing a motion in the office of the court, to issue an order enjoining the judge to comply and to proceed with and complete the recount.

**313.** If the motion appears to be founded, the judge of the Court of Appeal shall issue an order fixing any of the eight following days and a place for the hearing of the motion, and enjoining the interested parties to appear at such date and place.

The order and the petition giving rise to it shall be served in the manner determined by the judge.

**314.** At the appointed day and place, the judge of the Court of Appeal, or another judge of the same court, after hearing the parties

present, shall issue the order he considers justified by the facts; he may also fix the costs as he considers suitable.

**315.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Appeal.

## TITLE VIII

### FINANCING OF POLITICAL PARTIES AND CONTROL OF ELECTION EXPENSES

#### CHAPTER I

##### INTERPRETATION

**316.** In this title, unless otherwise required by the context,

“**authorized entity**” means a political party, party authority or independent candidate holding an authorization under this title;

“**election period**” means the period commencing on the day of issue of the writ of election and ending on polling day;

“**fiscal year**” means the calendar year;

“**independent candidate**” means a person, other than a candidate of an authorized party, whose nomination paper has been received by the returning officer;

“**official candidate**” means a candidate of an authorized party whose nomination paper has been received by the returning officer;

“**party authority**” means the organization of a political party at the level of an electoral division, of a region or of Québec;

“**permanent office of an authorized party**” means the office where, with a view to propagating the political program of an authorized party and coordinating the political action of its members, employees of the party or of an agency associated with it work full time, outside the election period, to attain the party’s objectives.

**317.** Money donated to a political party, a party authority or a candidate and services rendered and goods furnished to them free of charges for political purposes are deemed to be contributions.

The following are not considered contributions:

(1) volunteer work and the goods or services produced by such work;

(2) anonymous donations collected at a meeting or event held for political purposes;

(3) amounts paid to a political party under any Act, reimbursements and advances on reimbursements contemplated in Chapter III of this title;

(4) a loan granted for political purposes by an elector or a financial institution contemplated in section 376 at the current rate of interest on the market at the time it is granted, or a guarantee granted by an elector as surety;

(5) an annual amount of not over \$25 paid by a natural person as dues of membership in a political party;

(6) an amount of not over \$50 in each case as registration fees at political conventions;

(7) at the option of the official representative of an authorized entity, an entrance fee to a political activity or event, where the fee is not over \$50.

**318.** Nothing in this title shall limit or prohibit transfers of funds between

(1) the various authorized authorities of an authorized party;

(2) an authorized party and any of its authorized authorities; or

(3) an authorized party, any of its authorized authorities and the official agent of the official candidate of the party.

## CHAPTER II

### FINANCING OF POLITICAL PARTIES

#### DIVISION I

##### AUTHORIZATION OF PARTIES, PARTY AUTHORITIES AND INDEPENDENT CANDIDATES

#### § 1.—*General provisions*

**319.** Every political party, party authority or independent candidate wishing to solicit or collect contributions or to incur expenses shall obtain an authorization from the director general of elections in accordance with this division.

**320.** A party, a party authority or an independent candidate soliciting authorization shall have an official representative designated in writing by the leader of the party or by the person designated in writing by the leader, or by the candidate, as the case may be.

§ 2.—*Appointment of the official representative*

**321.** Only one official representative shall be appointed for each authorized entity.

The official representative of an authorized party may notwithstanding, with the written approval of the leader of the party, appoint not more than one delegate for each electoral division.

**322.** From the publication in the *Gazette officielle du Québec* of the list of the electoral divisions in accordance with section 32 of the Act respecting electoral representation, the director general of elections may grant authorizations for the purposes of this Title, taking into account the new electoral divisions.

From the publication referred to in the first paragraph, the official representative of a political party may, in accordance with the second paragraph of section 321, appoint a delegate for each of the new divisions.

**323.** No person may act as an official representative or delegate if

(1) he is not qualified as an elector;

(2) he is a candidate or the leader of a party; or

(3) he is a member of the personnel of the director general of elections, an election officer or an employee of an election officer.

**324.** An official representative or a delegate may resign by sending a written notice to that effect to the director general of elections and to the person designated under section 320, or, if none, to the leader of the party.

Where an authorized entity no longer has an official representative, another official representative shall be appointed without delay and the director general of elections shall be so informed in writing.

The director general of elections shall publish in the *Gazette officielle du Québec* a notice of the resignation or replacement of an official representative or of a delegate.

§ 3.—*Authorization of a political party*

**325.** The director general of elections may grant an authorization, upon a written application of the leader of the party,

- (1) to the party of the Prime Minister;
- (2) to the party of the Leader of the Official Opposition;
- (3) to a party which at the last general election had ten official candidates; or
- (4) to a party which undertakes to present official candidates in at least ten electoral divisions at any subsequent general election.

The application of a party contemplated in subparagraph 4 of the first paragraph shall be accompanied with the names, addresses and signatures, for at least ten electoral divisions, of 60 electors for each division declaring that they are members or supporters of the party and in favour of the application for authorization.

**326.** The political party applying for authorization shall furnish the following information to the director general of elections:

- (1) the name of the party;
- (2) the address to which communications intended for the party shall be sent;
- (3) the addresses where its books and accounts pertaining to contributions the party will receive and the expenses it will incur shall be kept;
- (4) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (5) the name, address and telephone number of the leader of the party;
- (6) the address of not more than two permanent offices of the party, where applicable.

**327.** A party applying for authorization shall also declare, in a sworn statement made by its leader, the amount of the funds at its disposal and that any money collected by it after 1 April 1978 was collected in accordance with this chapter.

The party shall remit to the director general of elections, together with its application for authorization, any sum of money collected after 1 April 1978 contrary to this chapter.

The director general of elections shall remit any sum received under the preceding paragraph to the Minister of Finance.

**328.** The director general of elections shall grant authorization if the conditions provided in sections 325, 326 and 327 are met.

The director general of elections shall, notwithstanding, refuse 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 director general of elections shall refuse to change the name of a political party if the change is likely to mislead the electors as to which party they are contributing to.

§ 4.—*Authorization of a party authority*

**329.** The director general of elections shall grant authorization to a party authority upon a written application of the leader of the authorized party or of the person designated in writing by the leader, and upon production of the following information:

- (1) the name of the authority;
- (2) the address to which communications intended for the authority shall be sent;
- (3) the addresses where its books and accounts pertaining to the contributions it will receive and the expenses it will incur shall be kept;
- (4) the name, address and telephone number of the official representative of the authority.

§ 5.—*Authorization of an independent candidate*

**330.** The director general of elections shall grant authorization to the independent candidate applying therefor in writing who furnishes him with the following information:

- (1) his name, the address of his domicile and his telephone number;
- (2) the name of the electoral division in which he is a candidate;
- (3) the address to which communications intended for him must be sent;
- (4) the address where the books and accounts pertaining to the contributions he will receive and the expenses he will incur shall be kept;

(5) the name, address and telephone number of his official representative.

**331.** 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, in accordance with the second paragraph of section 443, of the sums and property derived from his election fund.

**332.** The authorization granted to an independent candidate expires on 31 December of the year immediately following the election year unless an application for the cancellation of the authorization is filed before that date under section 344.

The authorization of an independent candidate who was elected and who has not discharged all the debts arising from his election expenses, shall expire on the date of the filing of the return contemplated in the second paragraph of section 402.

**333.** In the case of an authorized independent candidate who withdraws before polling day, the authorization granted to the candidate empowers his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from election expenses incurred by the candidate before his withdrawal, and to dispose, in accordance with the second paragraph of section 443, of the sums and property remaining in his election fund on the day of the withdrawal.

Section 402 applies to the candidate.

#### § 6.—*Miscellaneous provisions*

**334.** The director general of elections may take such measures as he considers expedient to verify the accuracy of an application for authorization.

The director general of elections, where he intends to refuse an application shall give the party, party authority or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

Every summons is made by registered or certified mail or by any other means considered valid by the director general of elections.

**335.** Upon granting authorization to a party, party authority or independent candidate the director general of elections shall give notice of it in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority or a candidate, in the electoral division for which the authorization was granted.

The notice shall indicate the name of the official representative, and those of his delegates, if any.

**336.** The director general of elections shall keep registers of the entities he has authorized, setting out the information required under sections 327, 330, 331 and 384.

Every authorized entity shall, without delay, furnish the director general of elections with the information required for updating the registers provided for in section 336.

The information, except as regards the auditor, shall be furnished by the leader of the party or the person designated by him in writing, under section 320, or, as the case may be, by the independent candidate.

**337.** Where the leader of an authorized party resigns, he shall, without delay, inform the director general of elections of his resignation, in writing.

## DIVISION II

### MERGER OF AUTHORIZED PARTIES

**338.** Where authorized parties wish to merge, their leaders shall obtain the authorization of the director general of elections.

**339.** The application for authorization to merge is made by means of a joint application in writing.

The joint application shall

(1) be accompanied, for each of the parties applying and each of their authorities, with a financial statement for the period that has lapsed since the date of authorization or, as the case may be, since the preceding 31 December, to the date of the filing of the joint application;

(2) produce, in respect of the party that will result from the proposed merger, the information contemplated in sections 326 and 384;

(3) indicate how each of the authorities of the applying parties will be affected by the proposed merger;

(4) produce, for each of the authorities of the party that will result from the proposed merger, the information contemplated in section 329;

(5) the proposed date of merger.

**340.** The director general of elections shall refuse to authorize a merger where he has reasonable cause to believe that by reason of the merger

(1) the party or the authorities that will result from a merger would not be able to discharge its outstanding liabilities; or

(2) the book value of the assets of the party and authorities that will result from a merger would be less than its liabilities.

Section 334 applies to the merger of authorized parties.

**341.** The director general of elections shall give notice of any merger in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated in all parts of Québec.

The notice shall indicate the name of the official representative of the party resulting from the merger and, as the case may be, the names of its delegates. It shall, in addition, indicate the name of the official representative of each authority of the party.

**342.** From the publication of the notice in the *Gazette officielle du Québec*, the parties concerned and their authorities cease to exist and are replaced by the party and authorities resulting from the merger.

The party and the authorities resulting from a merger succeed to the rights and obligations of the parties and authorities concerned.

**343.** The official representatives of the party and authorities resulting from the merger shall, not later than 1 April of the year immediately following that of the merger, file the financial statements required by sections 390 and 394 for that part of the year that has lapsed since the merger.

The financial statement of the party shall be accompanied with an opening balance-sheet on the date of the merger. The financial statement of each authority resulting from the merger shall indicate the cash balance on the date of the merger.

## DIVISION III

## WITHDRAWAL OF AUTHORIZATION

**344.** The director general of elections may, upon application of the leader, withdraw the authorization of a party or of any of its authorities. He may do the same upon written application of an authorized independent candidate.

The application shall be accompanied with a closing financial report of the authorized entity contemplated in the application, for the period that has lapsed since the date of authorization or, since, as the case may be, the preceding 31 December to the date of the application for the withdrawal of authorization. In addition, the application shall be accompanied with the financial report for the preceding fiscal year if it has not been filed.

In no case, however, may the director general of elections withdraw the authorization of an independent candidate who has not fully discharged the debts arising from his election expenses.

**345.** The director general of elections shall withdraw the authorization of a party which does not present official candidates in at least ten electoral divisions at a general election or whose number of official candidates at the election falls below the required minimum.

**346.** The director general of elections may withdraw the authorization of an authorized entity which does not furnish him with the information required for the purposes of the updating of the registers provided for in section 336 or who does not, as required, comply with Division VII, or whose official representative does not, as required, comply with Division VI or VIII.

**347.** The director general of elections shall withdraw the authorization of an independent candidate who dies.

**348.** The director general of elections, where he intends to withdraw his authorization to a party, party authority or candidate under section 344 or 346, shall give the party, party authority or candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

Every summons is made by registered or certified mail or by any other means considered valid by the director general of elections.

**349.** Upon withdrawing his authorization, the director general of elections shall give notice of it in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated, in the

case of a party, in all parts of Québec or, in the case of a party authority or a candidate, in the electoral division or part of Québec for which the authorization had been granted.

The notice that an authorization has been withdrawn shall indicate the name of the official representative and those of his delegates, if any.

**350.** Where an independent candidate ceases to be authorized pursuant to an application filed under section 344, the sums and assets remaining in his possession shall be remitted, without delay, by his official representative to the director general of elections who shall remit them to the Minister of Finance.

**351.** Where a party authority ceases to be authorized, without the party being so affected, the sums and assets remaining in its possession shall be remitted to the official representative of the party by the person holding them.

The authority shall also file with the director general of elections, within 60 days after the withdrawal of authorization, the financial reports prescribed by the second paragraph of section 344, unless the reports have already been filed.

The party shall succeed in the rights and obligations of the authority who has ceased to be authorized.

**352.** The withdrawal of authorization of a party entails the withdrawal of authorization of all its party authorities.

**353.** Where a party ceases to be authorized, the sums and assets of the party and authorities shall be remitted without delay to the director general of elections by the persons holding them.

The party and each of its authorities shall also file with the director general of elections, within 60 days following the withdrawal of authorization, the financial reports required in the second paragraph of section 344 and the list of all their creditors and, for each creditor, the amount due to him.

The director general of elections may require the party and its authorities that they remit to him any book, account or document relating to their financial business.

**354.** The director general of elections shall liquidate the assets of the party and those of each of its authorities separately.

He shall discharge the debts of the party and the party authorities up to their respective assets.

**355.** After having complied with section 354, the director general of elections shall use any surplus of the party or of the party authorities to reimburse the creditors who have not been paid in full, on a *pro rata* basis.

**356.** After payment of the debts, the balance, if any, shall be paid to the Minister of Finance.

**357.** For the purposes of the liquidation of the assets of a party and its authorities which cease to be authorized, the director general of elections may open accounts in chartered banks or savings and credit unions within the meaning of the Savings and Credit Unions Act (R.S.Q., chapter C-4), having a branch in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

#### DIVISION IV

##### PUBLIC FINANCING OF POLITICAL PARTIES

**358.** The director general of elections shall, every year, determine an allowance for each authorized political party represented in the National Assembly.

**359.** The allowance shall be computed by dividing between the parties, proportionately to the percentage of the valid votes obtained by them at the last general election, a sum equal to the product obtained by multiplying the amount of 25 cents by the number of electors entered on the lists of electors prepared at the last annual enumeration.

**360.** The allowance shall be paid at the rate of one-twelfth each month.

**361.** The allowance shall be used to reimburse the expenses incurred by the parties for their current administration, the propagation of their political programs and the coordination of the political activities of their members; it shall be paid only if the expenses are actually incurred and paid.

**362.** The allowance shall be paid by cheque made to the order of the official representative of the party upon production by him of a demand for payment and of a statement in the form prescribed by the director general of elections.

The official representative shall keep the invoices, receipts or other vouchers for a period of two years. However, he shall remit them to the director general of elections, if the latter requests him to do so.

**363.** Upon receipt of a certificate signed by the director general of elections setting out the amount he has paid to an official representative, the Minister of Finance shall reimburse the amount set out in the certificate to the director general of elections.

**364.** Any person may examine, at the information centre of the director general of elections, the documents contemplated in section 362 during office hours and make copies of them.

Within 30 days of the payment of the allowance, the director general of elections shall publish, in the *Gazette officielle du Québec*, a summary statement of every amount paid to the official representative of every party contemplated in this division.

#### DIVISION V

##### CONTRIBUTIONS

**365.** Only an elector may make a contribution.

He shall do so only in favour of an authorized entity and only in accordance with this division.

**366.** Every sum of money, except sums spent in accordance with paragraphs 4 and 5 of section 407 and sums spent in accordance with section 422, disbursed by a candidate for payment through his official agent of an election expense is deemed to be a contribution.

**367.** Every contribution must be made by the elector himself out of his own property.

**368.** The total of contributions by the same elector during the same calendar year shall not exceed the amount of \$3 000. The amount may be paid in whole or in part to one or another of the authorized entities.

Goods and services furnished to an authorized entity are assessed, if they are furnished by a trader dealing in similar articles or services, at the lowest price at which he offers his goods or services to the public at the time when they are furnished.

In the other cases, goods and services are assessed at the lowest market retail price in the region in which and at the time when they are offered to the public in the ordinary course of business.

**369.** Contributions shall not be solicited except under the responsibility of the official representative of an authorized entity, nor except through persons designated in writing by the official representative.

Every person authorized to solicit contributions shall, on demand, exhibit a certificate signed by the official representative attesting his authority.

**370.** A contribution shall be made to no one except the official representative of the authorized entity for whom it is intended, or the persons designated in writing by the official representative in accordance with section 369.

**371.** The delegate of the official representative of an authorized party has, for the electoral division for which he is appointed, the powers conferred on the party's official representative by sections 369, 370, 373 and 379.

**372.** 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 chartered bank or a trust company having a branch in Québec, or in a savings and credit union.

**373.** For every contribution, the official representative or the person designated in accordance with section 369 shall issue a receipt to the contributor.

**374.** The cheque or order of payment must be made payable to the order of the authorized entity.

**375.** On being cashed, a contribution is deemed paid by the elector who made it and received by the authorized entity for which it is intended.

**376.** The contributions of money and the funds collected in accordance with this title must be deposited with chartered banks or trust companies or savings and credit unions, having a branch in Québec, chosen by the authorized entity.

**377.** Every contribution made contrary to this title shall, as soon as the fact is known, be returned to the contributor if his identity is known; if it is not known, the money shall be remitted to the director general of elections who shall remit it to the Minister of Finance.

**378.** Outside an election period, every radio, television or cable broadcaster and every owner of a newspaper, a periodical or other printed matter may make air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to authorized political parties, provided he offers such service equitably as to quality and quantity to the parties represented in the National Assembly and to the parties which received at least 3% of the valid votes in the last general election.

The director general of elections shall verify the legality of services rendered under this section.

## DIVISION VI

### EXPENSES AND LOANS OF AUTHORIZED ENTITIES

**379.** The expenses of an authorized entity may be incurred only by the official representative or by a person designated by him in writing.

Every person authorized to incur expenses shall, on demand, exhibit a certificate signed by the official representative attesting his authority.

**380.** The official representative of a party or of a party authority shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contest them.

**381.** Only the official representative of an authorized entity may contract a loan.

**382.** 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 interest.

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.

**383.** The official representative shall, at least once a year, pay the interest due on the loans he has contracted.

## DIVISION VII

### AUDITOR

**384.** 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 and notify the director general of elections within 30 days after the date on which the party has obtained its authorization.

**385.** No person may act or, as the case may be, continue to act, as an auditor if

(1) he is not qualified to vote;

(2) he is a Member of the National Assembly or of the Parliament of Canada;

- (3) he is an official agent or official representative;
- (4) he was a candidate in the last general election or any election held since the general election;
- (5) he is a candidate in a current election; or if
- (6) he is the director general of elections, a returning officer, a deputy returning officer or an assistant to the deputy returning officer.

Similarly, the partners of the persons contemplated in subparagraphs 2 to 6 of the first paragraph and the members of the staff of those persons shall not act as auditors, or shall cease to act as auditors, as the case may be.

**386.** The official representative shall, with the authorization provided for in section 384, replace the auditor appointed by him upon the latter's ceasing to hold office and notify immediately the director general of elections.

**387.** The auditor shall examine the report made pursuant to section 390 and issue a certificate attesting, if such is the case, that, following comparison with the vouchers and bank deposits of the party,

- (1) the report in question is truthful;
- (2) he has received the information and explanations required;
- (3) the accounting of the party has been kept in accordance with accepted accounting principles and with the directives issued by the director general of elections in that regard.

**388.** The auditor of a party shall have access to all the books, accounts and documents pertaining to the financial affairs of the party.

**389.** The director general of elections shall reimburse the authorized political parties one-half of the cost incurred for the audit of the financial report contemplated in section 390 or the financial statement that accompanies a merger application, up to \$4 000.

Where the director general of elections requires the audit of a closing financial report, he shall appoint the auditor and directly discharge the cost of the audit.

## DIVISION VIII

## FINANCIAL REPORTS AND STATEMENTS

**390.** The official representative of every authorized political party shall, not later than 1 April each year, submit to the director general of elections a financial return 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.

**391.** The statement of revenues and expenditures shall include a general statement of revenues and total expenditures and indicate, in addition,

(1) the total sum of the anonymous donations collected at meetings or demonstrations contemplated in paragraph 2 of section 317, and the nature, place and date of the meetings or event;

(2) the total sum of contributions of \$100 or less and of the amounts collected pursuant to paragraph 5 of section 317;

(3) the total sum of amounts collected under paragraph 6 of section 317 as registration fees at a political convention, and the place and date of the convention;

(4) the total sum of amounts collected under paragraph 7 of section 317 as entrance fees to an activity or demonstration of a political nature, and the nature, place and date of the activity or demonstration;

(5) the total sum of contributions of over \$100.

**392.** The financial report shall indicate, furthermore,

(1) the financial institutions where the amounts of money collected by the party are deposited and the account number used;

(2) the total value of services rendered and goods furnished gratuitously;

(3) the name and full address of each elector who has paid one or more contributions the total of which is over \$100;

(4) where such is the case, the name and full address of each elector who became surety and the amount for which he became surety;

(5) the total amount of the sums transferred or loaned between the party and authorities of the party or the official agent of a candidate of the party or, during a referendum, the total sum of the amounts transferred or loaned to a national committee;

(6) a detailed statement of all amounts borrowed in accordance with paragraph 4 of section 317, the date of each loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in principal and interest.

**393.** An annual financial report contemplated in section 390 is deemed submitted to the director general of elections only if it is accompanied with the certificate contemplated in section 387.

No certificate is required, however, in the case of a closing financial report or the financial report accompanying a joint application for a merger. The director general of elections may nevertheless require the certificate.

**394.** Not later than 1 April each year, the official representative of an authorized authority of a party shall file a financial report for the preceding fiscal year to the director general of elections.

The report shall contain a statement of revenues and expenditures made in accordance with section 391 and the information prescribed by section 392.

**395.** The official representative of an authorized party or of an authorized authority of a party shall, for two years from the date of submitting the financial report, keep the receipts issued for contributions received. However, he shall remit them to the director general of elections at his request.

**396.** Where the time prescribed in section 390 or 394 expires during an election period, it is extended to 90 days after the date of the general election.

**397.** Where the time prescribed in section 390 or 394 expires within 90 days after the date of a general election, it is extended to one hundred and twenty days after the date of the general election.

**398.** Sections 396 and 397, adapted as required, apply at elections other than general elections with respect to the authorized authorities of a party in the electoral divisions where elections are held.

**399.** The official representative of an authorized independent candidate shall, within ninety days after polling day, file a financial report with the director general of elections.

The report shall contain a statement of revenues and expenditures prepared in accordance with section 391, and the information provided for in section 392. The report must be accompanied with a copy of each of the receipts issued for contributions received.

The financial report shall be filed at the same time as the return of election expenses provided for in section 433.

**400.** The official representative of an independent candidate who, after filing the report and return contemplated in sections 399 and 433, has debts resulting from election expenses or holds sums or assets from the election fund of the candidate, shall file a financial report with the director general of elections.

The financial report must be filed in accordance with the second paragraph of section 399, accompanied with the same documents, not later than 1 April of the year following each fiscal year during which the candidate remained authorized.

**401.** On 31 December of the year following an election year, any sum remaining from the electoral fund of a candidate, shall be remitted to the director general of elections who shall remit it to the Minister of Finance.

**402.** Every independent candidate who, on 31 December of the year following the year of the election in which he was a candidate, has not discharged all the debts resulting from his election expenses, becomes disqualified for the next general election and any election that may be held before the general election.

If the independent candidate has been elected, he becomes, on that date, disqualified from sitting and voting in the National Assembly until he has discharged all his debts and filed a financial report in accordance with section 399.

**403.** The public shall have access to the reports, returns and documents prescribed under this division 30 days after the date of the expiry of the period prescribed for their filing, or if filed after the date fixed, 30 days after their date of filing.

This section does not apply to receipts issued for contributions of \$100 or less.

Any person may examine the reports, returns and documents at the information centre of the director general of elections during office hours, and make copies of them.

**404.** If the financial report of a party, a party authority, or an independent candidate is not filed within the fixed time, the leader of the party or, if he is not a Member, the House Leader or, as the case may be, the independent candidate, if elected, becomes, 10 days after the expiry of the prescribed time, disqualified to sit or vote in the National Assembly until the returns are filed.

Sections 444, 445, 446 and 450, adapted as required, apply to this division.

## CHAPTER III

### CONTROL OF ELECTION EXPENSES

#### DIVISION I

##### INTERPRETATION

**405.** All expenditures 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 their supporters,

are deemed to be election expenses.

**406.** Expenditures incurred before an election period for the purchase or production of any literature, object, advertising material or radio or television programs used or broadcast during the election period for the purposes contemplated in section 405, also are deemed to be election expenses.

The expenses are deemed to have been incurred by the official agent during the election period if he authorized the use or broadcast.

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.

**407.** The following shall not be deemed election expenses:

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

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

(3) the necessary cost of holding a convention in an electoral division for the selection of a candidate, including the cost of renting a hall and the convening of delegates and the publicity made at the convention, but shall not include any other form of publicity nor exceed \$3 000;

(4) the reasonable expenses of a candidate for attending a convention to choose a candidate for an electoral division, excluding any cost of publicity except the publicity made by the candidate at the convention;

(5) the reasonable expenses incurred by a candidate or any other person, out of his own money, for his lodging and food while traveling for election purposes, if the expenses are not reimbursed to him;

(6) the transportation costs of a candidate, if not subject to reimbursement;

(7) the transportation costs of any person other than a candidate, paid out of his own money, if the costs are not reimbursed to him;

(8) the reasonable expenses incurred for the publication of explanatory commentaries on this Act and the regulations made under its authority, provided that the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(9) the reasonable expenses usually incurred for the current operation of not over two permanent offices of the party whose address is entered in the registers of the director general of elections;

(10) interest accrued between the beginning of the election period and the ninetieth day following the 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.

**403.** For the purposes of this division, the word "candidate" includes any person who subsequently becomes a candidate or who is susceptible of becoming a candidate.

## DIVISION II

## ELECTION EXPENSES

**409.** An authorized party wishing to incur election expenses have an official agent.

The official representative of the party shall be the official agent of the party unless another person is designated in writing for that purpose by the leader of the party.

The director general of elections shall publish in the *Gazette officielle du Québec* the name of the official agent of a party.

**410.** 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 at all times, in writing, by the official agent before he furnishes his account of election expenses.

All election expenses incurred by a deputy of the official agent are deemed to have been incurred by the official agent up to the amount fixed in the deed of appointment.

Every deputy shall furnish to the official agent of the party a detailed account of the expenses incurred or authorized by him.

**411.** Every 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 at all times, in writing, by the official agent, before he files his return of election expenses.

The advertising agency shall furnish to the official agent, within 60 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. The account must be made in the form prescribed by the director general of elections.

**412.** Every candidate shall have an official agent.

Every candidate shall, when filing his nomination paper, designate his official agent.

**413.** If the official agent designated in the nomination paper dies, resigns or becomes unable to act, the candidate shall appoint another immediately and notify it in writing to the returning officer.

He may in the same manner dismiss his official agent and appoint another.

**414.** The returning officer shall, without delay, inform the director general of elections of every appointment and replacement of an official agent.

If an official agent is replaced before polling day, the returning officer shall post up a notice of the replacement with a notice of the poll; he shall transmit a copy of the notice of replacement to each candidate or his mandatary.

**415.** In no case may a person who is not qualified for appointment as an official representative be appointed as an official agent.

**416.** An official agent or his deputy shall pay the cost of election expenses only out of an election fund.

**417.** Sums of money held in accordance with Chapter II by an authorized entity are the only funds that may be paid into the election fund put at the disposal of an official agent.

During an election period, only the official agent of a candidate or an authorized party or his deputy may incur or authorize election expenses.

**418.** No literature, object or advertising material or radio or television program contemplated in section 406 may be used during an election period except by the official agent of a candidate or of an authorized party or his deputy, or with his authorization.

**419.** No person may accept or execute an order for election expenses not given or authorized by an official agent or in his name by his deputy or the advertising agency authorized by him, as the case may be.

**420.** No person shall claim or receive for election expenses a price different from his regular price for similar work or goods outside the election period nor shall he accept a different remuneration or renounce the same.

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.

**421.** A candidate may himself pay his personal expenses incurred on the occasion of an election, up to the amount of \$2 000. Subject to paragraphs 4, 5 and 6 of section 407, the expenses he may so pay shall form part of his election expenses but must not include any publicity.

The candidate shall send a itemized statement of his personal expenses to his official agent.

**422.** Subject to sections 10 and 11 of the Public Service Act, nothing in this chapter relates to the services rendered by a member of the public service.

**423.** At general elections, the official agent of an authorized party, his deputy or the official representative of a party authority at the level of an electoral division, if expressly authorized therefor by the official agent of the party, may, for as long as no candidate of their party has filed his nomination paper in that electoral division and before the expiry of the period fixed for the filing of nomination papers, authorize election expenses in the electoral division for an amount not exceeding \$3 000.

If, at the time of the polling, the party has no candidate in the electoral division for which the expenses were authorized, the expenses are deemed to have been incurred by the party. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of the party; the person who authorized the expenses shall file a detailed account thereof with the official agent of the candidate of the party.

**424.** At a by-election, only the official representative of the party authority at the level of the electoral division where the election is being held may, as long as no candidate of the party has filed his nomination paper and before the expiry of the period fixed for the filing of nomination papers, authorize election expenses; in no case may these election expenses exceed the sum of \$3 000.

If the party has no candidate, the official representative shall include, in his annual financial report, all expenses he has thus authorized. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of such party; the official representative shall remit itemized statement to the official agent of the candidate of the party.

If the expenses incurred under this section include publicity, such expenses must be identified by the name and title of the official representative and by the name and address of the printer, where that is the case.

**425.** All 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 his deputy, who ordered it made or printed, as the case may be.

Every advertisement relating to an election published in a newspaper or other publication shall mention the name and title of the official agent or his deputy who has it published, as the case may be.

In the case of radio or television advertisement relating to an election, the name and title of the official agent or his deputy, as the case may be, must be mentioned at the beginning or at the end of the advertisement.

Anything that constitutes election expenses shall be deemed to relate to an election.

**426.** Where the official agents of several candidates jointly make or incur any advertisement expenses contemplated in section 426, the advertisement shall mention the name and title of each official agent or, with his consent, the name and title of the official agent of the party and the name and address of the printer, where that is the case.

**427.** Every radio or cable broadcaster and every owner of a newspaper, a periodical or other printed matter may make air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to the parties and to candidates, provided he offers such service equitably as to quality and quantity to all parties and to all the candidates of the same electoral division.

The director general of elections shall verify the legality of the services rendered under this section.

**428.** Any payment for election expenses of \$50 or more must be proved by an itemized invoice.

An itemized invoice must provide all the particulars required for auditing each item of goods or services and the rate or unit price used for computing the amount.

**429.** Every person to whom an amount is due for election expenses shall present his claim to the official agent not later than 60 days following polling day. In no case may the election expense be paid by the official agent after that period has expired.

If the official agent has died or resigned and has not been replaced, the claim shall be forwarded within the same time limit to the leader of the party or to the candidate himself, as the case may be.

After the period provided in the first paragraph has expired, the creditor has 120 days to file his claim with the director general of elections, failing which, his claim is prescribed.

**430.** Election expenses shall be limited so as never to exceed for a party, during general elections, 25 cents per elector for all the electoral divisions in which such party has official candidates.

The election expenses for each candidate shall be limited so as never to exceed 70 cents per elector during a general election or 95 cents during a by-election.

For each candidate in the electoral divisions of Duplessis, Rouyn-Noranda-Témiscamingue, Saguenay and Ungava, the maximum is increased by 20 cents per elector, and in the electoral division of Îles-de-la-Madeleine, the maximum is increased by 55 cents per elector.

**431.** The official agent of an authorized party shall incur no election expenses during a by-election.

### DIVISION III

#### PUBLICITY EXPENSES WHERE AN ENUMERATION TAKES PLACE DURING THE ELECTION PERIOD

**432.** Where an enumeration takes place during the election period, all publicity expenses are prohibited before the twenty-ninth day preceding polling day.

### DIVISION IV

#### RETURN OF ELECTION EXPENSES

**433.** Within 90 days following polling day, the official agent of a candidate shall deliver to the office or domicile of the returning officer, or to any other place determined by the director general of elections, a return of his election expenses in the form prescribed by the director general of elections.

The return must be accompanied with the invoices, receipts and other vouchers or with certified copies of documents, and a list of the documents, and a sworn statement in the prescribed form.

In the case of an independent candidate, the return shall be filed at the same time as the financial report contemplated in section 399.

**434.** On receiving a return of election expenses, the returning officer shall forward the return, the sworn statement and the invoices and vouchers to the director general of elections.

Beforehand, the returning officer shall make copies of all the documents transmitted by him to the director general of elections. He shall allow every elector to examine them and make copies of them

until such time as the documents from which the copies were made are destroyed or returned to the person concerned.

**435.** Within 30 days following the prescribed time for submitting returns of election expenses provided for in section 433, the director general of elections shall have a summary of them published in a newspaper circulated in the electoral division.

**436.** Within 120 days following polling day, the official agent of an authorized party shall deliver to the director general of elections a return of his election expenses in the prescribed form.

The return must be accompanied with the invoices, receipts or other vouchers, or certified copies of the documents, and of a list of the documents and a sworn statement in the prescribed form.

Where the official agent has appointed deputies under section 410, the return must be accompanied with the deeds of appointment and any change made to them.

**437.** The director general of elections shall publish, in a newspaper circulated in all parts of Québec, a summary of the returns of election expenses provided for in section 436, within 30 days of the expiry of the period fixed for filing them.

**438.** The director general of elections shall keep the returns, declarations, invoices, receipts and other vouchers provided for in sections 433 and 436, for one year from their receipt. During that period, he shall allow any elector to examine the documents and make copies of them at the place designated by him for that purpose.

At the expiry of that period, the director general of elections shall deliver the invoices and vouchers to the leader of the party or to the candidates if they so request; if not, he may destroy them.

**439.** In addition to election expenses, the official agent shall indicate in the returns prescribed in sections 433 and 436 the source of the sums paid into the election fund put at his disposal.

**440.** The returns prescribed in sections 433 and 436 must be accompanied with an itemized statement in the form prescribed by the director general of elections indicating the creditors who have omitted to file their claims in accordance with the first paragraph of section 429, and for each claim, the amount claimed and the date on which the goods or services were furnished.

The statement must be accompanied with a cheque drawn on the election fund and made to the order of the director general of elections for the amount of the claims.

**441.** The sums remitted to the director general of elections pursuant to section 440 shall be kept in a trust account by the director general of elections who, if he fails to receive any claim from the creditors within the period fixed in the third paragraph of section 429, shall remit the sums to the Minister of Finance.

**442.** Where a creditor files his claim with the director general of elections within the period fixed in the third paragraph of section 429 and the sums remitted to him by the official agent to discharge the claim are insufficient, the director general of elections shall inform the official agent of that fact without delay; the official agent may contest that claim, in which case, sections 447 and 448 apply.

If the claim is not contested by the official agent, the official representative of the party authority for the electoral division or of the party, as the case may be, shall forward to the director general of elections the necessary additional sum to enable him to discharge the claim.

**443.** On filing the return prescribed in section 433 or 436, the official agent of an authorized party or of a candidate of an authorized party shall remit the sums or goods remaining in his election fund to the official representative of the party or of the party authority at the level of the electoral division, as the case may be.

In the case of the official agent of an authorized independent candidate, he shall keep the remaining sums or goods in his election fund. The sums and goods may be used only for political, religious, scientific or charitable purposes.

**444.** If the return and the statement prescribed by section 433 or 436 are not filed within the period fixed, the candidate or party leader, as the case may be, becomes, ten days after the expiry of the period prescribed, disqualified to sit or to vote in the National Assembly until the return and statement have been filed.

However, a judge, by order, on a motion made before the candidate or party leader is disqualified from sitting or voting, may allow him to continue to sit or vote for an additional period of not more than 30 days.

**445.** If a return or a statement contains any error, the candidate or party leader may obtain permission from a judge to correct the error on establishing that it was made through inadvertence. However, the director general of elections may, *ex officio*, allow the error to be corrected if the correction is not contested by a party or a candidate, as the case may be.

**446.** If a candidate or party leader establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and filing of a return prescribed by section 433 or 436, the judge may make any order he deems necessary to enable the applicant to obtain all the information and documents necessary to prepare the return and statement and grant any 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.

**447.** Before filing the return and statement prescribed by section 433 or 436, an official agent must have discharged all the claims received within the period fixed by section 429 unless he contests them and indicates them as contested.

In no case may the official agent, the party leader or the candidate pay a claim so contested. 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 director general of elections, if no party or candidate objects, may authorize the official representative of a party or of an independent candidate to pay a contested claim, if the refusal or failure to pay results from a *bona fide* error.

**448.** The director general of elections may refer to a judge any claim contested by an official agent. The case is heard and decided by preference.

**449.** Every payment made by the official representative after the filing of the return of election expenses, following a decision of the director general of elections, a judgment rendered in respect of any expense contested pursuant to section 447 or on an application by the director general of elections under section 442, entails an automatic correction of the return of election expenses.

**450.** The judge having jurisdiction to decide an application under sections 444 to 448 is, in the case of a candidate other than a party leader, a judge of the Provincial Court and, in the case of a party leader, the chief judge of that court.

No application under the first paragraph may be heard without notice of at least three clear days to the director general of elections and to each of the other candidates for election in the electoral division or, in the case of a party leader, to each of the other authorized party leaders.

## DIVISION V

ADVANCE ON THE REIMBURSEMENT  
OF ELECTION EXPENSES

**451.** The returning officer shall, without delay, transmit every nomination paper he receives to the director general of elections.

The director general of elections shall pay, without delay, to every candidate who will be entitled to reimbursement of election expenses under section 458, an advance on the reimbursement equal to 35% of the maximum election expenses fixed in section 431 for the electoral division concerned.

The payment is made jointly to the candidate and his official representative in the case of an authorized independent candidate, or in the case of the candidate of an authorized party, jointly to the candidate and the official representative of the party authority at the level of the electoral division concerned; failing such an authority, the payment is made jointly to the candidate and the official representative of the party.

**452.** In the case of an independent candidate, the advance is paid only if the candidate is authorized.

**453.** Where, on the receipt of the results of the addition of the votes, the director general of elections is satisfied that a candidate is entitled to a reimbursement under section 458 and has received no advance on the reimbursement of election expenses under section 451, he shall, without delay, pay an advance on the reimbursement equal to 35% of the maximum election expenses fixed in section 431 for the electoral division concerned.

The payment is made jointly to the candidate and his official representative in the case of an authorized independent candidate, or in the case of the candidate of an authorized party, jointly to the candidate and the official representative of the party authority at the level of the electoral division concerned; failing such an authority, the payment is made jointly to the candidate and the official representative of the party.

**454.** On receipt of the return of election expenses of the official agent of the candidate to whom an advance on the reimbursement of election expense was paid, the director general of elections shall verify whether the amount of the advance exceeds 50% of the election expenses stated in the return.

If the advance exceeds 50% of the total of the expenses, the director general of elections shall send, by registered or certified mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts.

The claim must be paid within 30 days of its receipt by the official representative.

**455.** If, after an audit of the return of election expenses of the official agent of the candidate to whom an advance was granted, the reimbursement to which the candidate is entitled under section 458 is greater than the advance he received, the director general of elections shall pay, jointly to the candidate and to the official representative to whom the advance was granted, a cheque for an amount corresponding to the difference between the amount of reimbursement to which the candidate is entitled and the amount of the advance paid.

**456.** If, after an audit of the return of election expenses, the reimbursement to which the candidate is entitled is less than the advance he received, the director general of elections shall send, by registered or certified mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts, taking into account any sum received by the official representative following a claim pursuant to section 454.

The claim must be paid within 30 days of its receipt by the official representative.

**457.** For the purposes of sections 451 and 453, the number of electors is equal to the number of electors entered on the lists of electors after enumeration.

## DIVISION VI

### REIMBURSEMENT OF ELECTION EXPENSES

**458.** The director general of elections shall reimburse an amount equal to 50% of the election expenses incurred and paid in conformity with this Act, for each candidate

- (1) declared elected;
- (2) who obtained at least 20% of the valid votes;
- (3) who was elected at the last election;
- (4) of either of the two parties whose official candidate obtained the greatest number of votes at the last election in the electoral division;  
or
- (5) who is entitled to make the recommendations provided for in section 225 or 226.

In the case of an independent candidate, no reimbursement may exceed the amount of the debts resulting from his election expenses.

The reimbursement is based on a maximum of 90 cents per elector in the case provided for in the third paragraph of section 431 and 70 cents per elector in any other case. In the case of the electoral division of Îles-de-la-Madeleine, the reimbursement is based on a maximum of \$1.25.

**459.** For the purposes of sections 431 and 458, the number of electors is the higher of

(1) the total of the electors entered on the lists of electors after enumeration; or

(2) the total of the electors entered on the lists after revision.

Each returning officer shall transmit a certificate to the director general of elections showing the number of electors, directly upon the conclusion of the enumeration and revision. He shall also advise each candidate of the number of electors in his electoral division.

At a general election, the director general of elections shall transmit, to the leader of each authorized party, the total number of electors listed for all the electoral divisions.

## DIVISION VII

### OFFICE STAFF AND MEMBER'S STAFF

**460.** This title does not apply to the members of an office staff or of the staff of a Member within the meaning of Division III.I of Chapter IV of the Act respecting the National Assembly (R.S.Q., chapter A-23.1).

## TITLE IX

### CONTESTATION OF ELECTIONS

**461.** An elector qualified to vote in an electoral division or a candidate in that division may contest the election held in the division if the election or the declaration pertaining to it is irregular, or if a corrupt electoral practice was used whereby it is alleged that the election of a Member is void.

**462.** An election is contested by way of a motion to the Provincial Court of the judicial district in which the electoral division where the election was held is situated in whole or in part.

**463.** The motion is presented within 30 days of the publication in the *Gazette officielle du Québec* of the notice contemplated in section 290 or within 30 days of a person's being found guilty of a corrupt electoral practice where such a practice was used after the election was declared.

However, in the case of a corrupt electoral practice contemplated in paragraph 1 of section 500, the motion is presented within 60 days following the sending of the return contemplated in section 433 of this Act or within 90 days following the sending of the return contemplated in section 437 of this Act, as the case may be.

**464.** The motion states the facts giving rise to it; allegations must be supported by an affidavit.

The director general of elections and the returning officer for the division where the election is contested shall be made parties to the case.

**465.** The motion to contest the election shall be heard by three judges and the judgment shall be rendered by a majority of such judges.

If a judge who has heard the case dies before judgment or if he is unable, due to any circumstance, to participate in the judgment, and the other two judges are in agreement and are prepared to render judgment on the motion, these two judges may render judgment.

**466.** The summons is made by way of a writ to which is attached, to stand in lieu of a declaration, the motion contemplated in section 464.

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

**468.** The rules of proof are those in force in civil matters.

**469.** The fact that the respondent has accepted a post which disqualifies him to sit in the National Assembly or has abandoned his seat as a Member does not prevent the making of the motion or interrupt the hearing.

Convocation, prorogation or dissolution of the National Assembly does not suspend proceedings.

**470.** The court shall decide whether

- (1) the election is void;
- (2) the Member whose election is contested was duly elected or declared elected; or
- (3) another person was elected, indicating who that other person is.

**471.** If the hearing establishes

(1) that a corrupt electoral practice was used by a candidate or, with his knowledge and consent, by another person, the candidate shall be considered guilty of a corrupt electoral practice, and if he has been elected, his election is void;

(2) that a corrupt electoral practice was used by the representative, mandatory or official agent of a candidate, the election of that candidate is void.

The election of a candidate shall not be declared void pursuant to subparagraph 2 of the first paragraph if it is established that the deed is of minor gravity and could not have affected the result of the election, and if the candidate, in good faith, took reasonable precautions to carry on an honest campaign for election.

**472.** If the hearing establishes that a candidate, personally or through another person, committed an offence contemplated in section 222 or 223, the court shall subtract, from the number of votes which appear to have been given in favour of that candidate, one vote for each person who voted at that election and in respect of whom, according to the evidence, that candidate is guilty of that offence.

**473.** The election of a candidate shall not be declared void by reason of an offence against this Act, or the regulations hereunder, that does not constitute a corrupt electoral practice, if the court comes to the conclusion that the offence could not have changed or significantly affected the result of the election.

**474.** No election may be declared void by reason of a failure to observe a formality prescribed for the procedure relating to the polling or to the counting of votes or by reason of the disqualification of an election officer if the election procedure has been conducted in accordance with the principles established under this Act and the inobservance or disqualification has not affected the result of the election.

**475.** No election may be declared void by reason of a failure to observe the prescribed time limits, unless the inobservance has affected the result of the election.

**476.** No election may be declared void by reason of the fact that a person who supports a nomination paper is not an elector or is not domiciled in the electoral division for which the nomination is filed.

**477.** Every person found guilty or convicted of a corrupt electoral practice under this title is disqualified under section 511.

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

The appeal must be brought within 15 days from the judgment.

No appeal lies from any interlocutory judgment.

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

The judgment rendered by the Court of Appeal is final and no appeal lies from it.

**480.** Once the judgment acquires the status of *res judicata*, the director general of elections shall transmit a certified copy of that decision to the President or to the Secretary General of the National Assembly, who shall immediately inform the Members.

Where the decision changes the results of the election, the director general of elections shall proceed as in sections 289 and 290.

## TITLE X

### REGULATIONS

**481.** The director general of elections shall draft regulations on those matters which must be provided for by regulation under this Act, except on those contemplated in section 482.

The draft regulations shall be submitted for approval to the Standing Committee on the National Assembly.

Once approved with or without amendment by the committee, the regulations are published in the *Gazette officielle du Québec*, and they come into force on the date of the publication or any later date fixed therein.

**482.** The Government may, by regulation,

- (1) establish a tariff of costs for a recount;
- (2) establish a tariff of remuneration and expenses of election officers;
- (3) determine the maximum amount of the expenses that may be incurred by the director general of elections under the third paragraph of section 25.

The regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on a later date fixed therein.

## TITLE XI

## ANNUAL REPORT AND FINANCIAL PROVISIONS

**483.** The sums required for the administration of this Act, as well as the sums required for the carrying out of responsibilities assigned to the director general of elections by the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) and the Referendum Act, are taken out of the consolidated revenue fund.

**484.** Not later than 30 September each year, the director general of elections shall make a report of his activities for the preceding fiscal year to the President of the National Assembly.

The report shall, in particular, contain a statement of the complaints received and how each was dealt with, and the informational and training activities carried on and, where appropriate, recommend new electoral procedures or new rules regarding the financing of political parties. The report shall also include a financial report.

**485.** Each year, the director general of elections shall prepare the budgetary estimates and remit them to the President of the National Assembly before 1 April.

Where, during the fiscal year, the director general of elections foresees that he will be required to exceed the budgetary estimates for purposes other than those contemplated in section 488, he shall prepare supplementary estimates and remit them to the President of the National Assembly.

**486.** The National Assembly shall refer the study of the budgetary estimates or supplementary estimates, as the case may be, prepared by the director general of elections to a parliamentary committee.

The committee may require any expert opinion it considers necessary.

**487.** To facilitate the study of his budgetary estimates, the director general of elections shall furnish the committee with a preliminary financial report for the preceding fiscal year.

**488.** The committee may also study the expenditures made in view of a polling or at the time of a polling, and expenditures made for any mandate assigned to it by the National Assembly and that it was impossible to include in the budgetary estimates for the preceding fiscal year.

**489.** The committee shall approve the budgetary estimates and table its report in the National Assembly.

## TITLE XII

### OFFENCES AND PENALTIES

**490.** The following persons are guilty of an offence:

(1) every person who, in preparing a list of electors, knowingly enters or causes to be entered on the list a name which should not be entered;

(2) every person who, in preparing a list of electors, knowingly omits or causes to be omitted a name which should be entered on the list;

(3) every person who makes an application to enter a name which he knows to be fictitious or to be that of a deceased person or of a person not qualified as an elector;

(4) every person who makes an application for the striking off of the name of a person whom he knows to be qualified as an elector;

(5) every person who, illegally and without right, counterfeits, manufactures, removes, uses, destroys, gives, sells or issues any badge to be used by the enumerators;

(6) every person who, knowing that his name is entered on more than one list of electors, or on any list of electors although he is not qualified as an elector, does not take the necessary steps to have his name struck from any list on which it is wrongfully entered;

(7) every owner or administrator of a multiple-dwelling immovable who limits, restricts or does not facilitate the access of his immovable to an enumerator or to a person responsible for the distribution of the list of electors;

(8) every person appointed to act in a revision office who refuses or neglects to receive an application made to him or who refuses or neglects to transmit it to the returning officer;

(9) every revisor who refuses or neglects to receive or to examine an application made or submitted to him;

(10) every revisor who strikes off the name of a person from the list of electors without causing the notice prescribed in section 134 to be sent to him.

**491.** Every person omitting, neglecting or refusing to do any act or perform any duty which he is obliged to do or perform respecting the enumeration of electors or the preparation or revision of the list of electors is guilty of an offence.

**492.** Every person who

- (1) offers himself as a candidate, knowing he is disqualified;
- (2) supports a nomination paper, when he is not an elector and is not domiciled in the electoral division for which the nomination paper is filed;
- (3) uses the signature of others as support on a nomination paper;
- (4) collects signatures of support and falsely declares that he knows the persons whose names appear on the nomination papers, that they have signed in his presence or that they are electors of the electoral division;
- (5) collects signatures of support without being a candidate or mandatary;
- (6) signs as a candidate more than one nomination paper;
- (7) presents himself as a candidate of an authorized party, when the letter contemplated in section 172 is false;
- (8) knowingly spreads false news of the withdrawal of a candidate;
- (9) is a returning officer and accepts a nomination paper which is incomplete or not accompanied with all the required documents, is guilty of an offence.

**493.** Every person who

- (1) votes more than once at the same election;
- (2) permits a person to vote without being registered on the list of electors;
- (3) votes without being entitled to vote;
- (4) knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper;
- (5) modifies or imitates the initials of the deputy returning officer;
- (6) acts as the representative of a candidate when his power of attorney is false;

(7) is a deputy returning officer and remits a ballot paper to a person who refuses to make the oath required;

(8) is a deputy returning officer and knowingly admits to vote a person who has already voted;

(9) is an election officer and arrives late at the polling station in order to delay the opening of the poll,

is guilty of an offence.

**494.** Every person who

(1) falsifies the statement of the poll or the statement of votes;

(2) knowingly destroys a ballot paper before the end of the period for the contestation of the election;

(3) is a returning officer and makes a fraudulent declaration or issues a fraudulent declaration;

(4) is a returning officer and allows his deputy returning officer to perform his duties without having made the oath,

is guilty of an offence.

**495.** Every person who

(1) performs duties reserved to the election officers without being qualified therefor, without being officially appointed or without making the oath required;

(2) hinders the work of an election officer;

(3) is the director general of elections, one of his officers or an election officer and fraudulently neglects or refuses to act, or acts against this Act;

(4) is a former election officer and who, after having been dismissed or having ceased to carry out his functions, refuses to return the official documents in his possession to the returning officer,

is guilty of an offence.

**496.** Every person who

(1) is an employer and contravenes section 179, 180, 182 or 251;

(2) is an employer and who uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that office after having accepted it,

is guilty of an offence.

**497.** 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 procedure relating to the vote, or alters or attempts to alter the results of the election, is guilty of an offence.

**498.** Every person who,

(1) being a candidate or later becoming a candidate, in order to influence the vote of an elector, obtains or attempts to obtain, by himself or through another person, his vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, 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 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 such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an 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 food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election; or

(3) to a person accepting any of the food or beverages mentioned in subparagraph 1 or 2 of this paragraph.

**499.** Every person who votes or attempts to vote by falsely assuming the name and qualities of an elector or by borrowing the name of a fictitious or deceased person, is guilty of an offence.

**500.** Every official agent who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 431;

(2) files a false report, return or statement;

(3) produces a falsified invoice, receipt or other voucher;

(4) after the filing of his report or return, pays a claim otherwise than as permitted by section 445,

is guilty of an offence.

**501.** Every candidate or party leader who incurs, pays or authorizes any election expenses otherwise than as permitted by Chapter III of Title VIII, is guilty of an offence.

**502.** Every political party, party authority or independent candidate who solicits or collects contributions or incurs expenses without holding an authorization of the director general of elections granted pursuant to Title VIII, is guilty of an offence.

**503.** Whoever sits or votes in the National Assembly contrary to section 402, 404 or 444 is liable, on summary proceedings, to a fine of \$500 and costs for each day on which he so sits or votes.

**504.** Whoever omits to file a report or return prescribed by Title VIII or fails to pay within the prescribed time a claim made by the director general of elections under section 454 or section 456 is liable to a fine of \$50 for each day of delay.

**505.** Every person who knowingly does or omits to do anything in view of aiding a person to commit an offence or who advises the person to commit an offence, or encourages, incites, tolerates or permits the commission of an offence is himself a party to the offence and is liable to the same penalty as that provided for the person who committed it, whether or not the person has been prosecuted or found guilty.

**506.** Every person who is guilty of an offence contemplated in sections 490 to 496 is liable, in addition to costs,

(1) for a first offence, to a fine of not less than \$100 and not 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 and not more than \$3 000;

(2) for any subsequent offence within five years, to a fine of not less than \$200 and not 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 and not more than \$6 000.

**507.** Every person who is guilty of an offence contemplated in sections 497 to 502 is liable, in addition to costs, to a fine of not less than \$1 000 and not 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 and not more than \$25 000.

**508.** Every person who contravenes any of sections 333, 335, 337, 350, 353, 365 to 370, 372 to 374, 376 to 383, 412, 413 and 416 to 428 is guilty of an offence and liable, in addition to costs, to a fine of not less than \$100 and not more than \$10 000.

**509.** Every person who contravenes any provision of this Act or of the regulations made under its authority for which no penalty is provided is guilty of an offence and liable, in addition to costs, to a fine of not more than \$500.

**510.** Any offence referred to in paragraphs 1, 2, 3 and 4 of section 490, in paragraph 8 of section 492, in paragraphs 1, 2, 3 and 8 of section 493, in paragraphs 1 and 3 of section 494, in paragraph 3 of section 495 or in sections 497 to 501 is a corrupt electoral practice.

Notwithstanding the foregoing, in the case of an offence contemplated in paragraph 1 of section 500, the judge may rule that the alleged offence is not a corrupt electoral practice if, pursuant to a judgment rendered under the second paragraph of section 447, the election expenses incurred or authorized by the official agent exceed the maximum fixed by section 431 and if the refusal or failure to pay the contested expenses arises from an error in good faith.

**511.** Every person who is found guilty of an offence that is a corrupt electoral practice loses, for a period of five years from the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by an order of the Government or by a resolution of the National Assembly.

Furthermore, where the person found guilty of an offence contemplated in section 497 or 498 is a Member of the National Assembly, his election is void.

**512.** Proceedings under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the director general of elections or by any person generally or specially authorized by him for that purpose, except in the case of proceedings against the director general of elections, which are brought by the Attorney General.

Proceedings must be brought within two years of the date of the offence. However, where a document required to be filed under this Act reveals that an offence was committed, proceedings may be brought within two years following the date of filing of the document.

## TITLE XIII

### MISCELLANEOUS AND FINAL PROVISIONS

**513.** If the appointment of the election officers, the preparation or revision of the list of electors, or any procedure relating thereto or to the election has not been performed at the specified time, it shall be performed as soon as possible afterwards if it can be performed in time to be effective, without prejudice to any penalty incurred by reason of the delay or omission.

**514.** Where an election is instituted in an electoral division where an election has been held since the last enumeration, the lists of electors that were used at the preceding election shall be revised and shall be used on polling day.

**515.** No warrant of arrest may be executed against an election officer on polling day.

**516.** No elector qualified to vote is bound to appear as a witness before a judge or court on polling day.

**517.** The Superior Court and the judges of that Court have no jurisdiction over any matter arising from the application of this Act except in suits for damages.

**518.** No extraordinary recourse or provisional remedy provided for in the Code of Civil Procedure lies against the director general of elections, any member of his personnel or any election officer, when exercising his functions.

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

**519.** The Election Act (R.S.Q., chapter E-3.1), the Act respecting electoral lists (R.S.Q., chapter L-4.1) and the Act to govern the financing of political parties (R.S.Q., chapter F-2) are replaced by this Act.

**520.** The director general of elections in office on (*insert here the date of assent to this Act*) shall remain in office and the provisions applicable to his salary, dismissal and pension remain in force with respect to him.

**521.** Every returning officer appointed under the Election Act before (*insert here the date of coming into force of section 33 of this Act*) shall remain in office in the electoral division for which he was appointed for the unexpired portion of his term.

**522.** Every regulation, order or directive made or issued under any of the Acts replaced by this Act shall continue to be in force until it is repealed, replaced or amended by a regulation, order or directive made or issued under this Act.

**523.** Every authorization granted to a party, party authority or independent candidate under the Act to govern the financing of political parties before (*insert here the date of coming into force of sections 319 to 337 of this Act*) has and always has been granted by the director general of elections pursuant to this Act.

**524.** Schedule A of 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

(1) by replacing the reference to the "Referendum Act" (chapter C-64.1) by the following references:

"Referendum Act" (R.S.Q., chapter C-64.1)	Sections 16 to 18 and 61 to 55 of Appendix 2.
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"Election Act" (1984, chapter <i>insert here the chapter number of this bill</i> )	Sections 61 to 155
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(2) by striking out the following:

"An Act respecting electoral lists In its entirety.  
(chapter L-4.1)

**525.** Section 1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing the words and figure "published in accordance with section 134" in the fourth line by the words and figure "transmitted to the Secretary General by the director general of elections in accordance with section 290".

**526.** Section 6 of the said Act is amended by replacing the first paragraph by the following paragraph:

**6.** A Legislature has a term of not more than five years, beginning from the receipt by the Secretary General after the general election of the list of the candidates declared elected transmitted by the director general of elections pursuant to section 290 of the Election Act."

**527.** Section 17 of the said Act is amended

(1) by striking out subparagraph 7 of the first paragraph;

(2) by replacing the words and figures “5 of section 10” in the third line of subparagraph 9 of the first paragraph by the words and figures “8 of section 165”.

**528.** Article 346 of the Municipal Code (R.S.Q., chapter C-27.1) is amended by replacing the expression “chapter E-3.1” in the third line by the following: “1984, chapter *insert here the chapter number of this bill*”.

**529.** Section 1 of the Referendum Act (R.S.Q., chapter C-64.1) is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) “authorized party” and “official representative of an authorized political party” have the same meaning as in the Election Act (1984, chapter *insert here the chapter number of this bill*) where used in connection with a referendum;”;

(2) by striking out the expression “(chapter E-3.1)” in the second line of the second paragraph.

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

“**16.** The lists of electors prepared in accordance with Title IV of the Election Act, and, where required, in accordance with the relevant provisions of Appendix 2, are the only official lists and the only lists that may be used for a referendum.”

**531.** Section 17 of the said Act is amended by striking out the words “and revised” in the first line of the first paragraph and by replacing the words “Act respecting electoral lists (chapter L-4.1)” in the fifth and sixth lines of the first paragraph by the words “Election Act”.

**532.** Section 19 of the said Act is replaced by the following section:

“**19.** Every person who is an elector and who is registered on the list of electors of the polling subdivision where his domicile is situated on the day the writ instituting the holding of a referendum is issued, has a right to vote at a referendum.”

**533.** Section 20 of the said Act is amended by replacing the word “voter” in the second line of the second paragraph by the word “elector”.

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

(1) by replacing, in the French text, the word “éditoriaux” in the second line of subparagraph *a* of the first paragraph by the word “d’éditoriaux”;

(2) by replacing the words “instructions issued under its authority” in the second and third lines of subparagraph *e* of the first paragraph by the words “special version of the Election Act”;

(3) by replacing subparagraph *f* by the following subparagraph:

“(f) the reasonable expenses usually incurred for the current operation of not more than two permanent offices of an authorized party the address of which is entered in the registers of the director general of elections;”;

(4) by replacing subparagraph *g* by the following subparagraph:

“(g) interest accrued, between the beginning of the referendum period and the ninetieth day following polling day, on any loan lawfully granted to an official agent of a national committee for regulated expenses unless the official agent has paid the interest and declared them as regulated expenses in his return;”.

**535.** Section 29 of the said Act is replaced by the following section:

“**29.** The expenditures incurred before a referendum period for the purchase or production of literature, objects or advertising material or radio or television programs, used or broadcast during the referendum period for the purposes contemplated by the definition of the expression “regulated expenses” are regulated expenses.

These expenses are deemed to have been made by the official agent during the referendum period if he has authorized that use or broadcast.

The expenses are accounted for according to a method based on the frequency of use or broadcast during the referendum period in relation to the frequency of use or broadcast before and during the referendum period.”

**536.** Section 32 of the said Act is amended by replacing the words “is not an elector” in the second line by the words “is not qualified to vote”.

**537.** Section 33 of the said Act is amended

(1) by striking out the words “recognized by the director general of elections” in the third and fourth lines of the second paragraph;

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

“Subject to sections 10 and 11 of the Public Service Act (1983, chapter 55) nothing in this section relates to the services rendered by a member of the public service.”

**538.** Section 34 of the said Act is amended by replacing the words “during the referendum period” in the sixth line of the second paragraph by the following words: “, in writing, before sending his return of regulated expenses.”

**539.** Section 35 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**35.** For the purposes of the first paragraph of section 34, the number of electors is the total number of electors registered on the lists of electors after the enumeration or the total number of electors registered on the lists of electors after the revision, whichever is higher.”

**540.** Section 37 of the said Act is amended by replacing the words “the Act to govern the financing of political parties (chapter F-2)” in the second and third lines of subparagraph *b* of the first paragraph by the words “Title VIII of the Election Act”.

**541.** Section 42 of the said Act is amended by replacing the number “VII” in the fifth line of the third paragraph by the number “IX” and by striking out the expression “(chapter E-3.1)” in the same line and paragraph.

**542.** Section 43 of the said Act is amended

(1) by striking out the expression “(chapter E-3.1)” in the third line of the first paragraph after the word “Act”;

(2) by striking out the second paragraph;

(3) by replacing the words “the Act to govern the financing of political parties (chapter F-2)” in the third line of the third paragraph by the words “Title VIII of the Election Act”.

**543.** Section 44 of the said Act is amended

(1) by striking out the words “(chapter E-3.1), of the Act respecting electoral lists (chapter L-4.1) and of the Act to govern the financing of political parties (chapter F-2)” in the third, fourth and fifth lines of the first paragraph;

(2) by replacing the words “Act respecting electoral lists” in the second line of the second paragraph by the words “said Act”.

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

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

In preparing the special version, the director general of elections may amend the titles and subtitles of the said Act.

The director general of elections shall also cause to be printed a special version of the regulations made pursuant to section 481 of the Election Act.”

**545.** Section 47 of the said Act is amended by replacing the words “versions of the Acts contemplated in those sections” in the third and fourth lines of the first paragraph by the words “version of the Act contemplated in the said section.”

**546.** Appendix 2 of the said Act is replaced by the following appendix:

“APPENDIX 2

“(Sections 16, 17, 44, 45)

“PROVISIONS APPLICABLE TO THE HOLDING OF A REFERENDUM

“ELECTION ACT

(1984, chapter *insert here the chapter number of this bill*)

“SECTIONS

AMENDMENTS

7 Strike out the second paragraph

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9 Replace the section by the following section:

**“9.** In respect of the financing of national committees and the control of regulated expenses, the director general of elections shall, in particular,

(1) verify that the national committees, the official agents and their deputies as well as the local agents are complying with Title VIII;

(2) establish the forms and documents for use in the administration of Title VIII;

(3) issue directives on the bookkeeping of the national committees;

(4) receive and examine the returns of regulated expenses;

(5) inquire into the legality of contributions and regulated expenses.”

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Strike out, in the first and second lines of paragraph 3, the following words: “and on the Act respecting electoral representation (R.S.Q., chapter R-24.1)”

Replace the words “political party” in the first line of paragraph 5 by the words “national committee”, and the word “candidates” in the second line of paragraph 5 by the word “committees”

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Strike out the first paragraph

Replace the words “his assistants” in the third line of the second paragraph by the words “one of his assistants”

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Strike out the second paragraph

Replace the words “election period” in the first line of the third paragraph by the words “referendum period”

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Replace the section by the following section:

**“42.** The returning officer, under the authority of the director general of elections, is responsible, in the electoral division to which he is appointed, for the administration of this Act and the training of the election officers.”

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Strike out the fourth paragraph

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Replace the words “writ of election” in the first line of the first paragraph by the words “writ of referendum”, and the words “election period” in the third line of the first paragraph by the words “referendum period”

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Replace the section by the following section:

**“65.** The two enumerators shall be appointed by the returning officer, one on the recommendation of the national committee having the greatest number of members of the National Assembly and the other on the recommendation of the national committee having the second greatest number of members of the National Assembly.”

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Replace the section by the following section:

“The recommendations are made by the official delegate.

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

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Replace the section by the following section:

**“70.** The returning officer shall post up in his official office and transmit to each official delegate the list of the enumerators he has appointed.

The returning officer shall immediately inform the official delegates of any change that is made to the list.”

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Strike out the first paragraph

Replace the word “election” in the first line of the second paragraph by the word “referendum”

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Strike out, in the third, fourth and fifth lines of the first paragraph, the following words: “on the first day fixed for enumeration or, where enumeration takes place during the election period,”

Strike out, in the second, third, fourth and fifth lines of the second paragraph, the following words: “on the first day fixed for enumeration or, where enumeration takes place during the election period,”

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Replace the words “the authorized parties represented in the National Assembly and, as the case may be, to any independent Member” in the third, fourth and fifth lines of the first paragraph by the words “each official delegate”

Strike out the second paragraph

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90            Replace the words “an election” in the first line by the words “a referendum”, the word “election” in the second line by the word “referendum”, and the word “candidate” in the fourth line by the words “official delegate”

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93            Replace the words “an election” in the first line of the first paragraph by the words “a referendum” and the word “election” in the second line by the word “referendum”

              Replace the word “election” in the first line of the second paragraph by the word “referendum”

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95            Replace the word “candidate” in the second line by the words “official delegate”

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99            Replace the words “candidate and each authorized authority of a party at the level of the electoral division,” in the fourth and fifth lines of the first paragraph by the words “national committee and each official delegate,”

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108            Strike out, in the fourth line, the words “except for a by-election,”

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113           Replace the second paragraph by the following  
              paragraph:

              “The returning officer shall thereupon inform the  
              director general of elections, each national committee  
              and each official delegate of the selected places.”

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119           Replace the words “candidate and to each party authority  
              at the level of the electoral division,” in the second and  
              third lines by the words “national committee and each  
              official delegate”

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127           Replace the section by the following section:

              “**127.** The revisor recommended by the national  
              committee having the greatest number of members in  
              the National Assembly shall act as chairman of the board  
              of revisors.

              The revisor recommended by the national committee  
              having the second greatest number of members in the  
              National Assembly shall act as vice-chairman.”

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Replace the word "candidate" in the fourth line by the words "official delegate"

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Replace the word "candidate" in the second line by the words "official delegate"

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Replace the word "election" in the third line by the word "referendum"

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Replace the words "party authority at the level of the electoral division" in the fourth and fifth lines of the first paragraph by the words "national committee, each official delegate"

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Replace the word "election" in the first line by the word "referendum"

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Replace the words "political parties and of candidates" in the second line of the second paragraph by the words "national committees"

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

179 Replace the first and second paragraphs by the following  
paragraph:

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

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

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

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

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

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184 Replace section 184 by the following section:

“**184.** Upon receipt of a copy of the writ, the returning  
officer shall draw up a proclamation.”

185 Replace section 185 by the following section:

“**185.** The proclamation shall set forth  
(1) the text of the question put to the electors;  
(2) the days and hours of polling at advance polling  
stations;  
(3) the day and hours of polling at polling stations;  
(4) the name of every national committee and, for each  
of them and, the surname and given name of the  
chairman and of the official agent, and, for the electoral  
division, the surname and given name of the official  
delegate and of the local agent.”

- 186 Replace, in the second and third lines, the words “candidate or his mandatary” by the words “official delegate”
- 191 Replace the words “candidate and each authorized party authority at the level of an electoral division” in the fifth and sixth lines by the words “official delegate”
- 192 Replace the figure “234” in the first line by the following “225, 227 to 234”
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- 194 Strike out, in the first line, the following: “, inmates”
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- 199 Replace the words “the candidates” in the first and second lines by the words “each official delegate”
- 200 Replace the words “candidate or his mandatary” in the second line of the third paragraph by the words “official delegate”
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- 203 Replace the words “general election” in the first paragraph, by the word “referendum”  
Strike out the word “advance” in the third line of the second paragraph  
Replace the words “of his domicile” in the third paragraph by the words “where the house of detention is situated”
- 204 Replace the third paragraph by the following paragraph:  
“The warden shall send the list of electors to the returning officer not later than the eighth day preceding polling day.”
- 205 Strike out the word “advance” in the third line of the first paragraph
- 206 Replace the words “authorized party” by the words “official delegate of a national committee”
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- 209 Replace section 209 by the following section:  
 “**209.** The polling station shall be open from 10 a.m. to 8 p.m. on polling day.”
- 211 Replace sections 211 by the following section:  
 “**211.** At the close of the polling station, the procedure set out in sections 270 to 280 shall be followed and the deputy returning officer shall remit the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.”
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- 218 Replace the word “candidate” by the words “official delegate” in the first line of the second paragraph
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- 221 Replace the words “an election” by the words “a referendum” in the second line of the first paragraph
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- 225 Replace section 225 by the following section:  
 “**225.** In every polling station, the returning officer shall appoint as deputy returning officer the person recommended by the official delegate of the national committee which has the greatest number of members in the National Assembly.  
 He shall appoint as poll clerk the person recommended by the official delegate of the national committee which has the second highest number of members in the National Assembly.  
 Where the two national committees have an equal number of members in the National Assembly, the director general of elections shall determine, by a drawing of lots, which committee is deemed to have the highest number of members or, as the case may be, the second highest number of members in the National Assembly.”
- 227
- 228 Replace the word “candidate” by the words “official delegate” in the second line of the first paragraph

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Replace section 231 by the following section:

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

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Replace the words “candidate or his mandatary” by the words “official delegate” in the first and second lines

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Replace the word “candidate” in the first line by the words “official delegate”

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Replace the words “name of the candidate for whom” in the second and third lines by the words “option for which”

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Replace the words “A candidate” in the first line by the words “The official delegate of each national committee”

236

Replace the words “candidate or his mandatary” in the second and third lines by the words “official delegate”

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Strike out the words “in accordance with the model provided in Schedule E and” in the second line of the first paragraph

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Replace the first paragraph by the following paragraph:

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

Strike out the second paragraph

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Replace the word “candidates” in the first line of the second paragraph by the words “national committees”

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- 250 Replace the words "candidates and their mandataries" in the second and third lines by the words "chairmen of national committees and their official delegates"
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- 255 Replace the word "circles" in the second line by the words "spaces reserved for that purpose", and the word "candidate" in the fifth line by the words "national committee"
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- 260 Replace the words "the name of the candidate for whom the elector has voted" in the sixth and seventh lines of the first paragraph by the words "the option for which the elector has given his vote"
- 261 Replace the words "then indicate to him the order in which the candidates appear on the ballot paper, and the indications entered under their names, where such is the case" in the fourth, fifth and sixth lines by the words "read the question and indicate to him the order in which the options appear on the ballot paper"
- 262 Replace the word "candidate" in the second line of the first paragraph by the words "national committee"
- Replace the word "election" in paragraph 3 by the word "referendum", the words "a candidate" in the second line of paragraph 4 by the words "an option" and the word "election" in the second line of paragraph 5 by the word "referendum"
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Strike out the word “political” in the second line and replace the words “a party or a candidate” in the second and third lines by the words “one of the options submitted to a referendum”

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Replace the word “candidates” in the third line by the words “official delegates”

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Replace the word “circles” in the second line of the first paragraph by the word “spaces”

Replace the word “candidate” in paragraph 4 of the second paragraph by the word “option”, the words “a person who is not a candidate” in paragraph 5 of the second paragraph by the words “an option which is not one of the options submitted to a referendum” and the word “circles” in paragraph 6 of the second paragraph by the words “spaces reserved for that purpose”

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Replace the words “circles by the elector extends beyond the circumference of the circle” in the second and third lines of the second paragraph by the words “spaces reserved for that purpose extends beyond the space”

276

Replace the words “candidate or the representative of a candidate” in the second line by the words “official delegate or his representative”

277

Replace the word “candidate” in the fourth line of the first paragraph by the word “option”

278

Replace the word “candidate” in the third line by the words “official delegate”

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- 281 Replace the words “candidate or his mandatary” in the first and second lines of the first paragraph by the words “official delegate”
- Replace the words “candidate, mandatary” in the third line of the second paragraph by the words “official delegate”
- 282 Replace the word “candidate” in the third line of the first paragraph by the word “option”
- Strike out the second paragraph
- 283
- 284 Replace the words “return as elected the candidate who” in the first line of the first paragraph by the words “announce the option which”
- 286 Replace the words “declare elected the candidate who” in the second and third lines of the first paragraph by the words “issue a declaration indicating the option which”, and the word “candidate” in the fourth line of the first paragraph by the words “official delegate”
- Strike out the words “of election” in the second line of the second paragraph
- 287 Replace the word “election” in the second line of the first paragraph by the word “referendum”
- 288 Replace the word “election” in the third line by the word “referendum”
- 289 Replace the words “the names of the candidates declared elected” in the first and second lines by the words “the option which has obtained the greatest number of votes”
- 290 Replace section 290 by the following section:
- “**290.** The director general of elections shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating, for each electoral division, the number of votes for each of the options appearing on the ballot paper.”
- 291 Replace the word “election”, which appears twice in the second line of the first paragraph, by the word “referendum”
- 292
- 293 Replace the word “whom” in the second line by the words “which option”

- 294 Replace the word "candidate" in the first line by the words "official candidate", and the words "the name of the candidate in favour of whom" in the second and third lines by the words "the option for which"
- 295 Relace the word "candidate" in the first line by the words "official delegate", and the words "the name of the candidate for whom" in the third line by the words "the option for which"
- 296 Replace the word "whom" by the words "which option"
- 316 Replace section 316 by the following section:  
**"316.** In this title, unless otherwise required by the context,  
 "official agent", "local agent", "regulated expenses" and "referendum period" have the meaning assigned to them by the Referendum Act (R.S.Q., chapter C-64.1);  
 "contribution" means money donated to a national committee, or services rendered or goods furnished to it in view of promoting an option submitted to a referendum."
- 317 Replace the words "for political purposes" in the first and second lines of subparagraph 2 of the second paragraph by the words "in view of promoting an option submitted to a referendum"  
 Strike out subparagraph 3 of the second paragraph  
 Replace the words "for political purposes" in the first line of paragraph 4 by the words "to a national committee"  
 Strike out subparagraphs 5, 6 and 7 of the second paragraph
- 318 Replace section 318 by the following section:  
**"318.** Nothing in this title shall prohibit transfers of funds of an authorized party to the referendum fund of a national committee."
- 324 Replace the first paragraph by the following paragraph:  
**"324.** An official representative may resign by sending a written notice to that effect to the chairman of the national committee."  
 Replace the words "an authorized entity no longer has an official representative" in the first line of the second

- paragraph by the words “a national committee no longer has an agent”
- Replace the words “official representative or of a delegate” in the second and third lines of the third paragraph by the words “official agent”
- 325 Replace the words “leader of an authorized party” in the first line by the words “chairman of a national committee”
- 332 The section is replaced by the following section:  
**“332.** The official agent of a national committee is authorized to solicit and collect contributions until polling day.  
 After polling day, the official agent is authorized to solicit and collect contributions only for the purpose of paying the debts arising from his regulated expenses and to dispose, in accordance with the second paragraph of section 443, of the sums and property derived from his referendum fund.”
- 365 Strike out the second paragraph
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- 368 Replace the words “calendar year” in the second line of the first paragraph by the word “referendum”, and the words “authorized entities” in the third and fourth lines of the first paragraph by the words “national committees”
- Replace the words “an authorized entity” in the first line of the second paragraph by the words “a national committee”
- 369 Replace the words “official representative of an authorized entity” in the second line of the first paragraph by the words “official agent of a national committee”, and the word “representative” in the fourth line of the first paragraph by the word “agent”
- Replace the word “representative” in the second line of the second paragraph by the word “agent”
- 370 Replace the words “representative of the authorized entity for which” in the second line by the words “agent of the national committee for which”
- 371 Replace section 371 by the following section:

**“371.** The local agent has, for the electoral division for which he is appointed, the powers conferred on the official agent by sections 369, 370 and 373.”

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373 Replace the word “representative” in the first line by the word “agent”

374 Replace the words “authorized entity” in the second line by the words “national committee”

375 Replace the words “authorized entity” in the second line by the words “national committee”

376 Replace the words “authorized entity” in the fourth line by the words “official agent”

377

378 Replace the first paragraph by the following paragraph:

**“378.** Every radio, television or cable broadcaster and every owner of a newspaper, a periodical or other printed matter may make air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to national committees, provided he offers such service equitably as to quality and quantity to each national committee.”

381 Replace the words “representative of an authorized entity” in the first line by the words “agent of a national committee”

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405 Replace section 405 by the following section:

**“405.** All the expenditures incurred during a referendum period to promote or oppose directly or indirectly, an option submitted to a referendum.”

406 Replace the word “election” in the fourth line of the first paragraph by the word “regulated”, and the word “election” in the first and in the third lines of the first paragraph by the word “referendum”

Replace the word “election” in the second line of the second paragraph by the word “referendum”

Replace the word “election” in the third line of the third paragraph by the word “referendum”

407

Replace the word "election" in the first line by the word "regulated"

Replace the word "election" in the sixth and in the eight lines of paragraph 1 by the word "referendum"

Replace the word "election" in the third line of paragraph 2 by the word "referendum"

Strike out paragraphs 3 and 4

Replace the words "a candidate or any other" in the first line of paragraph 5 by the word "any" and the word "election" in the third line of paragraph 5 by the word "referendum"

Strike out paragraph 6

Strike out the words "other than a candidate" in the first line of paragraph 7

Replace the words "a candidate or a party" in the fourth and fifth lines of paragraph 8 by the words "an option submitted to the referendum"

Insert after the word "the" in the second line of paragraph 9 the word "authorized"

Replace the word "election" in the first line of paragraph 10 by the word "referendum" the word "representative" in the third line of paragraph 10 by the word "agent" and the word "election" in the fourth and in the fifth lines of paragraph 10 by the word "regulated"

409

Replace the words "An authorized party" in the first line of the first paragraph by the words "A national committee", and the word "election" in the first line of the first paragraph by the word "referendum"

Replace the second paragraph by the following paragraph:

"The official agent shall be appointed by the chairman of the national committee who shall notify it to the director general of elections."

Replace the word "party" in the second line of the third paragraph by the words "national committee"

410

Replace the first paragraph by the following paragraphs:

**410.** The official agent of a national committee may, with the approval of the chairman of the national committee, appoint the required number of deputies and, for each electoral division, a local agent.

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

Replace the word "election" in the first line of the second paragraph by the word "regulated"

411 Replace the first paragraph by the following paragraph:

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

Insert after the word "agent" in the first line of the second paragraph the words "or the local agent, as the case may be"

413 Replace the section by the following section:

**"413.** If the official agent dismisses a local agent, he shall notify it in writing to the returning officer. He may appoint another local agent."

414 Replace the word "official" in the second line of the first paragraph by the word "local"

Replace the words "an official" in the first line of the second paragraph by the words "a local" and the words "candidate or his mandatary" in the fourth line of the second paragraph by the words "official delegate"

415 Replace the section by the following section:

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

416 Replace the section by the following section:

**"416.** An official agent, his deputy or a local agent shall pay the cost of regulated expenses only out of a referendum fund."

417 Replace the second paragraph by the following paragraph:

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

- 418            Replace the section by the following section:  
                   **“418.** No literature, advertising material or radio or television program contemplated in section 406 may be used during a referendum period except by the official agent of a national committee, his deputy or a local agent, or with their authorization.”
- 419            Replace the section by the following section:  
                   **“419.** No person may accept or execute an order for regulated expenses not given or authorized by the official agent of a national committee, his deputy, a local agent or authorized advertising agency.”
- 420            Replace the word “election” in the first line of the first paragraph by the word “regulated” and the word “election” in the third line of the first paragraph by the word “referendum”
- 422
- 425            Replace the words “an election” in the first and second lines of the first paragraph by the words “a referendum” and the words “or his deputy” in the third line of the first paragraph by the words “, his deputy or the local agent”
- Replace the words “an election” in the first line of the second paragraph by the words “a referendum” and the words “or his deputy” in the third line of the second paragraph by the words “, his deputy or the local agent”
- Replace the words “an election, the name and title of the official agent or his deputy” in the first and second lines of the third paragraph by the words “a referendum, the name and title of the official agent, his deputy or the local agent”
- Replace the word “election” in the first line of the fourth paragraph by the word “regulated” and the word “election” in the second line of the fourth paragraph by the word “referendum”
- 426            Replace the words “the official agents of several candidates” in the first line by the words “several local agents”, the word “official” in the third line by the word “local”, and the word “party” in the fourth line by the words “national committee”
- 428            Replace the word “election” in the first line of the first paragraph by the word “regulated”

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

**“429.** Every person to whom an amount is due for regulated expenses shall present his claim to the official agent or the local agent not later than 60 days following polling day. In no case may the regulated expenses be paid by the official agent or the local agent after that period has expired.

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

430 Replace the section by the following section:

**“430.** Regulated expenses shall be limited so as never to exceed for a national committee, during one referendum, 50 cents per elector for all the electoral divisions.”

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

436 Replace the first paragraph by the following paragraph:

**“436.** Within 90 days following polling day, the official agent of each national committee and, through him, each local agent he has appointed, shall deliver to the director general of elections a return of the regulated expenses incurred or authorized by them.”

Insert, after the word “deputies, in the first line of the third paragraph the words” and the local agents”

437 Replace the word “election” in the second line by the word “regulated”

438 Replace the words “leader of the party or the candidate” in the second line of the second paragraph by the words “chairman of the national committee”

439 Replace the section by the following section:

**“439.** In the returns provided for by section 436, the official agent and the local agent shall indicate, in addition to regulated expenses, the source of the sums of money paid into the referendum fund put at their disposal.”

440 Replace the words and figures “sections 433 and 436” in the first line of the first paragraph by the word and figure “section 436”

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

441

442

Replace the second paragraph by the following paragraph:

"If the claim is not contested by the official agent, he shall forward to the director general of elections the necessary additional sum, out of his referendum fund, to enable him to discharge the claim."

443

Replace the section by the following section:

**"443.** On filing the return prescribed by section 436, the official agent of a national committee shall keep the remaining sums and goods in his referendum fund.

The sums and goods may be used only for political, religious, scientific or charitable purposes."

445

Replace the words "candidate or the leader of the party" in the first and second lines by the words "chairman or the official agent of the national committee" and the words "party or a candidate, as the case may be", in the fifth and sixth lines by the words "national committee"

446

Replace the words "a candidate or party leader" in the first line of the first paragraph by the words "the chairman or the official agent of a national committee"

Strike out the figure and word "433 or" in the fourth line of the first paragraph

447

Insert after the word "agent" in the second line of the first paragraph the words "or a local agent"

Replace the words "party or candidate" in the first line of the third paragraph by the words "national committee" and the words "agent of a party or of an independent candidate" in the second and third lines of the third paragraph by the words "agent of a national committee"

448

449

Replace the word "election" in the second and in the sixth lines by the word "regulated"

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Replace the word "election" in paragraph 1 by the word "referendum"

Replace the word "candidate" in the first line of paragraph 6 by the words "national committee"

494

Replace the word "election" in the second line of paragraph 2 by the word "referendum"

495

496

497

498

Replace the word "candidate" in the first line of paragraph 1 by the words "official delegate"

Replace the words "a candidate" in the third and fourth lines of paragraph 2 by the words "an option"

Replace the words "an election period by a candidate" in the first line of the second paragraph by the words "a referendum period by an official delegate"

Replace the words "the election of a candidate at an election" in the fourth lines of paragraphs 1 and 2 of the third paragraph by the words "an option submitted at a referendum"

499

500

Insert after the word "agent" in the first line the words "or local agent"

501

Replace the words "candidate or party leader" in the first line by the words "chairman or official delegate of a national committee"

504

Replace the section by the following section:

**"504.** Whoever omits to file a report or return prescribed by Title VIII is liable to a fine of \$50 for each day of delay."

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- 510           Strike out the words and figures “in paragraph 8 of section 492” in the second line of the first paragraph
- Replace the word “election” in the fifth line of the second paragraph by the word “regulated” and insert after the word “agent” in the fifth line of the second paragraph the words “or the local agent”
- 511           Strike out the second paragraph
- 512
- 513           Replace the word “election” in the third line by the word “referendum”
- 514
- 515           Replace the words “an election” in the first line by the words “a referendum”
- 516
- 517
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**547.** Section 3.6 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended by replacing, in the second and third lines of the first paragraph, the following: “Act respecting electoral lists (chapter L-4.1)” by the following: “Election Act (1984, chapter *insert here the chapter number of this bill*)”.

**548.** Section 13.3 of the said Act is amended by replacing the word “director” in the third line of the first paragraph by the word “Commission”.

**549.** Section 18 of the said Act is amended by striking out, in the second line, the following: “(chapter E-3.1)”.

**550.** Section 34.1 of the said Act is replaced by the following section:

“**34.1** Sections 9, 10 and 12 to 15 of the Election Act, adapted as required, apply to this chapter”.

**551.** Section 776 of the Taxation Act (R.S.Q., chapter I-3) is amended:

(1) by replacing the words “district association or authorized candidate” in the fourth line of the first paragraph by the words

“authorized authority of an authorized political party or authorized independent candidate”;

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

“For the purposes of this section, the expressions “authorized independent candidate”, “contribution”, “elector”, “authorized authority of an authorized political party”, “authorized party” and “official representative or agent” have the meaning assigned to them by the Election Act (1984, chapter *insert here the chapter number of this bill*).”

**552.** Section 1 of the Jurors Act (R.S.Q., chapter J-2) is amended by replacing paragraph *e* by the following paragraph:

“(e) “list of electors” means the list of electors drawn up in accordance with the Election Act (1984, chapter *insert here the chapter number of this bill*);”.

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

“Upon completing the list, he shall forward, to the returning officer of the electoral division comprised wholly or in part in the judicial district, a copy of the list of the municipalities comprised in the territory of such electoral division.”

**554.** Section 8 of the said Act is amended by replacing the words “Act respecting electoral lists” in the third and fourth lines by the words “Election Act”.

**555.** Section 11 of the Act respecting electoral representation (R.S.Q., chapter R-24.1) is amended:

(1) by replacing the words “authorized association” in the fifth line of the first paragraph by the words “authorized authority of a party at the level of the electoral division”;

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

“For the purposes of this section and section 12, “authorized authority of a party at the level of the electoral division” and “authorized party” have the meaning assigned to them by the Election Act (1984, chapter *insert here the chapter number of this bill*).”

**556.** Section 34 of the said Act is amended by replacing the words and figure “following the week of the enumeration contemplated in section 36” in the fourth line by the words and figure “preceding the week of the enumeration contemplated in section 36.”

**557.** Section 35 of the said Act is amended by striking out, in the third line of the first paragraph, the following: “(chapter E-3.1)”.

**558.** Section 36 of the said Act is amended

(1) by replacing, in the third, fourth and fifth lines of the first paragraph, the words “in conformity with the Election Act (chapter E-3.1) and make an enumeration and a revision in conformity with the Act respecting electoral lists,” by the words “and carry out the enumeration and revision in accordance with the Election Act,”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The enumeration shall begin on the date fixed by the director general of elections.

All the operations connected with the enumeration shall be made within the time fixed by the director general of elections. The operations must be completed not later than the last day of the sixth month following the publication of the lists of the electoral divisions in the *Gazette officielle du Québec*.”

**559.** Sections 37, 38 and 39 of the said Act are replaced by the following sections:

“**37.** The enumeration contemplated in section 36 shall be in lieu of the enumeration provided for in the Election Act that does not take place in that year; the enumeration for the following year shall be conducted while taking into account the new electoral divisions published in the *Gazette officielle du Québec*.

“**38.** Only the lists of electors drawn up and revised following the last enumeration made while taking into account the new electoral divisions are official and may be used at a general election.

The enumeration contemplated in section 36 is deemed to be an annual enumeration for the purposes of the Election Act.

“**39.** If a by-election is instituted before Monday of the week which precedes the week of the enumeration contemplated in section 36 or in section 37, the enumeration is cancelled in the electoral division where the election is held.

“**39.1** If a by-election is instituted after the publication in the *Gazette officielle du Québec* of the list of the electoral divisions contemplated in section 32 and before the dissolution of the National Assembly, the election is held on the basis of the list of the electoral divisions that is in force.”

**560.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**561.** This Act comes into force on the date fixed by proclamation of the Government except the provisions excluded by the proclamation which will come into force on any later dates fixed by proclamation of the Government.

# SCHEDULE A

## ELECTION CALENDAR

### Election period without enumeration

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
		PERIOD DURING WHICH A WRIT MAY BE ISSUED			
36 ·	35 ·	34 ·	33 ·	32 ·	31 ·
29 ·	28 ·	27 ·	26 ·	25 ·	24 ·
22 ·	21 ·	20 ·	19 ·	18 ·	17 ·
15 ·	14 ·	13 ·	12 ·	11 ·	10 ·
8 ·	7 ·	6 ·	5 ·	4 ·	3 ·
1 ·	0 ·	- Addition of votes			

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

						51.	
							PERIOD DURING WHICH A
50.	49.	48.	47.			45.	44.
	WRIT MAY BE ISSUED						
43.	42.	41.	40. Last day for recommendations and appointments of enumerators	39. Sending of the list of enumerators	38.		37.
36.	35. Beginning of publicity by parties and candidates	34.	33.	32.	31.		30. Last day for sending the lists of electors to the returning officers - Beginning of printing of lists of electors
29.	28. Sending of the list of places where polling stations are established	27. Last day for recommendations and lists for sending certified true lists of electors	26.	25.	24. Last day for the appointment of the third urban reviser		
22.	21. Revision: opening of filing offices for applications for entry, striking off and correction of names (6 days) - First day of rural revisers' work (11 day)	20.	19. First day of work of boards of revisers (9 days)	18.	17.		16. Final day for filing nomination - Posting up of notice of poll - Closing of revision offices
15.	14. Last day for recommendations of deputy returning officers and poll clerks	13. Last day for withdrawal of candidates	12. Last day for sending to every candidate the list of deputy returning officers and poll clerks - Last day for informing every candidate of places where polling stations are established	11. Last day for revision to lists of electors at the time - Coming into force of revised lists of electors	10.		9.
8.	7. Advance poll (2 p.m. to 10 p.m.) - Advance poll of inmates (10 a.m. to 8 p.m.)	6. Sending of the list of persons who have voted in advance polls to every candidate	5.	4.	3.		2. Last day for sending reminders to every dwelling
1.	0. POLLING DAY (10 a.m. to 8 p.m.)	- Addition of votes					

SCHEDULE C

PROCLAMATION

(Section 185)

Electoral division of .....

NOTICE

Public notice is hereby given to the electors of the electoral division of ..... that a poll is necessary for the election taking place in this division and that as a result a poll will be opened;

That the persons nominated for this election are:

- 1. Bonenfant, Marie, (*political affiliation*), (*address*), whose official agent and delegate are ..... ;
- 2. Bureau, Jean-Charles, (*political affiliation*), (*address*), whose official agent and delegate are ..... ;
- 3. Larrivée, Pierre-A., (*political affiliation*), (*address*), whose official agent and delegate are .....

All interested persons are enjoined to read this notice and govern themselves accordingly.

Given under my hand, at .....  
this ..... 19.....

.....  
Returning Officer

SCHEDULE D

BALLOT PAPER FOR INMATES

OBVERSE

I VOTE FOR

---

Given name and surname of the candidate

---

Political affiliation

REVERSE

National  
Assembly



Deputy returning officer's initials

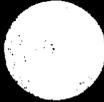
Electoral division of:

21 June 1979

Lucien Lamothe, Printer  
117, rue Notre-Dame est  
Montréal

OBVERSE

**Marie BONENFANT**  
political affiliation 

**Jean-Charles BUREAU**  
political affiliation 

**Pierre-A. LARRIVÉE**  
independent 

REVERSE

No

 National Assembly

Deputy returning officer's initials

Electoral division of:

21 June 1979

Lucien Lamothe, Printer  
117, rue Notre-Dame est  
Montréal

SCHEDULE F

STATEMENT OF POLL

Electoral division of .....

Polling subdivision No. ....

Number of ballot papers received from the returning officer.....	.....	.....
Number of ballot papers cast for..... <i>(Name of the first candidate)</i>	.....	.....
Number of ballot papers cast for..... <i>(Name of the second candidate)</i>	.....	.....
Number of ballot papers cast for..... <i>(Name of the third candidate)</i>	.....	.....
Number of ballot papers cast for..... <i>(Name of the fourth candidate)</i>	.....	.....
Number of ballot papers cast for..... <i>(Name of the fifth candidate)</i>	.....	.....
Number of ballot papers cast for..... <i>(Name of the sixth candidate)</i>	.....	.....
Number of ballot papers cast for..... <i>(Name of the seventh candidate)</i>	.....	.....
Number of ballot papers spoiled (not placed in box) .....	.....	.....
Number of ballot papers rejected in counting the ballots.....	.....	.....
Number of ballot papers not used .....	.....	.....
Totals .....	.....	.....

Given under my hand, at.....,  
this ..... 19.....

.....  
Deputy Returning Officer

SCHEDULE G

STATEMENT OF VOTES

Electoral division of .....

Polling subdivision No. ....

I, the undersigned, deputy returning officer, certify that at the election held this day of a Member to serve in the National Assembly, the candidates listed below received the number of votes set opposite their respective names:

<i>Name of candidate</i>	<i>Number of votes</i>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that:

..... ballot papers were rejected in counting the ballots.  
*(number in letters)*

Given under my hand, at .....,  
this ..... 19....

.....  
Deputy Returning Officer

## SCHEDULE H

OATH OR SOLEMN AFFIRMATION OF ALLEGIANCE,  
OF OFFICE AND OF DISCRETION

I, A.B., swear (or solemnly declare) that I will act with loyalty and true allegiance to the established authority and that I will fulfil the duties of my office with honesty, impartiality and justice, and that I will not accept any sum of money or consideration of any kind for anything I have done or could do in carrying out the duties of my office, for the purpose of furthering the purchase from or exchange with the Government of anything whatsoever, apart from my salary and any allowance that is given to me by law or by an order of the Government. In addition, I swear (or solemnly declare) that I will neither disclose nor make known anything whatsoever that I have learned in the exercise of my office, unless I have been duly authorized to do so.

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