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# NATIONAL ASSEMBLY

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FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 60

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

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### **Introduction**

**Introduced by  
Mr Alain Marcoux  
Minister of Municipal Affairs**



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## EXPLANATORY NOTES

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

*With regard to elections, the bill provides that henceforth general elections will be held every four years, on the first Sunday in November. Every seat on a municipal council will be required to be open for nominations at each general election.*

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

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

*Every natural person of major age being a Canadian citizen and without voting disqualifications who has been domiciled or has owned an immovable or occupied a place of business in the municipality for at least twelve months on 1 September of election year is an elector under the terms of this bill.*

*Every elector who has been domiciled or resident in a municipality for at least twelve months on 1 September of election year is eligible for a seat on the municipal council according to this bill. The bill also reduces the number of reasons for disqualification. For example, the fact of having a contract with the municipality will no longer prevent a person from being elected to the council unless it is a contract for professional services.*

*On the other hand, a person elected to municipal office who has a special pecuniary interest in a question brought before the municipal council or another municipal body on which he sits will be required to declare his interest publicly and abstain from consideration and voting on the question. If he knowingly violates this restriction, he will be disqualified from sitting. This rule will also apply to the members of school boards.*

*Under this bill, it will no longer be necessary to apply to the courts to have an elected municipal office-holder disqualified from office if the grounds are incontestible, such as his appointment to an incompatible office or his sentencing for an indictable offence.*

*In the matter of election procedure, this bill provides for the greatest possible harmony with the rules applicable to provincial elections under the Québec Election Act, with such reservations as are required by the municipal context.*

*In particular, from now on the list of electors will not be revised until after the period for filing nomination papers, and then only if a poll is required.*

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

*Among the novel provisions of the bill in this respect is that under which any party whose annual income is more than 20% made up of anonymous gifts will be required to pay the excess to the municipality. The limits on election expenses are increased by 50%. Also, a person making a contribution to a party or to an independent candidate will henceforth be entitled to a reimbursement from the municipality of one-half of his contribution, up to \$140.*

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

*The bill provides, for example, that any person domiciled in the territory concerned by a referendum or who owns an immovable or is the occupant of a place of business there is qualified to vote in the referendum. A natural person is also required to be a Canadian citizen and to be free of any*



*disqualification from voting. As a result of other new provisions, the right to vote on planning by-laws will no longer be restricted to property owners and lessees, nor that to vote on loan by-laws restricted to property owners.*

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

*Lastly, the bill makes the amendments of concordance necessary for its implementation to the various Acts, including over one hundred special charters, which govern municipal affairs.*

## **ACTS AMENDED BY THIS BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) An Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);

(15) Election Act (1984, chapter 51);

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

(17) An Act respecting public elementary and secondary education (1984, chapter 39);

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

(19) An Act respecting municipal bribery and corruption (R.S.Q., chapter F-6);

(20) Education Act (R.S.Q., chapter I-14);

(21) Electricity Municipalization Act (R.S.Q., chapter M-38);

(22) An Act to promote the regrouping of municipalities (R.S.Q., chapter R-19);

(23) An Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21);

(24) Municipal Works Act (R.S.Q., chapter T-14);

(25) An Act respecting sales of municipal public utilities (R.S.Q., chapter V-4);

(26) An Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(27) Mining Towns Act (R.S.Q., chapter V-7);

(28) Temperance Act (R.S.Q., 1964, chapter 45);

(29) An Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98);

(30) An Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);

(31) Charter of the City of Québec (1929, chapter 95);

(32) Charter of the City of Montréal (1959-60, chapter 102).



# Bill 60

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### TITLE I

#### MUNICIPAL ELECTIONS

#### CHAPTER I

##### SCOPE

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

#### CHAPTER II

##### GENERAL ELECTION TIME

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

The whole process leading to the proclamation of election of persons to the council seats at the quadrennial election constitutes a general election.

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

## CHAPTER III

### DIVISION OF TERRITORY FOR ELECTION PURPOSES

#### DIVISION I

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

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

The same rule applies to any other municipality that, on 31 December 1985, was required to divide or had divided its territory into electoral districts.

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

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

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

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

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

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

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

## DIVISION II

### NUMBER AND CHARACTERISTICS OF ELECTORAL DISTRICTS

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

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

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

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

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

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

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

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

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

### DIVISION III

#### PROCEDURE OF DIVISION INTO ELECTORAL DISTRICTS

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

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

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

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

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

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

- (1) a summary of the object of the draft by-law;
- (2) a description of the boundaries of the proposed electoral districts, using the names of thoroughfares wherever possible;
- (3) the number of electors included in each proposed electoral district;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) a summary of the object of the by-law;
- (2) a description of the boundaries of the proposed electoral districts, using the names of thoroughfares wherever possible;
- (3) the number of electors included in each proposed electoral district;
- (4) the place, days and hours for examining the by-law;
- (5) every elector's right to inform the Commission de la représentation in writing of his objection to the by-law within fifteen days of publication of the notice;
- (6) the address to which objections should be sent;
- (7) the number of objections required to obligate the Commission to hold a public meeting to hear the persons present regarding the by-law.

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

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

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

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

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

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

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

The persons present may make representations verbally or table documents.

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

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

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

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

**30.** The by-law dividing the territory of the municipality into electoral districts shall come into force in accordance with the Act governing the municipality before 1 November of the calendar year

preceding that in which the general election for which the division is required shall be held.

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

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

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

Even after the expiry of the prescribed time, the council may pass the by-law or put it into force until the division made by the Commission comes into force or until the by-law is put into force by the Commission.

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

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

The notice shall set forth

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

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

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

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

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

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

**35.** Where the Commission makes the division into electoral districts, the costs relating to the division shall be borne by the municipality.

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER IV

### COMPOSITION OF THE COUNCIL

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

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

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

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

In similar manner, the Minister may order the number of councillors of the municipality brought back to six.

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

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

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

Until the council numbers the seats, each seat shall be numbered according to the alphabetical order of the names of the councillors in office on 31 December 1985 and of the last persons who filled the seats that are vacant on that date.

## CHAPTER V

## PARTIES TO AN ELECTION

## DIVISION I

## ELECTORS

**48.** A person is an elector of the municipality if he is of full age, a Canadian citizen who is not interdicted nor under close treatment pursuant to the Mental Patients Protection Act (R.S.Q., chapter P-41), nor under the jurisdiction of the public curator, nor under any disqualification from voting contemplated in this Act, and who has fulfilled one of the following three conditions for at least twelve months:

(1) he is domiciled in the territory of the municipality within the meaning of the Election Act (1984, chapter 51),

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

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

**49.** To exercise his right to vote, an elector shall be registered on the list of electors of the municipality.

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

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

Co-owners or co-occupants shall designate, from among themselves, a person who is an elector on 1 September of the calendar year in which the general election shall be held by means of a power of attorney signed by a majority of them.

The power of attorney shall remain valid until it is replaced.

Not later than fifty days before polling day, the clerk or the secretary-treasurer shall give a public notice reproducing the text of the first

three paragraphs and inviting the co-owners and co-occupants who wish to make a first designation or to replace the existing designation to send him the power of attorney within the time limit he may fix. The designated person is entitled to registration upon receipt of the power of attorney by the clerk or secretary-treasurer.

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

Notwithstanding the first paragraph, an elector designated by co-owners or co-occupants may be registered in respect of each immovable or place of business for which he is designated.

**53.** Otherwise than being registered following a designation, where such is the case, a person who, on 1 September of the calendar year in which a general election shall be held, is an elector in several capacities shall be registered in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the owner of an immovable owned by fewer than three owners;
- (3) as the occupant of a place of business occupied by fewer than three occupants.

Where several immovables are contemplated in subparagraph 2 of the first paragraph, the immovable with the highest value according to the real estate assessment roll shall be the immovable considered. Where several places of business are contemplated in subparagraph 3 of the said paragraph, the place of business with the highest value according to the roll of rental values or, failing such a roll, according to the judgment of the returning officer, shall be the place of business considered.

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

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



## DIVISION II

## CANDIDATES

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

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

- (1) judges of the courts of justice;
- (2) the Chief Electoral Officer and the other members of the Commission de la représentation;
- (3) ministers of the government of Québec or of Canada;
- (4) public servants, other than employees within the meaning of the Labour Code (R.S.Q., chapter C-27), of the Ministère des Affaires municipales, or of any other department, who are assigned on a permanent basis to the Ministère des Affaires municipales;
- (5) members and officers, other than employees within the meaning of the Labour Code, of the Commission municipale du Québec and of the Bureau de révision de l'évaluation foncière du Québec;
- (6) Attorney-General's substitutes having permanent tenure;
- (7) cadets and members of the Sûreté du Québec.

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

- (1) officers or employees of the municipality except those who provide their services to fight fires on a limited basis and who are commonly called "volunteer firemen" and except persons who are only considered for the purposes of the law to be officers or employees of the municipality;
- (2) policemen of another municipality, of a regional or urban community or of an intermunicipal board having jurisdiction over all or part of the territory of the municipality;
- (3) the election officers of the municipality;

(4) official agents and their assistants of authorized parties for the municipality and of independent candidates at the current election.

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

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

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

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

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

**63.** A person is ineligible for the office of member of the council of the municipality if he holds the office of member of the council of another municipality, is a candidate for such an office or has been elected thereto.

### DIVISION III

#### ELECTION OFFICERS

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

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

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

office of assistant is vacant or the assistant is prevented from acting, the Commission municipale du Québec shall appoint the returning officer. This paragraph does not apply where there is an election clerk and he is not prevented from acting.

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

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

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

**67.** The returning officer shall appoint an election clerk on or before the day he gives the notice of election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) to receive the electors when they enter the polling place and direct them to the polling station where they may exercise their right to vote;

(2) to ensure accessibility to the polling stations and facilitate circulation in the polling place;

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

(4) to ensure that only the electors in the polling place at the appointed time for closing the polling station and who were unable to vote before that time are allowed to exercise their right to vote after that time;

(5) to ensure that only persons authorized to be in the polling place are allowed there;

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

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

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

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

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

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

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

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

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

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

#### DIVISION IV

##### CHIEF ELECTORAL OFFICER

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

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

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

#### DIVISION V

##### MANDATARIES OF CANDIDATES

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

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

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

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

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

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

A candidate who has no representative may act in his place.

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

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

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

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

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

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

## CHAPTER VI

## ELECTION PROCEDURE

## DIVISION I

## NOTICE OF ELECTION

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

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

## DIVISION II

## LIST OF ELECTORS

§ 1.—*Preparation*

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

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

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

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



**97.** The list shall contain, opposite one another, the name and the address of each elector.

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

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

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

**99.** The returning officer may make an alphabetical list of names of the electors comprised by a polling subdivision indicating the particulars pertaining to each.

**100.** Personal information entered on the list of electors is public information.

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

Any person may examine the list during business hours of the office.

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

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

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

**103.** If a candidate has already paid the cost of issue of copies of the list of electors, he shall be reimbursed the amount he has paid or the amount of the prescribed cost of issue of the number of free copies he is entitled to, whichever is less.

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

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

### § 2.—*Revision*

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

Where no poll shall be held, the list may be revised by decision of the returning officer.

**107.** Not later than twenty-two days before polling day, the returning officer shall give a public notice containing the following indications:

- (1) the fact that the list of electors will be revised;
- (2) the places where the list may be examined and where applications for entry, striking or correction may be filed and the hours when they will be open;
- (3) the qualifications to be an elector and to have the right to be registered on the list.

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

**108.** The returning officer may cause an extract from the list of electors corresponding to a polling subdivision to be distributed to each domicile, immovable and place of business comprised by the subdivision, accompanied with the indications contained in the public notice.

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

The office of the municipality is a revision office.

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

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

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

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

(1) to receive and assist every person wishing to make an application for entry, striking or correction;

(2) to ascertain the nature of the application;

(3) to receive the application and put it in writing;

(4) to administer the oath or solemn affirmation required by law to the applicant;

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

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

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

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

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

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

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

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

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

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

For the purposes of the first paragraph,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**125.** The returning officer may appoint a secretary to the board of revisors, whose chief duties shall be to enter all decisions of the board in the register of the board, to prepare notices convening persons in respect of whom applications to strike have been made and to complete abstracts of changes made to the list of electors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### § 3.—*Coming into force*

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

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

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

**142.** The list of electors forms part of the records of the municipality.

## DIVISION III

## NOMINATION PAPER

**143.** Any eligible person may offer as a candidate in one municipality and for one councillor's seat at a time, by filing a nomination paper in writing with the returning officer.

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

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

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

**145.** To form a ticket, the persons intending to be candidates for different offices shall sign a joint nomination paper and transmit it to the returning officer. The joint nomination paper shall state the following:

- (1) the full name and the address of each person;
- (2) the fact that the persons form a ticket;
- (3) the name of the ticket;
- (4) which of the persons is designated as head of the ticket;
- (5) the telephone number of the head of the ticket.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

**156.** The nomination paper shall be accompanied with a document establishing the identity of the candidate and a statement signed by the person who collected the signatures in support of the nomination certifying that he knows the signatories, that they signed the paper

in his presence and that to the best of his knowledge they are electors of the municipality.

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

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

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

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

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

**160.** Any elector may, during business hours of the office of the municipality, examine any nomination paper received.

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

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

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

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

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

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

**163.** Where the candidate for the seat of mayor is declared elected in the manner described in section 162, his co-candidate becomes the only candidate of the party for the seat of councillor and ceases to be a co-candidate.

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

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

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

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

#### DIVISION IV

##### POLL

#### § 1.—*Proclamation*

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

- (1) the identity of each seat for which it is necessary to hold a poll;
- (2) the full name of each candidate for each seat;
- (3) the address of each candidate;

(4) for each candidate, his membership of an authorized party or recognized ticket and the indication "co-candidate" where that is the case;

(5) the day and hours when the polling station or stations will be open for the advance poll;

(6) the day and hours when the polling station or stations will be open for the poll;

(7) the place where the polling station or stations will be established for the advance poll and for the regular poll and, if there are several polling stations, information for determining at which station an elector may vote.

The indications contemplated in subparagraph 7 of the first paragraph are not required if the returning officer distributes a reminder containing them.

**168.** The indications of seat, name and address shall correspond to those in the nomination paper.

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

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

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

## § 2.—*Advance poll*

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

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

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

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

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

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

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

**174.** The advance polling station shall be accessible to handicapped persons.

**175.** Any advance polling stations shall be open from noon to 8:00 P.M.

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

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

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

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

The deputy returning officer shall place in separate envelopes the ballot papers found in the ballot box, the 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, which shall be sealed by the deputy returning officer.

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 and the envelope containing the list of electors to the returning officer or the person designated by him.

**179.** At the beginning of the second day, where that is the case, 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 unused ballot papers, the forms and the list of electors.

**180.** After preparing the list of electors who voted in the advance poll, the returning officer shall transmit a copy of it to the interested candidates not later than three days before polling day.

**181.** If the list of electors on which the poll clerk has indicated the electors who voted is lost or spoiled, the returning officer shall take possession of the poll book contained in the ballot box in order to prepare the list of electors who voted in the advance poll.

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

Before taking possession of the poll book contained in the ballot box, the returning officer shall notify each interested candidate that he will do so. The representatives of the candidates may be present while the returning officer acts pursuant to the first and second paragraphs and they may affix their initials to the seals.

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

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

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

### § 3.—*Polling stations*

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

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

The returning officer shall give notice of his decision to each interested candidate and each authorized party or each ticket as soon as possible.

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

**185.** The polling station shall be situated in a public place.

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

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

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

**187.** If insufficient public places are available, the returning officer may establish polling stations in private places.

**188.** The returning officer is responsible for the arrangement and identification of all places where polling stations are situated.

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

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

*§ 4.—Material required for the poll*

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

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

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

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

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

The ballot papers shall be numbered consecutively.

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

The ballot papers shall contain, on the obverse,

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

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

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

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



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

The indications on the ballot papers shall be placed in alphabetical order of the candidates' names. Notwithstanding the foregoing, the indications pertaining to a co-candidate shall be placed immediately below those pertaining to the candidate with whom he is associated, in order that a single circle for the elector's mark be placed opposite their two names.

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

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

The indication of the council seat involved shall correspond to that contained in the nomination paper.

**196.** Where a candidate withdraws too late to allow new ballot papers to be printed and the ballot papers containing indications pertaining to that candidate must be used, the returning officer shall cause the indications on the ballot papers to be crossed out by means of a line in ink or any other indelible substance.

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

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

**197.** Where the authorization of a party is withdrawn too late to allow new ballot papers to be printed and the ballot papers containing the indication of that party must be used, the returning officer shall cause the indication of the party to be crossed out by means of a line in ink or any other indelible substance.

In the case provided for in the first paragraph or where a candidate otherwise ceases to be a co-candidate, the returning officer shall cause the indication "co-candidate" and the indications pertaining to the candidate with whom he was associated to be crossed out on the ballot papers to be used in the polling for the council seat.

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

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

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

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

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

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

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

(3) a poll book;

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

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

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

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

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

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

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

The representatives may attend any activity conducted in the polling place.

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

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

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

The ballot box shall then be sealed and placed on the table of the polling station so as to be visible to the election officers.

§ 6.—*Proceedings during poll*

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

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

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

**210.** Any electors in the polling place at the end of the polling period who have not been able to vote may exercise their right to vote.

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

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

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

This section is binding upon the Government and its departments, bodies and mandataries.

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

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

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

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

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

**214.** The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is registered on the list of electors used at the polling station and if his name and address correspond to those appearing on the list of electors.

Any elector whose address differs slightly from that entered on the list of electors shall nevertheless be admitted to vote, after declaring under oath or solemnly affirming that he is the person intended to be

designated by the erroneous entry. An indication shall be made of it in the poll book.

An elector holding a power of attorney who has the right to vote more than once shall not be prevented from voting by reason of the fact that he has already exercised another of his voting rights.

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

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

**216.** An elector under whose name another person has already voted shall nevertheless be admitted to vote, after declaring under oath or solemnly affirming that he is really the elector registered on the list and that he has not already voted, except to exercise one of his other voting rights, where such is the case. An indication shall be made of it in the poll book.

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

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

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

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

He shall also give the elector a pencil with which to mark the ballot paper.

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

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

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

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

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

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

**222.** The deputy returning officer shall cancel any ballot paper bearing initials that are not his own or not bearing his initials. An indication shall be made of it in the poll book.

Notwithstanding the foregoing, the deputy returning officer shall not cancel a ballot paper on which his initials do not appear where all of the following conditions are fulfilled:

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

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

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

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

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

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

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

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

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

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

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

The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot papers and the indications entered under their names, where such is the case.

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

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

## DIVISION V

### COUNTING AND ADDITION OF VOTES

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

The representatives assigned to the polling station may attend.

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

**228.** For the purposes of this division, an elector having the right to vote several times shall be counted as a separate elector each time he votes and a co-candidate and the candidate with whom he is associated shall be counted as one candidate.

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

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

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

**231.** 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.

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

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

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

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

- (1) the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors and the poll book, where such is the case, were deposited in it;



(2) the ballot papers found in the ballot box appear on their face to be those furnished by the deputy returning officer;

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

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

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

In the case of the first paragraph, the deputy returning officer shall detach the stub and destroy it.

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

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

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

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

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

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

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

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

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

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

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

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

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

He shall then seal the ballot box.

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

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

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

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

The deputy returning officer is dispensed from drawing up a statement of votes if he has drawn up a sufficient number of copies

of the statement of the poll to provide one each for himself, the returning officer and each representative assigned to the polling station. In that case, the statement of the poll also constitutes a statement of votes.

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

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

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

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

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

**244.** The addition of the votes shall begin, as the returning officer elects,

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

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

If the returning officer elects to begin the addition of votes later than the day after polling day, he shall notify each interested candidate of the date, time and place chosen for that purpose.

**245.** The addition of the votes shall be conducted in the place determined by the returning officer.

Any person may attend.

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

Notwithstanding the foregoing, the returning officer may, where such is the case, use the statements of the poll delivered with the ballot boxes, unless an interested candidate or elector presents to him a written declaration, supported by an oath or solemn affirmation, attesting that

there is reason to believe that such a statement of the poll is erroneous or fraudulent and does not correspond to the statement placed in the ballot box, and that the results may be different if the statement placed in the ballot box is used in conducting the addition of the votes.

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

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

**248.** After consulting the statement of the poll, the returning officer shall place it back in the envelope.

He shall then place the envelope in the ballot box.

**249.** Upon the completion of the addition of the votes, the returning officer shall announce the results to the persons present.

**250.** After making the announcement provided for in section 249, the returning officer shall communicate the results of the addition of the votes to every person who requests it.

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

## DIVISION VI

### DECLARATION OF ELECTION AND SUBSEQUENT PROCEEDINGS

**252.** If no application for a recount or re-addition of the votes is made within the time limit provided therefor, or if the application is dismissed, the returning officer shall declare elected the candidate who obtained the greatest number of votes according to his announcement under section 250.

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

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

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

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

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

**255.** Where the candidate of an authorized party for the office of mayor has the right to be declared elected both to that office and to the office of councillor for an electoral district, he shall be declared elected to the office of mayor and his co-candidate, to the office of councillor.

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

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

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

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

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

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

**259.** The returning officer shall file in the records of the municipality every document used in the election.

**260.** In no case may the clerk or the secretary-treasurer of the municipality deliver copies of the ballot papers filed in the records.

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

**261.** Within thirty days after he is declared elected, every elected candidate shall declare under oath or solemnly affirm that he will perform his duties according to law.

## DIVISION VII

### RENEWAL OF PROCEEDINGS

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

**262.** Any person may apply for a recount of the votes if he has reasonable grounds to believe that a deputy returning officer has unlawfully counted or rejected votes or has drawn up an incorrect statement of the number of votes cast in favour of one of the candidates. The application may regard only one or only certain polling subdivisions.

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

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

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

The procedure follows the ordinary rules in the Code of Civil Procedure (R.S.Q., chapter C-25), but the motion shall be heard and decided by preference.

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

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

**265.** The recount or re-addition shall begin within four days from the decision granting the motion.

It shall be carried out as rapidly as possible.

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

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

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

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

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

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

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

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

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

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

**271.** Immediately upon the completion of the recount or re-addition, 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 results of the poll.

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

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

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

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

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

*§ 2.—New election on account of death or withdrawal  
of candidate or impossibility of filling office*

**274.** The returning officer shall, as soon as possible, issue a new notice of election to announce that an office of member of the council is open for nominations where

(1) no person offered as a candidate for that office before the end of the period provided for the filing of nomination papers or all the persons who did so withdrew or died before the end of the period;

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

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

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

(5) every ballot paper deposited in the ballot box in favour of the candidates for that office was rejected during the counting of votes or, as the case may be, during the recount.

**275.** The election proceedings shall be repeated in order to fill the office involved, from the publication of the new notice of election.



Notwithstanding the foregoing, the date fixed for the poll shall be the fourth Sunday following the publication of the new notice of election, the same persons shall have the right to vote or be candidates as in the original election and the list of electors in force shall be used and need not be revised.

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

Where a situation justifying a second renewal of the proceedings occurs, the returning officer shall notify the Minister of Municipal Affairs, who may then appoint an eligible person to the office to be filled or order that the proceedings be recommenced according to the rules he determines. Any person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

## CHAPTER VII

### ELECTORAL CODE OF ETHICS

#### DIVISION I

##### SECRECY OF VOTING

**277.** Voting is secret.

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

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

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

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

## DIVISION II

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

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

**283.** No officer or employee of a municipality may engage in partisan work connected with an election to an office of member of the council of the municipality.

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

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

## CHAPTER VIII

## CONTESTATION OF ELECTIONS

**285.** Every person entitled to vote at the election of a member of the council of a municipality may contest the election on the grounds that the person declared elected was not qualified, that he did not obtain a majority of the valid votes, that a corrupt electoral practice was used which caused the election to be null and void, or that the proper formalities were not observed.

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

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

The returning officer shall be impleaded.

**287.** The motion shall be presented, under penalty of dismissal, within thirty days of the declaration of election of the respondent, or within thirty days of the commission of a corrupt electoral practice where the motion alleges that such a practice was used after the declaration of election.

Where the alleged corrupt electoral practice concerns an overspending of the maximum election expenses fixed in Chapter XIII, the motion shall be presented, under penalty of dismissal, within ninety days following the transmission of the return of election expenses.

**288.** The applicant may move either that the election be declared void or that the election be declared void and he or the candidate he identifies be declared elected.

**289.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure (R.S.Q., chapter C-25), but the motion is heard and decided by preference.

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

**291.** The court shall decide whether the member of the council whose election is contested was duly elected, that his election is void, or that his election is void and another person designated by it was duly elected.

Where the election of the candidate of an authorized party to the office of mayor is declared void by the court, the court may at the same time declare the latter elected as councillor of an electoral district instead of his co-candidate, unless the ground for the nullity of the election is the commission of a corrupt electoral practice by the respondent or, with his knowledge and consent, by another person.

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

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

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

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

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

The appeal must be brought, under penalty of dismissal, within 30 days from the judgment.

No appeal lies from any interlocutory judgment.

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

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

Notwithstanding the foregoing, in no case may the respondent, during the provisional execution, sit on the council of the municipality, its committees and commissions, on the council, committees and commissions of the regional county municipality, the urban or regional community or any intermunicipal board, or on any other council, committee, commission or public body of which the respondent is a member owing to the fact that he is a member of the council of the municipality, the regional county municipality, the community or the board.

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

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

Where the judgment granting his motion is appealed but is executory provisionally, the appellant shall serve a certified copy of the appealed

judgment on the clerk or the secretary-treasurer, together with the order for provisional execution, if any.

The clerk or secretary-treasurer shall immediately notify the regional county municipality, the urban or regional community, the intermunicipal board or any other body on which the respondent is no longer entitled to sit.

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

## CHAPTER IX

### DISQUALIFICATIONS

#### DIVISION I

##### REASONS FOR DISQUALIFICATION

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

- (1) for the whole term of office if he was elected while not qualified;
- (2) for the whole time for which he ceases after his election to be an elector of the municipality or to be domiciled or resident in the territory of the municipality;
- (3) for the whole time for which he becomes disqualified under section 57 or 58 after his election;
- (4) for the whole time for which he continues to hold a plurality of offices, where he was elected while he was a Member of Parliament of Québec or of Canada and did not cease to hold that office before taking office as a member of the council;
- (5) for the whole time for which he continues to hold a plurality of offices, where he begins to hold office as a Member of Parliament of Québec or of Canada after his election;
- (6) for the whole time for which he retains any special pecuniary interest, directly or indirectly, in a contract of professional services to which the municipality is a party.

**300.** A person who pleads guilty to or is found guilty of an offence that is a corrupt electoral practice within the meaning of this Act or the Election Act (1984, chapter 51) becomes

(1) disqualified from holding office as member of the council of any municipality;

(2) disqualified from holding office as election officer or officer or employee of any municipality;

(3) disqualified from voting at any municipal election or referendum.

The disqualification lasts for five years from the judgment finding him guilty and having become a *res judicata*.

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

The disqualification lasts for five years from the judgment finding him guilty and having become a *res judicata*.

The disqualification is for twenty years where the act is an indictable offence punishable by imprisonment for five years or more and where the person has formerly pleaded guilty to or been found guilty of at least two other indictable acts punishable in the same manner.

**302.** Every person who, knowingly,

(1) makes a false or incomplete written declaration of his pecuniary interests contemplated in Division II of Chapter XII;

(2) contravenes the provisions of the said division that apply where a matter in which he has any special direct or indirect pecuniary interest is required to be or is taken up for consideration by a council, a committee or a commission of which he is a member, is disqualified from holding the office of member of the council of a municipality.

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

## DIVISION II

ACTION FOR A DECLARATION  
OF DISQUALIFICATION

**303.** Any elector of a municipality on whose council a person is sitting or has sat may bring an action for a declaration of disqualification of that person.

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

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

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

**305.** The elector shall, at the same time as he files his writ of summons at the office of the court, deposit a sum of \$100 to guarantee costs.

The court may, upon a motion, increase the amount of the deposit.

**306.** The action is governed by the Code of Civil Procedure (R.S.Q., chapter C-25) but is heard and decided by preference.

**307.** The provisional execution of the judgment declaring a person who is a member of the council of a municipality disqualified has the same effect as the provisional execution of a judgment, adapted as required, declaring his election void.

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

**308.** The applicant shall serve upon the clerk or secretary-treasurer of the municipality a true copy of the judgment having become a *res judicata* and declaring the member of the council disqualified.

Where the judgment declaring the member of the council disqualified is appealed but is executory provisionally, the appellant shall serve a true copy of the appealed judgment on the clerk or the secretary-treasurer, and of the order for provisional execution, if any.

The clerk or the secretary-treasurer shall immediately notify the regional county municipality, the urban or regional community, the intermunicipal board and every public body on which the respondent may no longer sit.

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

## CHAPTER X

### TERM OF OFFICE OF COUNCIL MEMBERS

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

**310.** The term of the mayor expires when the candidate elected to the office of mayor at the general election makes the oath or solemn affirmation or, failing that, at the expiry of the time prescribed for him to do so.

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

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

**312.** A member of the council may resign from office by transmitting a writing to that effect bearing his signature to the clerk or the secretary-treasurer of the municipality.

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

The clerk or secretary-treasurer shall file the writing with the council at the first sitting after it has been transmitted.

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



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

The first two paragraphs do not apply where the member is prevented from attending the sittings by reason of the provisional execution of a judgment declaring his election void or the member disqualified or ousted from office.

**314.** The Commission municipale du Québec may, at the request of the municipality, order that the term of a member of the council shall not end notwithstanding his failure to sit where it considers that his failure is the result of serious reasons beyond his control and that his failure is not a cause of damage to the citizens of the municipality or, as the case may be, of the electoral district or ward.

The application shall be rejected unless it is sent to the Commission before the expiry of the term of the member.

The Commission may reject or accept the application or accept it on condition that the member attend at least one sitting of the council within the time it prescribes.

The Commission shall transmit its decision to the clerk or secretary-treasurer.

Where the Commission rejects the application, the term of the member ends on the date of transmission of the decision unless the member has attended a sitting of the council in the meantime. Where the Commission accepts the application on condition that the member attend at least one sitting of the council within the time it prescribes, the term of the member ends at the expiry of that time unless the member has attended a sitting of the council in the meantime.

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

Where his disqualification results from the fact that the member, after his election, became disqualified pursuant to section 57 or 58 or became a Member of Parliament of Québec or of Canada, his term ends on the day on which he takes office as contemplated in that section or as a Member of Parliament.

Where his disqualification results from the fact that the member has pleaded guilty to or been found guilty of an act contemplated in

section 300 or 301, his term ends on the day on which the judgment declaring him guilty becomes a *res judicata*.

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

**317.** Where the clerk or secretary-treasurer ascertains that the term of a member of the council has ended by reason of his failure to attend sittings, his disqualification, the nullity of his election or his ouster from office, he shall immediately notify the member of the council and shall notify the council at the next sitting.

Where the clerk or secretary-treasurer ascertains that the term has ended pursuant to the second or third paragraph of section 315, he shall at the same time notify the member of the contents of sections 318 and 319.

**318.** The member of the council may contest the notice of the clerk or the secretary-treasurer where the latter ascertains that the term of the member has ended pursuant to the second or third paragraph of section 315.

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

**319.** In case of contestation, the clerk or secretary-treasurer may, in the name of the municipality, make a motion within ten days to a judge in chambers of the Superior Court to confirm the date of the end of the term of the council member. If he does not make the motion, he shall immediately notify the member of the fact that his term shall continue notwithstanding the notice given under section 317; he shall also notify the council at its next sitting.

The procedure shall follow the ordinary rules in the Code of Civil Procedure (R.S.Q., chapter C-25), but the motion shall be heard and decided by preference.

No appeal lies from the decision of the judge. His decision to dismiss the appeal does not stand as a *res judicata*.

If the clerk or secretary does not make a motion or if the motion is dismissed, the term of the member continues notwithstanding the second or third paragraph of section 315 and he shall not be declared disqualified except pursuant to an action for a declaration of

disqualification or, as the case may be, a motion to contest his election or to oust him from office. In such case, his term ends on the date on which the judgment declaring him disqualified becomes a *res judicata*. Where such is the case, the period of disqualification of five or of twenty years prescribed in section 300 or 301 begins on the same day.

**320.** Sections 315 to 319 apply, adapted as required, to an elected candidate whose term has not begun and they prevent it from beginning.

## CHAPTER XI

### VACANCIES ON THE COUNCIL AND PROCEEDINGS TO FILL VACANCIES

#### DIVISION I

##### VACANCIES

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

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

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

**323.** The office becomes vacant the day after that provided as the end of the term under sections 315 to 319 where the term of the person elected to the office cannot begin.

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

**324.** Where an office becomes vacant, the clerk or secretary-treasurer shall notify the council at the next sitting.

## DIVISION II

## BY-ELECTION AND CO-OPTION

**325.** Where an office of member of the council of a municipality becomes vacant more than twelve months before the general election, it shall be filled by a by-election.

Where the office becomes vacant within twelve months before the general election, the council may, within fifteen days after the vacancy occurs, order a by-election to fill the office.

**326.** Where the office of mayor becomes vacant within twelve months before the general election and the council has not ordered a by-election to fill the office, the councillors shall elect one of their number to the office of mayor within thirty days after the vacancy occurs.

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

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

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

The person elected shall within the following thirty days make the oath or solemn affirmation to perform his duties as mayor according to law. From that time, his office as councillor becomes vacant.

**327.** Where the office of councillor becomes vacant within twelve months before the general election and the council has not ordered a by-election to fill the office, it shall remain vacant until it is filled at the general election.

The first paragraph applies subject to the power of the Minister of Municipal Affairs to order a by-election or to make an appointment to fill the office in accordance with Division III.

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

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

The Minister of Municipal Affairs, at the request of the returning officer, may grant him an extension.

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

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

**331.** An elector, to be qualified, is required to have been domiciled or had a residence in the territory of the municipality for at least twelve months before the date of publication of the notice of election.

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

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

In the case described in the first paragraph, the returning officer shall deposit the list of electors in force as soon as possible after publication of the notice of election.

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

To be entitled to registration on the list, a person shall be an elector on the date of publication of the notice of election.

### DIVISION III

#### INTERVENTION OF THE MINISTER OF MUNICIPAL AFFAIRS

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

- (1) an election required to be called has not been called;
- (2) an election has been called but not completed;

- (3) an election did not allow all the seats on the council to be filled;
- (4) it is impossible to constitute a quorum by reason of vacancies.

**336.** In the cases contemplated in section 335, the Minister may order the holding of a by-election.

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

**337.** Where one of the cases described in section 335 occurs in respect or as a result of the election held by order of the Minister, he may either order another by-election or appoint a qualified person to the vacant seat.

**338.** Where a case described in section 335 occurs in respect or as a result of the second election held by order of the Minister, he may appoint a qualified person to the vacant seat.

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

## CHAPTER XII

### RELATED RIGHTS AND OBLIGATIONS

#### DIVISION I

##### LEAVE WITHOUT PAY

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

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

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

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

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

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

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

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

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

The employee may terminate his leave at any time.

**344.** The leave may be full time or part time, according to his request.

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

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

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

**346.** At the expiry of the leave, the employer shall reinstate the employee, on the conditions of employment prevailing before the beginning of the leave or conditions more favourable for the employee, in accordance with the provisions of the collective agreement or, in the absence of a collective agreement, the agreement between the employer and the employee.

In the case of the leave of a candidate, official agent or deputy, the employee is entitled, at the expiry of the leave, to the benefits he would have received if he had been at work during that time.

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

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

**348.** An employee believing himself the victim of a contravention of this division may submit a complaint to the labour commissioner general appointed under the Labour Code (R.S.Q., chapter C-27). Sections 15 to 20, 49 to 51, 118 to 137, 139 to 140.1 and 150 to 152 of the Labour Code then apply, adapted as required.

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

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

## DIVISION II

### DISCLOSURE OF PECUNIARY INTERESTS OF COUNCIL MEMBERS

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

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

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



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

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

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

As soon as the member loses his right to sit, the clerk or secretary-treasurer shall notify the regional county municipality, the urban or regional community, the intermunicipal board and every other public body on which the member may no longer sit. He shall also notify it immediately when the member files the statement and regains the right to sit.

**352.** Every member who has lost the right to sit loses, as a consequence, the right to receive the remuneration or allowance prescribed for each sitting he is unauthorized to attend.

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

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

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

Where a sitting is not public, the member, in addition to the obligations imposed by the first paragraph shall leave the sitting for the duration of the consideration and voting on the matter, after disclosing the general nature of his interest.

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

**354.** Section 353 does not apply where the member's interest consists of remunerations, allowances, reimbursements of expenses, social benefits or other conditions of employment attached to his duties with the municipality or the municipal body or of sums, property or benefits granted by one municipal body to another or by the municipality to a municipal body or vice versa.

Nor does section 353 apply where the interest of the member is so indirect or minimal that the member could not reasonably be influenced by it.

**355.** For the purposes of sections 353 and 354, "municipal body" means

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

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

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

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

## CHAPTER XIII

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

## DIVISION I

## INTERPRETATION AND APPLICATION

**356.** In this chapter,

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

“financial institution” means a chartered bank, a trust company or a savings and credit union within the meaning of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

“fiscal year” means the calendar year;

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

“treasurer” means the treasurer, the secretary-treasurer, the director of finance or any other officer or employee of the municipality designated by the council to perform the duties of treasurer under this chapter.

**357.** Divisions II to VI apply to every municipality having a population of 20 000 or over whose territory is divided into electoral districts.

Where Divisions II to VI have begun to apply to a municipality, they continue to apply even if its population falls below 20 000, so long as its territory is divided into electoral districts.

The terms and conditions determined by the Minister of Municipal Affairs where he exempts the municipality from dividing its territory into electoral districts may, where such is the case, provide for the transitional rules required by reason of the cessation of the application of Divisions II to VI to the municipality.

**358.** The Minister of Municipal Affairs may, upon request, put an end to the application of Divisions II to VI to a municipality having a population of under 20 000 whose territory is divided into electoral districts on the terms and conditions he determines and render them again applicable to it in the same manner.

Divisions II to VI become applicable once more to the municipality where its population again reaches 20 000.

**359.** The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to put an end to the application of Divisions II to VI to a municipality or to render them again applicable to it.

## DIVISION II

### FUNCTIONS OF THE CHIEF ELECTORAL OFFICER

**360.** The Chief Electoral Officer shall see to the administration of this chapter.

He may conduct studies on the financing of municipal political parties and independent candidates and the control and supervision of their election expenses.

**361.** The Chief Electoral Officer shall, in particular,

- (1) authorize parties and independent candidates;
- (2) verify that the parties and candidates are complying with this chapter;
- (3) issue directives on the administration of this chapter;
- (4) receive and examine the reports and returns transmitted to him;
- (5) inquire into the legality of the expenditures of authorized parties and independent candidates, and of election contributions and expenses.

**362.** In respect of information of the public, the Chief Electoral Officer may, in particular,

- (1) provide any person applying therefor with advice and information regarding the administration of this chapter;
- (2) give public access to the information, reports, returns or documents relating to this chapter;
- (3) maintain a public information centre on this chapter;

(4) regularly hold information meetings and conferences for the benefit of the parties, municipalities and the public;

(5) at the request of a party, furnish the information required for the training of its official representatives;

(6) make any publicity he considers necessary.

**363.** The Chief Electoral Officer, of his own initiative or at the request of another person, may inquire into the administration of this chapter.

**364.** The Chief Electoral Officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

**365.** Each time the Chief Electoral Officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.

**366.** For his inquiries, the Chief Electoral Officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (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.

**367.** The Chief Electoral Officer may delegate to one of his assistants the exercise of any power or the performance of any function he indicates.

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

**368.** The Chief Electoral Officer may also delegate to the returning officer of the municipality the exercise of any power or the performance of any function he indicates in respect of the authorization of an independent candidate.

**369.** For the purposes of the administration of this chapter, the treasurer is subject to the authority of the Chief Electoral Officer.

**370.** The treasurer is entitled to receive remuneration or an expense allowance from the municipality for the functions he performs.

The council of the municipality may establish a remuneration or allowance tariff; the council may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance that is lower than that fixed by the tariff established by the Minister of Municipal Affairs under Title III shall be submitted for approval to the Minister.

The treasurer of a municipality that has not established a tariff is entitled to the remuneration or allowance fixed by the tariff established by the Minister.

### DIVISION III

#### AUTHORIZATION OF PARTIES AND INDEPENDENT CANDIDATES

##### § 1.—*Authorization required*

**371.** Every party or independent candidate wishing to solicit or collect contributions or to incur expenses shall be the holder of an authorization from the Chief Electoral Officer in accordance with this division.

##### § 2.—*Official representative*

**372.** Every party or independent candidate that is soliciting an authorization or is authorized shall have an official representative.

The official representative of an authorized party may have a delegate for each electoral district. For the purposes of designation of the delegate, the municipal by-laws or the decision of the Commission de la représentation establishing the electoral districts may be taken into account upon coming into force.

**373.** No person may be an official representative or delegate who

- (1) is not an elector in the municipality;
- (2) is a candidate for the office of member of the council of the municipality;
- (3) is the leader of a party carrying on its activities in the territory of the municipality;
- (4) is an election officer of the municipality or an employee of such an election officer;

- (5) is an officer or employee of the municipality;
- (6) is the Chief Electoral Officer or one of his officers.

**374.** The leader of a party shall designate the official representative of the party in writing. The official representative shall designate his delegate in the same manner, with the written approval of the leader of the party.

An independent candidate shall designate his official representative in writing. The designation of his official agent in the writing he files with his nomination paper constitutes the designation of his official representative.

**375.** An official representative may resign by transmitting a written notice to that effect to the Chief Electoral Officer and to the leader of the party or the independent candidate, as the case may be. A delegate may resign by transmitting a written notice to that effect to the Chief Electoral Officer and to the official representative.

The party or the independent candidate, as the case may be, shall give notice to the Chief Electoral Officer that the office of official representative or delegate is vacant where the vacancy is not caused by a resignation.

**376.** Where a party or independent candidate no longer has an official representative, another shall be designated without delay.

In the case of an authorized independent candidate, the new official representative and the new official agent shall be one and the same person.

**377.** A party or independent candidate which or who is authorized or whose application for authorization is pending shall without delay give notice in writing to the Chief Electoral Officer of any change of official representative or delegate. The notice shall be given by the person who is required to furnish the information for the updating of the register provided for in subdivision 7.

**378.** The Chief Electoral Officer shall publish in a newspaper circulated in the territory of the municipality a notice of the resignation or replacement of the official representative of an authorized party or independent candidate or of the delegate of an official representative.

§ 3.—*Authorization of party*

**379.** A party may apply for authorization if it fulfils one of the following conditions:

- (1) one of its candidates was elected at the last election;
- (2) it had candidates for at least one-third of the offices of councillor at the last general election;
- (3) it undertakes to present candidates for at least one-third of the offices of councillor at every future general election.

**380.** The leader of the party shall transmit to the Chief Electoral Officer a written application for authorization containing the following information:

- (1) the name of the party;
- (2) the address to which communications intended for the party should be sent;
- (3) the address where the books and accounts pertaining to the contributions the party will receive and the expenses it will incur are to be kept;
- (4) the name, address and telephone number of the leader of the party;
- (5) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (6) the address of the permanent office of the party, if any;
- (7) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates;
- (8) the condition fulfilled by the party to have the right to apply for authorization.

**381.** The Chief Electoral Officer shall grant authorization to a party which applies therefor in accordance with this division.

The Chief Electoral Officer shall 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 authorization is valid only in respect of the municipality mentioned in the application.

§ 4.—*Authorization of independent candidate*

**382.** The Chief Electoral Officer shall grant authorization to an independent candidate who makes a written application to him containing the following information:

- (1) his name, the address of his domicile and his telephone number;
- (2) the name of the municipality for whose council he is a candidate;
- (3) the address to which communications intended for him should be sent;
- (4) the address where the books and accounts pertaining to the contributions he will receive and the expenses he will incur are to be kept;
- (5) the name, address and telephone number of his official representative.

The authorization is valid only in respect of the municipality mentioned in the application.

**383.** The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.

After polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses and to dispose of his remaining sums and property for political, religious, scientific or charitable purposes.

Where a candidate withdraws, his authorization entitles his official representative, after his withdrawal, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before his withdrawal and to dispose, for the purposes mentioned in the second paragraph, of his sums and property remaining on the day of his withdrawal.

**384.** The authorization granted to an independent candidate expires on 31 December of the calendar year following that of polling day unless it is withdrawn before then.

The authorization of an independent candidate who was elected and who has not discharged all the debts arising from his election expenses by that date expires on the date of filing of the financial report showing that all the debts have been discharged.

§ 5.—*Withdrawal of authorization*

**385.** The Chief Electoral Officer may, upon the written application of the leader, withdraw the authorization of a party. He may, upon the written application of an independent candidate, withdraw the candidate's authorization.

The application shall be accompanied with a closing financial report for the period that has lapsed from the date of authorization or, as the case may be, from the preceding 31 December to the date of the application. In addition, the application shall be accompanied with the financial report for the preceding fiscal year where it has not been filed with the treasurer, and the auditor's certificate pertaining to it.

In no case may the Chief Electoral Officer withdraw the authorization of an independent candidate who has not fully discharged the debts arising from his election expenses.

**386.** The Chief Electoral Officer may withdraw the authorization of a party or independent candidate which or who does not furnish him with the information required for the purposes of the updating of the register provided for in subdivision 7, who contravenes Division IV or whose official representative contravenes Division VI.

**387.** The Chief Electoral Officer shall withdraw the authorization of a party which, without the required approval, changes its name so that it includes the word "independent" or is likely to mislead electors as to which party they are contributing to.

**388.** The Chief Electoral Officer shall withdraw the authorization of a party which, at the end of the period provided for filing nomination papers at a general election, presents candidates for less than one-third of the offices of councillor, or the number of whose candidates falls below that required minimum after that period but before the end of the polling period.

**389.** The Chief Electoral Officer shall withdraw the authorization of an independent candidate who dies.

**390.** The sums of money and the assets of a party which ceases to be authorized shall be turned over without delay to the Chief Electoral Officer by the persons holding them.

The party shall also send to the Chief Electoral Officer, within 60 days after the withdrawal of authorization,

(1) a closing financial report for the period that has lapsed from the date of authorization or, as the case may be, from the preceding 31 December to the date of the withdrawal of authorization, unless it has already been transmitted with the application for withdrawal;

(2) the financial report for the preceding fiscal year, where it has not been filed with the treasurer, and the auditor's certificate pertaining to it;

(3) a list of its creditors and the amounts owed to each.

Upon the request of the Chief Electoral Officer, the party shall also turn over to him any book, account or document relating to its financial affairs.

**391.** The Chief Electoral Officer shall liquidate the assets of the party.

He shall pay the debts of the party out of the sums turned over to him and the proceeds of the liquidation of its assets.

**392.** After payment of the debts, the balance, if any, shall be turned over to the treasurer for payment into the general fund of the municipality.

**393.** For the purposes of the liquidation of the assets of the party, the Chief Electoral Officer may open accounts in financial institutions having offices in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

**394.** Where the authorization of an independent candidate is withdrawn upon his application, the sums and assets remaining from those he obtained as a candidate shall be turned over without delay to the Chief Electoral Officer by the persons holding them. The Chief Electoral Officer shall liquidate the assets and turn over to the treasurer the proceeds of the liquidation and the sums that were turned over to him. The treasurer shall pay the proceeds and the sums into the general fund of the municipality.

Where an independent candidate otherwise ceases to be authorized, sections 390 to 393 apply, adapted as required.

§ 6.—*Merger of authorized parties*

**395.** The merger of authorized parties requires the authorization of the Chief Electoral Officer.

**396.** The application for authorization shall be made by means of a joint written application of the leaders of the parties, containing the following information:

- (1) the proposed date of merger;
- (2) the name of the party resulting from the merger;
- (3) the address to which communications intended for the party should be sent;
- (4) the address where the books and accounts pertaining to the contributions the party will receive and the expenses it will incur are to be kept;
- (5) the name, address and telephone number of the leader of the party;
- (6) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (7) the name of the auditor of the party;
- (8) the address of the permanent office of the party, if any;
- (9) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates.

The application shall be accompanied with a balance sheet of each of the applying parties at the date of the application.

**397.** Upon the request of the Chief Electoral Officer, each applying party shall turn over to him any book, account or document relating to its financial affairs.

Each applying party shall also, upon the request of the Chief Electoral Officer, cause its balance sheet to be audited by an auditor.

**398.** The Chief Electoral Officer shall grant authorization to merge to parties who apply therefor in accordance with this subdivision.

The Chief Electoral Officer shall refuse authorization where the name of the party resulting from the merger includes the word "independent" or is likely to mislead electors as to which party they are contributing to.

The Chief Electoral Officer shall also refuse authorization where he has reasonable grounds to believe that the party resulting from the merger would be unable to discharge its outstanding liabilities or that the book value of its assets would be less than its liabilities.

The authorization is valid only in respect of the municipality mentioned in the application.

**399.** The merger takes effect on the day authorization is granted by the Chief Electoral Officer or on any later date indicated in the application.

From the merger, the applying parties cease to exist and are replaced by the party resulting from the merger, which then succeeds to their rights and obligations.

**400.** Within 60 days after the merger, a financial report of each applying party for the period that has lapsed from the preceding 31 December to the date of the merger shall be sent to the Chief Electoral Officer.

Upon the request of the Chief Electoral Officer, the financial report shall be accompanied with a certificate of the auditor of the party.

**401.** The official representative of the party resulting from the merger shall, not later than 1 April of the calendar year immediately following that of the merger, file the financial report in accordance with Division VI for that part of the fiscal year that has lapsed since the merger.

The financial report of the party shall be accompanied with an opening balance-sheet at the date of the merger.

#### *§ 7.—Miscellaneous provisions*

**402.** The Chief Electoral Officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

**403.** Where the Chief Electoral Officer proposes to refuse or withdraw his authorization, he shall give the party or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

Every summons shall be made by registered or certified mail or by any other means considered valid by the Chief Electoral Officer.

The first and second paragraphs do not apply where the Chief Electoral Officer is required to withdraw the authorization or where the withdrawal of authorization is made upon the application of the independent candidate.

**404.** Upon granting or withdrawing his authorization, the Chief Electoral Officer shall give notice of it in a newspaper circulated in the territory of the municipality.

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

**405.** In respect of each municipality, the Chief Electoral Officer shall keep a register of the parties and independent candidates he has authorized, setting out the information contained in the applications for authorization and, in the case of a party, the name of its auditor.

**406.** An authorized party shall not change its name except with the authorization of the Chief Electoral Officer.

**407.** Every authorized party or independent candidate shall, without delay, furnish, in writing, the Chief Electoral Officer with the information required for updating the register.

The information shall be furnished by the official representative, the leader of the party or, as the case may be, the independent candidate. The information relating to the auditor and the delegates, however, shall be furnished by the official representative.

**408.** Where the leader of an authorized party resigns, he shall, without delay, inform the Chief Electoral Officer of his resignation, in writing.

**409.** The Chief Electoral Officer shall inform the treasurer of any change in the information contained in the register kept in respect of the municipality.

## DIVISION IV

CONTRIBUTIONS, EXPENSES  
AND LOANS§ 1.—*Contributions*

**410.** The following are contributions:

- (1) a donation of money to a party or to a candidate;
- (2) a service rendered or goods furnished to a party or to a candidate free of charge and for political purposes;
- (3) a sum disbursed by a candidate for payment of an election expense through his official agent or that of his party.

**411.** The following are not contributions:

- (1) volunteer work and the goods or services produced by such work;
- (2) anonymous donations collected at a meeting or demonstration held for political purposes;
- (3) amounts paid under any Act, including reimbursements provided for in this chapter;
- (4) a loan granted for political purposes, in accordance with subdivision 2, by an elector of the municipality or a financial institution having an office in Québec, at the current rate of interest in the market at the time it is granted;
- (5) suretyship contracted by an elector of the municipality;
- (6) an annual amount not in excess of \$25 paid by a natural person for membership in a party;
- (7) as the official representative elects, the entrance fee to an activity or demonstration of a political nature, where the fee is not in excess of \$50.

**412.** Only an elector of the municipality may make a contribution.

An elector shall make a contribution only in favour of a party or independent candidate holding an authorization that is valid in the municipality.

**413.** Every contribution shall be made by the elector himself and, except in the case of the performance of a service, out of his own property.

**414.** The total amount of contributions by the same elector during the same fiscal year shall not exceed \$500. The contributions may be distributed among several authorized parties or independent candidates.

Goods and services furnished to a party or candidate shall be assessed, if they are furnished by a merchant dealing in similar articles or services, at the lowest price at which he offers his goods or services to the public at the time they are furnished.

In other cases, goods and services shall be assessed at the lowest retail price at which they are offered to the public in the normal course of business in the regional market at the time they are furnished.

**415.** No contributions may be solicited except under the responsibility of the official representative or through persons designated in writing by the official representative.

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

**416.** No contribution may be made except to the official representative of the authorized party or independent candidate for which or for whom it is intended, or to the persons designated in writing by the official representative.

**417.** The person who receives the contribution shall issue a receipt to the contributor.

**418.** A delegate of the official representative of an authorized party has, for the electoral district for which he is appointed, the powers conferred on the official representative in respect of responsibility for soliciting contributions, of designating persons to do the soliciting and of receiving contributions.

**419.** Every contribution of money of over \$100 shall be made by cheque or other order of payment signed by the elector and drawn on his account in a financial institution having an office in Québec.

**420.** The cheque or order of payment shall be made payable to the order of the authorized party or independent candidate.



**421.** On being cashed, a contribution is deemed paid by the elector who made it and received by the party or candidate for which or for whom it is intended.

**422.** The contributions of money and the funds collected in accordance with this chapter shall be deposited with financial institutions having an office in Québec and chosen by the authorized party or independent candidate.

**423.** Every contribution made contrary to this chapter shall, as soon as the fact is known, be returned to the contributor where his identity is known; where it is not known, the contribution or the amount at which it is evaluated shall be turned over to the treasurer for payment into the general fund of the municipality.

**424.** The official representative of an authorized party or independent candidate more than 20% of whose income for a fiscal year is made up of anonymous donations collected at meetings or demonstrations held for political purposes shall, within 30 days after the filing of the financial report for that fiscal year, turn over to the treasurer an amount equal to the donations in excess of that percentage.

The treasurer shall pay the amount into the general fund of the municipality.

**425.** The treasurer, within twelve months after the transmission of the financial report, shall reimburse, to every elector who made contribution in accordance with this subdivision and whose name appears in the financial report or in the list of donors that accompanies it, an amount equal to 50% of his contribution or of the aggregate of his contributions, as the case may be, up to \$140.

The treasurer may deduct the amount of the reimbursement from that of the taxes, compensations or other debts payable by the elector to the municipality during the period contemplated in the first paragraph.

**426.** Outside an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other printed matter may, without its constituting a contribution, 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 all the authorized parties in the municipality.

The Chief Electoral Officer shall verify the legality of services rendered under this section.

§ 2.—*Expenses and loans*

**427.** The expenses of an authorized party or independent candidate may be incurred only by the official representative or by a person designated by him in writing for that purpose.

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

**428.** A delegate of the official representative of an authorized party has, in the electoral district for which he is appointed, the power to incur expenses and designate persons to incur expenses conferred upon the official representative.

**429.** The official representative of an authorized party shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

**430.** Only the official representative of an authorized party or independent candidate may contract a loan.

**431.** 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.

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

DIVISION V

ELECTION EXPENSES

§ 1.—*Interpretation*

**433.** For the purposes of this division, the word “candidate” includes any person who subsequently becomes or proposes to become a candidate.

**434.** All costs incurred during an election period to

(1) promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;

(2) propagate or oppose the program or policy of a candidate or party;

(3) approve or disapprove the steps recommended or opposed by a candidate or party; or

(4) approve or disapprove any act done or proposed by a party, a candidate or their supporters,

are election expenses.

**435.** Costs incurred before an election period for the purchase or production of any literature, object, advertising material or radio or television program used or broadcast during the election period for the purposes contemplated in section 434 also are election expenses.

The official agent who has authorized the use or broadcast is deemed to have incurred the expenses during the election period.

The expenses shall be accounted for according to a method based on the frequency of use or broadcast during the election period compared to the frequency of use or broadcast before and during the election period.

**436.** The following are not election expenses:

(1) the cost of publishing in a newspaper, periodical or other printed matter of articles, 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, periodical or other printed matter is not established for the purposes or in view of the election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) the cost of transmission by a radio or television station of a broadcast of news or commentary, provided that such broadcast is 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 for the selection of a candidate, which includes the cost of renting a hall, convening the delegates and publicity made at the convention, but shall not include the cost of any other form of publicity nor exceed \$2 250 in the case

of a candidate for the office of mayor or \$750 in the case of a candidate for the office of councillor;

(4) the reasonable expenses of a candidate attending a convention for the selection of a candidate, which include the cost of the publicity made by the candidate at the convention but shall exclude the cost of any other form of publicity;

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

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

(7) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(8) the reasonable costs usually incurred for the current operation of the permanent office of the party whose address is entered in the register of the Chief Electoral Officer;

(9) interest accrued from the beginning of the election period to the ninety days after polling day, on any loan lawfully granted to an official representative for election expenses unless the official agent has paid the interest and declared it as an election expense in his return of election expenses.

### *§ 2.—Rules applicable to election expenses*

**437.** Every authorized party wishing to incur election expenses shall have an official agent.

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

The leader of the party shall inform the treasurer of the name of its official agent.

**438.** Every independent candidate shall have an official agent whom he shall designate in the writing filed with his nomination paper.

If his official agent dies, resigns or refuses or is unable to act, the candidate shall appoint another immediately by means of a writing which he shall sign and send to the returning officer.

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

The returning officer shall, without delay, inform the treasurer of every appointment and replacement of an official agent.

**439.** From the beginning of the election period, the treasurer shall post up in the office of the municipality a list of the official agents of the parties and independent candidates.

He shall keep the list up to date throughout the election period.

The Chief Electoral Officer shall be notified of every resignation or replacement of an official agent and of any vacancy in the office of official agent.

**440.** The official agent of an authorized party may, with the approval of the leader of the party, appoint the required number of deputies and authorize them to incur or authorize election expenses up to the amount fixed by him in their deed of appointment. That amount may be changed in writing by the official agent before he files his return of election expenses. However, the official agent shall not reduce that amount below the amount of the election expenses already legally incurred or authorized by a deputy.

All election expenses incurred or authorized by a deputy, up to the fixed amount, are deemed to have been incurred or authorized by the official agent.

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

**441.** No person who

- (1) is not an elector of the municipality;
- (2) is a candidate for the office of member of the council of the municipality;
- (3) is the leader of a party carrying on its activities in the territory of the municipality;
- (4) is an election officer of the municipality or the employee of such an election officer;
- (5) is an officer or employee of the municipality; or

(6) is the Chief Electoral Officer or one of his officers  
may be an official agent or deputy.

**442.** 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 in writing by the official agent, before he files his return of election expenses. However, the official agent shall not reduce the amount below the amount of the election expenses already legally incurred or ordered by the advertising agency.

The advertising agency shall furnish to the official agent, within 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.

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

**444.** Sums of money held in accordance with Division IV by an authorized party or independent candidate are the only funds that may be paid into the election fund put at the disposal of an official agent.

The official agent shall deposit the sums paid into the election fund put at his disposal in an account in a financial institution having an office in Québec. The account shall be distinct from that of the official representative.

**445.** During the election period, only the official agent of an authorized candidate or party or his deputy may incur or authorize election expenses, subject to the powers of the advertising agency authorized by the official agent to incur or order election expenses.

**446.** No literature, object or advertising material or radio or television program for the purchase or production of which costs were incurred before the election period may be used during that period, for the purposes contemplated in section 434, except by the official agent of an authorized independent candidate or party or his deputy, or with his authorization.

**447.** No person may accept or execute an order for election expenses not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case.

**448.** No person shall claim or receive for work or the furnishing of goods for the purposes contemplated in section 434 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 price.

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.

**449.** A candidate may himself pay personal expenses that constitute election expenses that he incurred on the occasion of an election, up to the amount of \$450, provided they do not include any publicity.

The expenses that a candidate may pay under this section shall form part of his election expenses.

The candidate shall send an itemized statement of his personal expenses to his official agent or to that of his party, as the case may be.

**450.** The official agent of an authorized party may, so long as no candidate of the party has filed his nomination paper for an office and before the expiry of the period provided for the filing of nomination papers, authorize election expenses attributable to a possible party candidate for that office up to the amount of \$2 250 for the office of mayor and \$750 for the office of councillor.

Where the party presents no candidate for the office contemplated in the first paragraph, the election expenses are attributable to the party candidate for the office of mayor or, failing such a candidate, to each of its candidates for the office of councillor, in equal shares.

Where the party presents no candidates whatever, the election expenses shall be shown as election expenses of the party in its financial report.

**451.** Any literature, object or advertising material relating to an election shall bear the name and address of its printer and the name and title of the official agent or deputy who caused it to be produced.

Any advertisement relating to an election published in a newspaper or other publication shall mention the name and title of the official agent or deputy who caused it to be published.

In the case of radio or television advertisement relating to an election, the name and title of the official agent or deputy, as the case

may be, shall be mentioned at the beginning or at the end of the advertisement.

Everything that constitutes an election expense shall be considered to relate to an election.

**452.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other printed matter may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to the leaders of the authorized parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office or to all the leaders of authorized parties in the municipality.

The Chief Electoral Officer shall verify the legality of services rendered under this section.

**453.** Every payment of election expenses shall be justified by an invoice giving the name and address of the supplier, the date the expense was incurred and the amount.

Every payment of election expenses amounting to \$35 or more shall be justified by an itemized invoice. An itemized invoice shall provide, in addition to the information contemplated in the first paragraph, all the particulars required for auditing each item of goods or services and the rate or unit price used for computing the amount.

**454.** Every person to whom an amount is due for election expenses shall present his claim to the official agent not later than 60 days after polling day.

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

No claim presented after the expiry of the time limit may be paid by the official agent or, as the case may be, by the leader of the party or the independent candidate. The claim shall in that case be forwarded to the treasurer not later than 120 days after the expiry of the time limit, failing which the claim is prescribed.

**455.** Election expenses incurred by an independent candidate for the office of mayor or by a party in behalf of its candidate for the office of mayor shall be limited so as to never exceed, during an election, the amount of \$4 500, plus



(1) \$0.35 per elector for the number of electors in the whole municipality from 1 001 to 20 000;

(2) \$0.60 per elector for the number of electors in the whole municipality from 20 001 to 100 000;

(3) \$0.45 per elector for the number of electors in the whole municipality beyond 100 000.

**456.** The election expenses incurred by an independent candidate for the office of councillor, or by a party in behalf of its candidate for the office of councillor in each electoral district, shall be limited so as never to exceed, during an election, the amount of \$2 250, plus \$0.35 per elector for the number of electors in the district beyond 1 000.

**457.** For the purposes of sections 455 and 456, an elector is a person registered on the list of electors of the municipality or electoral district, as the case may be.

The number of electors used shall be that based on the unrevised list or that based on the revised list, whichever is higher.

**458.** For the purposes of section 456, a co-candidate and the candidate with whom he is associated shall be considered to be a single candidate.

### § 3.—*Reimbursement of election expenses*

**459.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 50% of the election expenses incurred and paid in accordance with this division by a party for its candidate for the office of mayor and for each of its candidates for the office of councillor, if the candidate is elected or obtains at least 20% of the votes cast at the election for the office in question.

**460.** The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 50% of the election expenses incurred and paid in accordance with this division by an independent candidate who is elected or obtains at least 20% of the votes cast at the election for the office in question.

The amount of the reimbursement shall not exceed the amount of the debts arising from the candidate's election expenses.

**461.** No reimbursement shall be made until the return of election expenses of the party or independent candidate has been filed.

**462.** Reimbursement of the election expenses of a party shall be made to its official representative.

Reimbursement of the election expenses of an independent candidate shall be made jointly to the candidate and to his official representative.

## DIVISION VI

### REPORTS, RETURNS AND AUDIT

#### § 1.—*Financial report*

**463.** The official representative of every authorized party shall, not later than 1 April each year, file with the treasurer a financial report for the preceding fiscal year containing a balance sheet, a statement of revenues and expenditures, and a statement of changes in the financial position of the party, prepared in accordance with generally recognized accounting principles.

Where 1 April is during an election period, the financial report shall be filed not later than 90 days after polling day.

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

(1) the total amount of the anonymous donations collected at meetings or demonstrations held for political purposes and the nature, place and date of the meetings or demonstrations;

(2) the total amount and the number of contributions of \$100 or less;

(3) the total sum and the number of amounts of \$25 or less collected from natural persons as dues of membership in the party;

(4) the total sum of and the number of amounts of \$50 or less collected 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 and the number of contributions of over \$100.

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

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

(2) the total value of services rendered and goods furnished to the party free of charge and for political purposes;

(3) the name and full address of each elector who has paid to the party one or more contributions for a total amount of over \$100 and, for each, the amount of his contribution or the total amount of his contributions;

(4) the name and full address of each elector who became surety for a loan of the party and the amount for which he became surety;

(5) a detailed statement of the amounts borrowed for political purposes from an elector in the municipality or a financial institution having an office in Québec, at the current rate of interest on the market when the loan was granted, and in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in principal and interest.

**466.** The official representative shall file with the financial report a list containing the name and full address of each elector who made one or several contributions to the party during the fiscal period covered by the report amounting to not over \$100 in aggregate and, for each elector, the amount of his contribution or the total amount of his contributions.

The list shall be drawn up by the official representative and kept by the treasurer in such a manner that no third person examining it can identify the beneficiary of the contributions.

**467.** No financial report shall be deemed filed with the treasurer unless it is accompanied with the certificate of the auditor of the party.

**468.** The official representative of the party shall, for two years from the date of filing of the financial report, keep the receipts issued for contributions received.

The receipts shall be turned over to the treasurer on request, notwithstanding the first paragraph.

**469.** The official representative of an independent candidate shall, not later than 90 days after polling day, file a financial report with the treasurer.

The report shall contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the statement of developments in its financial position, and

shall be accompanied with the list of donors and a copy of every receipt issued for contributions received during the period covered by the report.

The financial report shall be filed at the same time as the candidate's return of election expenses.

**470.** Where, after the filing of his return of election expenses, an authorized independent candidate still has debts arising from his election expenses or his official representative is in possession of sums or property derived from his election fund, the official representative shall file a financial report with the treasurer not later than 1 April of the year immediately following each fiscal year in which the candidate remained authorized after the filing of his return of election expenses.

The report shall contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the statement of developments in its financial position, and shall be accompanied with the list of donors and a copy of every receipt issued for contributions received during the period covered by the report.

**471.** The Chief Electoral Officer shall transmit to the treasurer a copy of every financial report submitted to him with an application for withdrawal of authorization or with a joint application for authorization to merge.

## § 2. — *Auditor of party*

**472.** The official representative of every authorized party, with the written authorization of the leader of the party, shall appoint an auditor from among the persons having a legal right to practise public auditing in Québec.

He shall inform the treasurer and the Chief Electoral Officer of the appointment within 30 days after the date on which the party obtains its authorization.

**473.** The following persons shall not be auditors of a party:

- (1) the Chief Electoral Officer;
- (2) officers or employees of the municipality;
- (3) members of the Parliament of Québec or of the Parliament of Canada;

(4) official agents or representatives of parties carrying on their activities in the territory of the municipality or of independent candidates for the office of member of the council of the municipality;

(5) candidates for the office of member of the council of the municipality at the last general election, any subsequent by-election or the current election;

(6) the auditor of the municipality;

(7) election officers of the municipality.

The first paragraph also applies to the partners and the members of the personnel of the persons contemplated therein.

**474.** The official representative, with the written authorization of the leader of the party, shall appoint a substitute for the auditor upon the latter's ceasing to hold his position.

The official representative shall immediately inform the treasurer and the Chief Electoral Officer of the appointment.

**475.** The auditor shall examine the financial report of the party and issue a certificate attesting, where such is the case, that according to the collation of the vouchers and bank deposits of the party,

(1) the report 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 Chief Electoral Officer in that regard.

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

**477.** The treasurer shall reimburse the party, out of the general fund of the municipality, the cost incurred for the audit of its financial report, up to the amount of

(1) \$1 000 in the case of a municipality having a population of less than 50 000;

(2) \$1 500 in the case of a municipality having a population of more than 50 000 but less than 100 000;

(3) \$3 000 in the case of a municipality having a population of 100 000 or more.

**478.** Where the Chief Electoral Officer requires the audit of a balance sheet submitted with a joint application for authorization to merge or of a financial report submitted after a merger, he shall reimburse the cost incurred for the audit up to the amount provided in section 477.

Where the Chief Electoral Officer decides to cause the audit of a closing financial report, he shall appoint the auditor and pay the cost of the audit himself.

### *§ 3.—Return of election expenses*

**479.** The official agent of every authorized party or independent candidate shall, not later than 90 days after polling day, file a return of election expenses with the treasurer.

The return shall be accompanied with a written statement by the official agent, supported by his oath or solemn affirmation, attesting the accuracy of the return.

The return shall also be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.

Where the official agent has appointed deputies, the return shall be accompanied with their deeds of appointment and any modification thereto.

In the case of an independent candidate, the return shall be filed at the same time as his financial report.

**480.** In addition to election expenses, the official agent shall indicate in the return the source of the sums paid into the election fund put at his disposal.

**481.** The return of election expenses shall be accompanied with an itemized statement indicating the creditors who have omitted to file their claims not later than 60 days after polling day, and for each claim, the amount claimed and the date on which the goods or services were furnished.

The statement shall be accompanied with a cheque drawn on the election fund and made to the order of the treasurer for the amount of the claims.

**482.** The sums turned over to the treasurer to cover the total amount of the claims shall be kept by him in a trust account.

**483.** The treasurer shall discharge, out of the sums turned over to him, every claim filed by the creditors of the party or independent candidate not later than 180 days after polling day.

**484.** Where a creditor files his claim with the treasurer within the prescribed time and the balance of the sums is insufficient to discharge the claim, the treasurer shall give notice of that fact without delay to the official agent, who may contest the claim.

If the official agent does not contest the claim, the official representative of the party or independent candidate shall forward to the treasurer the necessary additional sum to enable him to discharge the claim.

**485.** Where no contestation is pending in respect of a claim against the party or independent candidate one hundred and eighty days after polling day, the treasurer shall pay into the general fund of the municipality any balance remaining from the sums turned over to him by the party or candidate.

Otherwise, the treasurer shall turn any balance over to the official representative.

**486.** Before filing his return of election expenses, the official agent shall discharge every claim received not later than 60 days after polling day, except any claim he contests.

The official agent shall indicate in his return of election expenses any claim he contests.

**487.** In no case may an official agent, a party leader or an independent independent candidate pay a contested claim.

Only the official representative may pay the claim in execution of a judgment of a competent court in favour of the creditor after the hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

The treasurer, where no party or independent candidate objects, may authorize the official representative to pay a contested claim if the refusal or failure to pay results from a bona fide error.

**488.** Every payment made by the official representative after the filing of the return of election expenses, following a notice given by the treasurer under section 484, an authorization given by him under section 487 or a judgment rendered in respect of a contested claim, entails an automatic correction of the return of election expenses.

**489.** On filing his return of election expenses, the official agent of an authorized party shall turn over the sums or property remaining in his election fund to the official representative of the party.

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

**490.** The balance of the sums derived from the election fund of an authorized independent candidate, at 31 December of the calendar year immediately following that of polling day, shall be turned over to the treasurer for payment into the general fund of the municipality.

At the date indicated in the first paragraph, the independent candidate is required to have discharged, in accordance with this chapter, all the debts arising from his election expenses.

**491.** Not later than 30 days after the expiry of the prescribed time for filing returns of election expenses, the treasurer shall publish a summary of every return received in a newspaper circulated in the territory of the municipality.

The summary shall be accompanied with a notice of the date of receipt of each return and the accompanying documents and of the fact that the public has access to them.

#### *§ 4.—Access to reports and returns*

**492.** The public shall have access to the reports, returns and documents filed with the treasurer upon their receipt; they shall form part of the documents of the municipality in custody of the treasurer.

Any person may examine the reports, returns and documents during office hours; the treasurer shall issue copies to anyone applying therefor, on payment of the fees payable pursuant to the tariff in force for the issue of copies of documents in custody of the treasurer.

The treasurer shall, without delay, transmit a copy of the reports, returns and documents to the Chief Electoral Officer, unless they were transmitted to him by the Chief Electoral Officer.



The first three paragraphs do not apply to receipts issued for contributions of \$100 or less.

**493.** After the expiry of one year following the receipt of the invoices, receipts and other vouchers, the treasurer may, on request, return them to the party or the independent candidate.

Failing such a request, the treasurer may destroy them.

### § 5.—*Sanctions*

**494.** Where the financial report or return of election expenses of a party is not filed within the prescribed time, the leader of the party loses the right to sit on the council of the municipality from ten days after the expiry of the time limit until the report or return is filed.

Where the leader of the party is not a member of the council, the person who was the party candidate for the office of mayor at the last election loses the right to sit on the council pursuant to the first paragraph; where that person is not a member of the council either, the person who loses the right to sit on the council is the member of the council who, at the last election, was the party candidate for the office of councillor of the electoral district on whose list of electors the greatest number of electors were then registered.

Where the party no longer exists, the leader contemplated in the first paragraph is the last holder of the position of leader of the party.

**495.** Where the financial report or return of election expenses of an independent candidate is not filed within the prescribed time and where the candidate is a member of the council of the municipality, he loses his right to sit on the council from ten days after the expiry of the time limit until the report or return is filed.

**496.** The loss of the right to sit on the council of the municipality entails the loss of the right to sit

- (1) on any committee or commission of the municipality;
- (2) on the council and on any committee or commission of the regional county municipality, of the urban or regional community or of an intermunicipal board;
- (3) on any other council, committee, commission or public body of which the person is a member because he is a member of the council of the municipality, of the regional county municipality, of the urban or regional community or of an intermunicipal board.

**497.** Where the treasurer has failed to receive the report or return at the expiry of the prescribed time for filing, he shall immediately notify the person liable to lose his right to sit of the fact of that failure and of its effects.

**498.** A judge may, by order, on a motion made before the person loses his right to sit, allow him to continue to sit for an additional period of not more than 30 days.

**499.** On proof that the failure to file the report or return is due to the absence, death, illness or misconduct of the official representative or official agent or to any other reasonable cause, the judge may make any order he considers necessary to enable the applicant to obtain all the information and documents necessary to prepare the report or return and grant such extension of time as the circumstances may require.

Failure to comply with an order made under this section shall be punishable in the same manner as failure to appear to testify before the court.

**500.** If a report or return contains any error, the independent candidate or party leader may obtain permission from a judge to correct the error on establishing that it was made through inadvertence.

The treasurer may of his own initiative allow the error to be corrected where the correction is not contested by a party or independent candidate.

**501.** The judge having jurisdiction to decide a motion under sections 498 to 500 is the judge of the Provincial Court of the judicial district where all or part of the territory of the municipality is situated.

No motion made under sections 498 to 500 may be heard unless notice of at least three clear days is given by the applicant to the treasurer, to every candidate for the office involved at the last election and, where the applicant is a party leader, to the leader of every other authorized party.

**502.** An independent candidate who is elected and who, at 31 December of the calendar year immediately following that of polling day has not discharged all the debts arising from his election expenses, loses the right to sit on the council of the municipality from that date until he has discharged all his debts and filed a financial report showing that he has done so.

The candidate's loss of his right to sit on the council of the municipality entails the loss of his right to sit on the councils, committees, commissions and bodies contemplated in section 496.

**503.** Immediately upon a person's losing his right to sit on the council of the municipality, the treasurer shall inform the regional county municipality, the urban or regional community, the intermunicipal board or any other body on which he is no longer entitled to sit.

The treasurer shall also immediately notify the body concerned when the person recovers his right to sit.

**504.** A person who loses the right to sit consequently loses the right to receive the remuneration or allowance provided for each sitting he cannot attend.

Where the remuneration or allowance is not established for each sitting, 1% shall be deducted from the annual amount for each sitting the person cannot attend.

#### § 6.—*Treasurer's report*

**505.** The treasurer shall, not later than 30 September of each year, table before the council of the municipality a report of his activities under this chapter for the preceding fiscal year.

## TITLE II

### MUNICIPAL REFERENDUMS

#### CHAPTER I

##### INTERPRETATION AND SCOPE

**506.** For the purposes of this title,

(1) "date of reference" means

(a) the date of passage of the by-law, resolution or ordinance submitted to a referendum;

(b) in the case of an annexation, the day the municipality whose territory is concerned receives the by-law of the annexing municipality;

(c) in the case of a grouping of municipalities, the date of the final publication of the notice contemplated in section 6 of the Act to promote

the regrouping of municipalities (R.S.Q., chapter R-19) or, if no joint petition has been presented, the date of the order of the Minister of Municipal Affairs contemplated in section 12 of the said Act;

(2) “zone concerned” or “precinct concerned” means any zone or precinct in the territory of the municipality which, according to the provision under which the referendum is held, is the only zone or precinct in which persons are entitled to express their opinion.

**507.** This Title applies to all municipalities except the Northern, Cree or Naskapi village municipalities.

This Title applies to regional county municipalities to the extent that they act as local municipalities in respect of territory that is not territory of a local municipality or that is territory of a local municipality which does not yet have a council.

**508.** This Title governs the consultative referendums contemplated in Chapter II and all referendums held pursuant to a general law or special Act which consist in the submission of a municipal by-law, resolution or ordinance to the qualified electors of the municipality or of another municipality for approval where that approval is a prerequisite to the passage or putting into force of the by-law, resolution or ordinance.

This Title also governs every referendum of qualified electors which, under the Act providing therefor, shall be conducted in accordance with this Title.

## CHAPTER II

### CONSULTATIVE REFERENDUMS

**509.** For the purposes of consultation, the council of any municipality may submit any question within its competence to the qualified electors or to those of that part of the territory concerned by the question.

The question shall be formulated in such a manner as to require “yes” or “no” as the answer; it shall be defined by a resolution which, for the purposes of this Title, is deemed to be the subject of the referendum.

## CHAPTER III

## QUALIFIED VOTERS

**510.** A person is a qualified voter of the municipality or, as the case may be, of the zone or precinct concerned, if, on the date of reference, he fulfils one of the following requirements:

(1) he is domiciled in the territory of the municipality or, as the case may be, in the zone or precinct concerned, within the meaning of the Election Act (1984, chapter 51);

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

(3) he is the occupant of a place of business situated in the territory or, as the case may be, in the zone or precinct, within the meaning of the Act respecting municipal taxation.

A natural person shall also be, on the date of reference, of full age and a Canadian citizen, and he shall not be interdicted, nor under close treatment pursuant to the Mental Patients Protection Act (R.S.Q., chapter P-41) nor under the jurisdiction of the public curator nor under any disqualification to vote contemplated in this Act.

Where the municipality requires the persons benefiting from works to reimburse a loan ordered to pay the cost of the works or the professional fees related to them, only the persons contemplated in the first two paragraphs who benefit from the works are qualified voters in respect of the loan unless the reimbursement of the loan is also payable by the municipality to the extent of over 25%.

**511.** To exercise his right to vote, a qualified voter shall be registered on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned.

**512.** Every qualified voter of the municipality or, as the case may be, of the zone or precinct concerned, is entitled to be registered on the referendum list.

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

Co-owners or co-occupants shall designate, from among themselves, a qualified voter of the municipality or, as the case may be, of the zone or precinct concerned by means of a power of attorney signed by a majority of them.

The power of attorney shall remain valid until it is replaced.

Not later than ten days after the date of reference, the clerk or the secretary-treasurer shall give a public notice reproducing the text of the first three paragraphs and inviting the co-owners and co-occupants who wish to make a first designation or replace the existing designation to send him the power of attorney within the time he may fix. The designated person is entitled to be registered upon receipt of the power of attorney by the clerk or secretary-treasurer.

**514.** Every legal person qualified to vote shall exercise its rights under this Title through one of its members, administrators or employees designated by it for that purpose by resolution.

The person designated shall, on the date of reference, be of full age and a Canadian citizen, and shall not be interdicted, nor under close treatment pursuant to the Mental Patients Protection Act nor under the jurisdiction of the public curator nor under any disqualification to vote contemplated in this Act.

The resolution shall remain valid until it is replaced.

The name of the person designated shall be placed, where that is the case, next to that of the legal person on the referendum list.

Not later than ten days after the date of reference, the clerk or the secretary-treasurer shall give a public notice reproducing the text of the first three paragraphs and inviting the legal persons who wish to make a first designation or replace the existing designation to send him the resolution within the time limit he may fix. The designated person is entitled to be registered upon receipt of the resolution by the clerk or secretary-treasurer.

**515.** No person may be registered in more than one place on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned.

Notwithstanding the first paragraph, any qualified voter designated by co-owners or co-occupants may be registered in respect of each immovable or place of business for which he is designated.

The same rule, adapted as required, applies to any person designated by a legal person.

**516.** In addition to being registered following a designation, as the case may be, a person who is a qualified voter of the municipality or, as the case may be, of the zone or precinct concerned, in several capacities, shall be registered in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the owner of an immovable owned by fewer than three owners;
- (3) as the occupant of a place of business occupied by fewer than three occupants.

Where several immovables are contemplated in subparagraph 2 of the first paragraph, the immovable with the highest value according to the real estate assessment roll shall be considered. Where several places of business are contemplated in subparagraph 3 of the said paragraph, the place of business with the highest value according to the roll of rental values or, failing such a roll, according to the judgment of the clerk or secretary-treasurer, shall be considered.

## CHAPTER IV

### PROCEDURE OF REGISTRATION OF QUALIFIED VOTERS

**517.** The registration procedure applies to all referendums other than consultative referendums to determine whether a referendum poll shall be held.

Notwithstanding the foregoing, the procedure does not apply if, pursuant to the Act that provides for the referendum, a referendum poll shall be held.

Nor does the procedure apply if all the qualified voters entitled to be registered on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned waive the holding of a referendum poll by filing with the clerk or the secretary-treasurer a notice to that effect bearing their signatures before the day the register opens for registrations. In such a case, the by-law, resolution or ordinance being the subject of the referendum is considered approved by the qualified voters and the clerk or the secretary-treasurer shall inform the council thereof at the next sitting.

**518.** Any qualified voter of the municipality or, as the case may be, of the zone or precinct concerned may indicate that he wishes that a referendum poll be held by entering his name, address and qualification in a register open for that purpose and affixing his signature opposite them.

The address of a qualified voter shall be, according to his qualification to be registered on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned, the immovable number of his domicile, the number of the immovable owned by him or of the place of business of which he is the occupant. The number of the immovable shall include the number of the apartment or room, if any. If the immovable has no number, the cadastral number shall be used.

**519.** A qualified voter may make the number of applications for a referendum poll corresponding to the number of times he is entitled to be registered on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned.

**520.** The clerk or secretary-treasurer shall determine the days and places where the register shall be open for registration of qualified voters.

The register shall be open for two consecutive days that are not holidays, comprised in the thirty-day period after the date of reference. The register shall be open for registration on those days from 9 A.M. to 7 P.M., without interruption.

**521.** Not later than five days before the day the register opens for registration, the clerk or the secretary-treasurer shall give a public notice to the qualified voters of the municipality or, as the case may be, of the zone or precinct concerned.

The heading of the notice shall clearly identify the groups of persons to whom the notice is addressed. If the notice is addressed to the qualified voters of the zone or precinct concerned, the heading shall include a summary description of the zone or precinct.

The notice shall set out

(1) the number, title, object and date of passage of the by-law, resolution or ordinance submitted to the referendum;

(2) the right of every person to whom it is addressed to demand that the by-law, resolution or ordinance be submitted to a referendum



poll by entering his name, address and quality, together with his signature, in a register open for that purpose;

(3) the number of demands required in order to hold a referendum poll;

(4) the fact that if the required number of demands is not attained, the by-law, resolution or ordinance will be deemed to be approved by the qualified voters;

(5) the right of any person to examine the by-law, resolution or ordinance at the office of the municipality during regular office hours and during the hours the register is open for registration, if that is where it is kept;

(6) the place, dates and hours the register is open for registration;

(7) the place, date and time the results of the registration proceedings will be announced.

Where the by-law, resolution or ordinance submitted to the referendum is a loan by-law, resolution or ordinance, the notice shall also indicate the amount of the proposed loan and the intended use of the sums proposed to be borrowed.

Where the notice is addressed to the qualified voters of the zone or precinct concerned, it shall illustrate the perimeter of the zone or precinct by means of a diagram and clearly describe it by using the names of thoroughfares wherever possible.

**522.** Where it is necessary to hold the registration proceedings in respect of several by-laws, resolutions or ordinances simultaneously, they shall not exceed five in number and each shall be the subject of a separate notice and separate register.

Notwithstanding the foregoing, the clerk or secretary-treasurer may publish a single notice concerning all the by-laws, resolutions and ordinances in respect of which the qualified voters are the same.

**523.** The clerk or secretary-treasurer is the person in charge of the register unless another person is specially designated by him for that purpose.

Before taking office, the designated person shall swear or solemnly affirm that he will perform his duties according to law.

The clerk or the secretary-treasurer shall make the designations if he establishes several places where the register is open for registration.

**524.** While the register is open for registration, the person in charge of it shall keep it under his supervision at all times.

The clerk or the secretary-treasurer may, however, specially designate an assistant to the person in charge of the register to replace him when he is temporarily absent and assist him in performing his duties. Before taking office, the assistant shall swear or solemnly affirm that he will perform his duties according to law.

**525.** The text of the by-law, resolution or ordinance and of the notice of convocation shall accompany the register and be posted up at the place where the register is open for registrations.

**526.** Qualified voters shall make and sign their entries in the register, in the order they present themselves to do so.

**527.** On presenting himself to make his entries in the register a person shall state his name, address and qualification to the person in charge of the register.

After ascertaining that the person is a qualified voter, the person in charge of the register shall give him access to the register.

**528.** The clerk or the secretary-treasurer may draw up a list of the qualified voters from any referendum list or list of electors, any real estate assessment roll, roll of rental values, or collection roll or any other document he considers appropriate.

Even where a person's name is not entered on any of the documents contemplated in the first paragraph, the person may be allowed to make his entries in the register if he proves to the person in charge of the register that he is a qualified voter of the municipality or, as the case may be, of the zone or precinct concerned.

**529.** The person in charge of the register may require any person who presents himself to make his entries in the register to state under oath or solemn affirmation that he is a qualified voter of the municipality or, as the case may be, of the zone or precinct concerned.

**530.** Each person admitted to make his entries shall do so without undue delay, failing which the person in charge of the register may require him to make way for access to the register whether or not he has completed his entries.

**531.** The clerk or the secretary-treasurer has, during the days of registration, the powers of a returning officer relating to keeping order.

**532.** No person shall, in the place where the register is open for registration, use any sign to show his support for or opposition to a referendum poll or an affirmative or negative answer to a question that would be submitted to such a poll or engage in any other form of advertisement to the same effect.

**533.** Every person who performs duties under this chapter is entitled to receive remuneration or an expense allowance from the municipality in respect thereof.

The council of the municipality may, by by-law, establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs if it fixes a lower remuneration or allowance than that established by the Minister pursuant to Title III.

Every person contemplated in the first paragraph is entitled to the remuneration or allowance fixed in the tariff established by the Minister if the municipality has failed to establish its own or has failed to fix the remuneration or allowance of that person.

**534.** One demand to hold a referendum poll shall be counted for each qualified voter having made his entries according to law and who is entitled to registration on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned.

Where a qualified voter is entitled to be registered on the list more than once, one demand shall be counted for each registration of his name according to law.

**535.** Unless the by-law, resolution or ordinance is withdrawn, a referendum poll shall be held where, at the end of the period for registration, the applications reach one of the following numbers:

(1) the number equal to 50% of the qualified voters where there are 25 or fewer;

(2) the number obtained by adding 13 to the number equal to 10% of the qualified voters exceeding the first 25 qualified voters where there are over 25 but under 5 000;

(3) 500, where the number of qualified voters is 5 000 or over.

Where the result of the computation under the first paragraph is a number including a fraction, the fraction is counted as a unit.

For the purposes of the first paragraph, qualified voters are persons entitled to be registered on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned. Unless the clerk or the secretary- treasurer has the list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and places of business situated in the territory of the municipality or, as the case may be, in the zone or precinct concerned.

The first paragraph applies subject to any provision of any other Act providing for the referendum.

**536.** The by-law, resolution or ordinance being the subject of the referendum shall be considered approved by the qualified voters where, at the end of the period for registration, the number of applications is lower than the number required to cause the holding of a referendum poll.

**537.** The register shall form part of the records of the municipality.

Personal information entered in the register shall be public.

**538.** As soon as possible after the end of the period for registration, the clerk or the secretary-treasurer shall draw up a certificate establishing

- (1) the number of qualified voters;
- (2) the number of demands required for holding a referendum poll;
- (3) the number of demands made;
- (4) the fact that the by-law, resolution or ordinance is considered approved by the qualified voters or that a referendum poll shall be held, as the case may be.

**539.** As soon as possible after the certificate is drawn up, the clerk or the secretary-treasurer shall read it publicly at the place where the sittings of the council of the municipality are held or at any other place determined by the clerk or the secretary-treasurer.

**540.** The clerk or the secretary-treasurer shall table the certificate before the council at its next sitting.

**541.** The council shall fix the date of the referendum poll, in accordance with Chapter VI, not later than at its next sitting after the sitting at which the certificate is tabled, except where the by-law, resolution or ordinance is withdrawn.

**542.** The council may, by resolution, withdraw the by-law, resolution or ordinance until publication of the notice of the referendum poll.

Within eight days of the withdrawal, the clerk or the secretary-treasurer shall inform the persons concerned by a public notice.

## CHAPTER V

### REFERENDUM LIST

**543.** The clerk or the secretary-treasurer shall prepare the referendum list of the municipality or, as the case may be, of the zone or precinct concerned after the day on which the date of the referendum poll is determined and not later than twenty-six days before that date.

The clerk or the secretary-treasurer is under no obligation to draw up a referendum list if a referendum list drawn up in relation to a date of reference that precedes the date of reference applicable to the referendum concerned by less than ninety days is already in force in the municipality or, as the case may be, in the zone or precinct concerned. The clerk or the secretary-treasurer shall deposit the referendum list already in force in the office of the municipality not later than twenty-six days before the day fixed for the referendum poll.

**544.** Division II of Chapter VI of Title I applies, adapted as required, and so far as it is consistent with this chapter, to the preparation, revision and coming into force of the referendum list of the municipality or, as the case may be, of the zone or precinct concerned.

**545.** The clerk or the secretary-treasurer shall appoint as revisor any person he may choose, without any recommendation from the authorized parties, if any.

**546.** Before taking office, every enumerator, person appointed to act in a revision office established and every member, secretary and investigating assistant of a board of revisors shall swear or solemnly affirm that he will perform his duties according to law.

**547.** The representative of the qualified voters who favour an affirmative answer to the referendum question and the representative of the qualified voters who favour a negative answer to the question are entitled to receive, free of charge, a maximum of five copies of the referendum list and of the abstract of changes, on request.

The representatives contemplated in the first paragraph are the persons designated by the clerk or secretary-treasurer to receive the copies of the lists and of the abstract, from among the persons appointed by him in accordance with Chapter VI. He shall designate one person only for each of the two groups.

Authorized parties, recognized tickets and candidates are not entitled to any free copy of the list or abstract.

**548.** The clerk or the secretary-treasurer and every enumerator, every person appointed to act in the revision office and every member, secretary and investigating assistant of a board of revisors is entitled to receive remuneration or an expense allowance from the municipality in respect of the duties he performs under this chapter.

The council of the municipality may establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs if it fixes a remuneration or an allowance lower than that fixed in the tariff established by the Minister under Title III.

Any person contemplated in the first paragraph is entitled to the remuneration or allowance fixed by the tariff established by the Minister if the municipality has failed to establish its own or if it has failed to fix the remuneration or allowance of that person.

## CHAPTER VI

### REFERENDUM POLL

**549.** This chapter applies to a consultative referendum, to a referendum poll rendered necessary by the application of the registration procedure contemplated in Chapter IV, and to a referendum poll required pursuant to the Act providing for the referendum.

**550.** To the extent that they are consistent with this chapter, the following provisions of Title I apply to a referendum, adapted as required:

(1) the provisions of Divisions III and IV of Chapter V respecting election officers and the Chief Electoral Officer;

(2) the provisions of subdivisions 2 to 6 of Division IV of Chapter VI respecting advance polling, polling stations, materials required for voting, formalities prior to the opening of polling stations and the polling process;

(3) the provisions of Division V of Chapter VI respecting the counting and the addition of the votes;

(4) the provisions of subdivision 1 of Division VII of Chapter VI respecting the recount or re-addition of the votes;

(5) the provisions of Chapter VII respecting electoral ethics.

Notwithstanding subparagraph 2 of the first paragraph, subdivision 2 of Division IV of Chapter VI of Title I dealing with advance polling does not apply if the referendum is intended for part only of the qualified voters of the municipality, unless the council of the municipality orders that the said subdivision applies to the referendum.

**551.** The referendum poll shall be held on the date fixed by the council of the municipality; the date shall be not more than ninety days after the date of reference.

The Minister of Municipal Affairs may, on request, allow the council to fix the polling day for a later date within such time as he specifies.

**552.** The clerk or the secretary-treasurer shall appoint as deputy returning officer or poll clerk any person he may choose, without any recommendation from the authorized parties, if any.

For a municipality having a population of 20 000 or over, the clerk or the secretary-treasurer shall not be required to appoint any officer in charge of information and order.

**553.** Upon written application, the clerk or secretary-treasurer shall appoint, for each polling station, the representative of the qualified voters who favour an affirmative answer to the referendum question and a representative of the qualified voters who favour a negative answer. For the purposes of provisions applicable to the referendum by reference, the representatives shall be classified with the representatives of candidates assigned to the polling station.

The representative shall swear or solemnly affirm that he will not disclose the answer for which a person votes in his presence.

The appointment of the representative shall be made by means of a writing signed by the clerk or the secretary-treasurer and presented to the deputy returning officer. It is valid for the duration of the poll and of the counting of the votes at the polling station.

From among the representatives whom the clerk or the secretary-treasurer has appointed, he shall designate one for each of the two groups

entitled to obtain free copies of the referendum list and the abstract of changes in accordance with Chapter V. Those persons are also entitled to receive the notices and documents that shall be given to candidates under the provisions applicable to the referendum by reference.

**554.** The list used shall be the referendum list in force in the municipality or, as the case may be, in the zone or precinct concerned.

**555.** Not later than ten days before the day fixed for the referendum poll, the clerk or the secretary-treasurer shall give public notice of the poll to the qualified voters.

The heading of the notice shall clearly identify the group of persons to which it is addressed. If the notice is addressed to the qualified voters of the zone or precinct concerned, the heading shall give a summary description of the zone or precinct.

The notice shall set out

(1) the number, title, subject and date of passage of the by-law, resolution or ordinance that is subject of the referendum;

(2) the right of any person to examine the by-law, resolution or ordinance at the office of the municipality during office hours;

(3) the day and hours during which any polling stations will be open for the advance poll, where that is the case;

(4) the day and hours during which polling stations will be open for the referendum poll;

(5) the text of the referendum question;

(6) the place where any polling stations will be established for the advance poll, where that is the case, and for the referendum poll and, if several polling stations are established, give indications to determine in which polling station a qualified voter may vote.

The indications contemplated in subparagraph 6 of the third paragraph are not obligatory if the clerk or secretary-treasurer distributes reminders containing those indications.

Where the by-law, resolution or ordinance being the subject of the referendum is a loan by-law, resolution or ordinance, the notice shall indicate the amount of the proposed loan and the proposed use of the sum to be borrowed.



Where the notice is intended for the qualified voters of the zone or precinct concerned, the notice shall illustrate by a diagram the perimeter of the zone or precinct and describe it by using the names of thoroughfares wherever possible.

**556.** The clerk or the secretary-treasurer may have a reminder sent to every qualified voter registered on the referendum list of the municipality or, as the case may be, of the zone or precinct concerned.

The reminder shall contain the indications relating to the referendum poll; however, the indications relating to polling stations may, if the sender chooses, concern only the polling station where the addressee is entitled to vote.

**557.** For a municipality whose territory is not divided for election purposes, the polling station shall include only one polling booth.

**558.** The ballot paper shall include, on the obverse,

(1) a question beginning with the words "Do you approve of" and then stating the number, title or object of the by-law, resolution or ordinance being the subject of the referendum or, in the case of a consultative referendum, the question defined by the council of the municipality;

(2) to the right of the question, the words "YES" and "NO" placed in a single column, the former above the latter;

(3) a circle opposite each of the words "YES" and "NO" for the voter to mark.

**559.** The by-law, resolution or ordinance being the subject of the referendum is deemed approved by the qualified voters where the results of the poll show a majority of affirmative votes, unless the provisions governing the referendum establish a different rule.

In the case described, the clerk or secretary-treasurer is not required to request a recount of the votes in case of a tie-vote.

**560.** Where the results of the poll certified by the judge following a recount or re-addition of the votes show a tie-vote, the mayor or, as the case may be, the prefect may give a voice vote in the presence of the clerk or secretary-treasurer or at the next council sitting after the judge's decision.

The vote shall be counted as if it had been cast by a qualified voter.

The first two paragraphs do not apply where, according to the provisions governing the referendum, more than a majority of affirmative votes is required to cause the by-law, resolution or ordinance to be deemed approved by the qualified voters.

**561.** The clerk or secretary-treasurer shall draw up a statement of the final results of the poll and table it before the council at the next sitting.

**562.** The clerk or secretary-treasurer shall deposit all the documents used for the referendum in the records of the municipality.

**563.** The clerk or secretary-treasurer shall not issue copies of the ballot papers filed in the records.

The clerk or secretary-treasurer shall allow no one to examine the ballot papers unless he is required to do so by order of the court or a judge.

### TITLE III

#### POWERS OF THE MINISTER OF MUNICIPAL AFFAIRS AND OF THE GOVERNMENT

**564.** The Minister of Municipal Affairs shall establish a tariff of the remuneration or expense allowances which the following persons are entitled to receive for their duties under this Act:

- (1) election officers;
- (2) treasurers within the meaning of Chapter XIII of Title I;
- (3) persons performing duties under Chapter IV of Title II;
- (4) clerks or secretary-treasurers, enumerators, persons appointed to act in a revision office or members, secretaries or the investigating assistants of boards of revisors who perform any duties under Chapter V of Title II;
- (5) referendum officers performing duties under Chapter VI of Title II.

Notwithstanding the foregoing, the Minister is not required to establish the remuneration and allowance of election or referendum officers whose services are temporarily required in accordance with section 79.

**565.** The Minister may designate a body as a municipal body for the purposes of sections 353 and 354.

**566.** The Minister may prescribe the form or minimum content of any document provided for by this Act except a document provided for by Chapter XIII of Title I.

The Chief Electoral Officer may prescribe the form or minimum content of any document provided for in Chapter XIII of Title I.

**567.** The Government may establish the tariff of costs for the recount or re-addition of votes by a judge.

**568.** Categories of municipalities or cases, and appropriate rules for each category or combination of categories may be established by order of the Minister or the Government.

**569.** Every order shall be published in the *Gazette officielle du Québec* and shall come into force on the date of its publication or on any later date fixed therein.

## TITLE IV

### PENAL PROVISIONS

#### CHAPTER I.

##### OFFENCES

**570.** Every person who, knowingly,

(1) while taking part in the preparation of the list of electors or the referendum list, registers a name that should not be registered or fails to register a name that should be registered;

(2) makes an application to register a name on the list of electors or on the referendum list that is fictitious or that of a deceased person or of a person not entitled to be registered;

(3) makes an application for the striking from the list of electors or the referendum list of the name of a person who is not entitled to be registered;

(4) spreads false news of the withdrawal of a candidate;

- (5) votes more than once without being entitled to do so;
- (6) permits a person to vote who is not registered on the list of electors or the referendum list;
- (7) votes without being entitled to vote; or
- (8) falsifies the statement of the poll or the statement of votes is guilty of an offence.

**571.** Every deputy returning officer who knowingly admits to vote a person who has already voted and who has no other voting right to exercise is guilty of an offence.

**572.** The returning officer or the clerk or secretary-treasurer is guilty of an offence if he knowingly

- (1) announces results of an addition of votes that do not correspond to the actual results;
- (2) makes a declaration that does not correspond to the final results of the poll;
- (3) draws up a certificate of the results of the registration procedure for qualified voters that does not correspond to the results;
- (4) draws up a statement of the final results of the referendum poll that does not correspond to the results.

**573.** The Chief Electoral Officer, one of his officers or an election or referendum officer of a municipality who fraudulently neglects or refuses to act, or acts against this Act, is guilty of an offence.

**574.** 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 or referendum, is guilty of an offence.

**575.** Every person who,

- (1) being a candidate or later becoming a candidate, knowingly, 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 by threatening him; or who,

(2) knowingly, 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 within the meaning of Chapter XIII of Title I by a candidate or a person later becoming a candidate, or in his name or stead, is deemed to have been made in order to influence the vote of an elector.

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food or soft drinks proper to snack bars at a private assembly of electors meeting to promote the election of a candidate at an election;

(2) to a person other than an official agent who, at his own expense, provides such food or soft drinks at such an assembly; or

(3) to a person accepting any of the food or soft drinks provided in accordance with subparagraph 1 or 2 of this paragraph.

**576.** Every person who,

(1) in order to influence the vote of a qualified voter at a referendum, knowingly obtains or attempts to obtain, by himself or through another person, his vote in favour of an affirmative or negative answer to the referendum question or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit or by threatening him; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, knowingly agrees to refrain from voting or to vote in favour of an affirmative or negative answer to the referendum question, or incites a person to refrain from voting or to vote in favour of such an answer,

is guilty of an offence.

Every gift made or promised from the day on which the referendum polling day is fixed and until the time prescribed for the close of the polling stations on that polling day by a person, or in his name or stead, is deemed to have been made in order to influence the vote of a qualified voter.

The first paragraph does not apply

(1) to a person who, at his own expense, provides food or soft drinks proper to snack bars at a private assembly of qualified voters meeting to promote an affirmative or a negative answer to the referendum question; or

(2) to a person accepting any of the food or soft drinks provided in accordance with subparagraph 1 of this paragraph.

**577.** Every person who knowingly votes or attempts to vote by falsely assuming the name and quality of an elector or of a qualified voter or by borrowing the name of a fictitious or deceased person is guilty of an offence.

**578.** Every official agent or assistant of an official agent who, knowingly,

(1) incurs or authorizes election expenses exceeding the maximum he is permitted,

(2) files a false report, return or statement or produces a falsified invoice, receipt or other voucher, or

(3) after the filing of his return of election expenses, pays a claim otherwise than as permitted by section 485,

is guilty of an offence.

**579.** Every candidate or party leader who knowingly incurs, pays or authorizes any election expenses otherwise than as permitted by Chapter XIII of Title I is guilty of an offence.

**580.** Every official representative or delegate of an official representative who knowingly files a false return, report or statement or a falsified invoice, receipt or other voucher is guilty of an offence.

**581.** Every party or candidate which or who solicits or collects contributions or incurs expenses without holding an authorization granted pursuant to Chapter XIII of Title I is guilty of an offence.

**582.** Every official representative of an authorized independent candidate who solicits or collects contributions after polling day for other purposes than those permitted under section 383 is guilty of an offence.

**583.** Every person holding amounts of money or assets of a party or of an independent candidate who knowingly omits to send the money or the assets to the Chief Electoral Officer immediately after the party or the candidate ceases to be authorized is guilty of an offence.

**584.** Every party or independent candidate who knowingly omits, following the withdrawal of his authorization, to transmit to the Chief Electoral Officer a document required to be transmitted pursuant to section 390 is guilty of an offence.

**585.** Each of the following persons is guilty of an offence:

(1) every person authorized to collect contributions who knowingly collects the contribution of a person who is not an elector of the municipality or a contribution not made by an elector himself or, except in the case of the supply of services, not made at the elector's own expense, or a contribution that causes the elector to exceed the maximum allowable amount of contributions;

(2) every person who knowingly makes a contribution contemplated in paragraph 1.

**586.** Each of the following persons is guilty of an offence:

(1) every person who knowingly solicits or collects contributions or incurs expenses other than election expenses for a party or a candidate without being the official representative of a party or of an authorized independent candidate, his delegate or the person designated in writing for that purpose by either of them;

(2) every person authorized to solicit or collect contributions or to incur expenses other than election expenses who omits to produce, on request, the certificate attesting his authority, signed by the official representative or his delegate.

**587.** Every person who, being authorized to solicit and collect contributions, knowingly

(1) omits to issue a receipt to the contributor, or

(2) collects a contribution of money exceeding \$100 made otherwise than by cheque or by other payment order signed by the elector, drawn on his account in a financial institution having an office in Québec and payable to the party or authorized independent candidate,

is guilty of an offence.

**588.** Each of the following persons is guilty of an offence:

(1) every official representative who knowingly omits to deposit contributions of money he receives and other funds collected pursuant to Chapter XIII of Title I in a financial institution having an office in Québec;

(2) every person, other than the official representative, authorized to collect contributions, who knowingly omits to deposit a contribution of money he receives in such an institution, unless he turns it over to the person who appointed him.

**589.** Every person holding any contribution made in contravention of Chapter XIII of Title I, who omits to return it to the contributor as soon as he becomes aware of the contravention or, where the person cannot identify the contributor, who omits to give to the treasurer the amount of the contribution or the amount at which the contribution is estimated, is guilty of an offence.

**590.** Every radio, television or cable broadcaster and every owner of a newspaper, periodical or other printed matter who knowingly contravenes section 426 or 452 is guilty of an offence.

**591.** Every official representative of an authorized party who knowingly omits to pay the accounts and bills transmitted to him, within six months of receipt, is guilty of an offence, unless he contests them.

**592.** Every person who knowingly raises a loan for a party or candidate without being the official representative of a party or authorized independent candidate is guilty of an offence.

**593.** Every official representative who knowingly

(1) raises a loan that is not recorded in a writing containing the indications required by section 431,

(2) obtains that an elector stand as surety for a loan where that fact is not recorded in a deed of suretyship containing the indications required by the said section 431, or

(3) omits to pay at least yearly the interest payable on the loans he has raised,

is guilty of an offence.



**594.** Every official representative who knowingly pays into the election fund placed at the disposal of the official agent sums of money other than those held in accordance with Chapter XIII of Title I is guilty of an offence.

**595.** Every official agent or deputy of an official agent who knowingly pays any election expenses otherwise than out of the election fund established pursuant to Chapter XIII of Title I is guilty of an offence.

**596.** Every official agent who knowingly omits to deposit the sums of money paid into the election fund placed at his disposal in an account of a financial institution having an office in Québec, separate from the account of the official representative, is guilty of an offence.

**597.** Every person who knowingly

(1) incurs or authorizes election expenses during the election period without being the official agent of a party or of an authorized independent candidate, his deputy, an advertising agency authorized in writing for that purpose by the official agent or, in the case of election expenses a candidate is permitted to incur himself under section 449, without being a candidate;

(2) uses, during the election period, for the purposes mentioned in section 434, any writing, object, advertising material or radio program or television program the purchase or production expenses of which were incurred before that period, without being the official agent of a party or of an authorized independent candidate, his deputy or a person authorized for the purpose by the official agent,

is guilty of an offence.

**598.** Every person who knowingly contravenes section 447 or 448 is guilty of an offence.

**599.** Each of the following persons is guilty of an offence:

(1) every printer who knowingly omits to mention, on any writing, object or advertising material related to an election, his name and address and the name and title of the official agent or of the deputy who causes it to be produced;

(2) every owner of a newspaper or other publication who knowingly allows an advertisement related to an election to be published that does not include the name and title of the official agent or of the deputy who causes it to be published;

(3) every radio or television broadcaster who knowingly allows any advertisement related to an election to be broadcast without mentioning, at the beginning or at the end of the advertisement, the name and the title of the official agent or of the deputy who caused it to be broadcast.

**600.** Every person authorized to incur election expenses who knowingly pays for such expenses without justifying the payment by an invoice in conformity with section 452 is guilty of an offence.

**601.** Every official representative or official agent who fails to transmit a financial report or a return of election expenses within the time prescribed in Chapter XIII of Title I is guilty of an offence.

**602.** Every person who knowingly attends a sitting of a council, board, committee, commission or agency although he has lost the right to do so under this Act is guilty of an offence.

**603.** Each of the following persons is guilty of an offence:

(1) every person who knowingly, illegally and without right, counterfeits, manufactures, removes, uses, destroys, gives, sells or issues any badge to be used by the enumerators;

(2) every person who, knowing that he is registered without right on the list of electors or on the referendum list, does not take the necessary steps to have his name struck from the list;

(3) every owner or administrator of an immovable who knowingly limits, restricts or does not facilitate the access of his immovable to an enumerator or to a person responsible for the distribution, in accordance with this Act, of extracts from the list of electors or the referendum list or of reminders;

(4) every person appointed to act in a revision office who knowingly omits to receive an application made to him or who omits to transmit it to the returning officer, the clerk or secretary treasurer or his delegate;

(5) every member of a board of revisors of the list of electors or referendum list who knowingly omits to receive or to examine an application made or submitted to him;

(6) every member of a board of revisors of the list of electors or the referendum list who knowingly decides to strike off the name of a person from the list without causing the one-clear-day's notice prescribed in section 133 or 134 to be sent to him.

**604.** Every person who

- (1) offers himself as a candidate, knowing he is disqualified;
  - (2) knowingly supports a nomination paper, when he is not an elector of the municipality;
  - (3) signs another person's name as a supporting signature on a nomination paper;
  - (4) collects signatures of support and who knowingly and falsely declares that he knows the signatories, that they have signed in his presence or that they are electors of the municipality;
  - (5) collects signatures of support without being the person who offers himself as a candidate or the person designated by the latter for that purpose on the nomination paper;
  - (6) a candidate and who knowingly and simultaneously files more than one nomination paper or who, after filing one paper, files another without withdrawing the first;
  - (7) presents himself as a candidate of an authorized party or recognized ticket, knowing that the document accompanying his nomination paper as a letter from the party leader or ticket is a forgery;
  - (8) is a returning officer and knowingly accepts a nomination paper which is incomplete or not accompanied with all the required documents,
- is guilty of an offence.

**605.** Every person who knowingly

- (1) prints or uses a false ballot paper or alters or counterfeits a ballot paper,
- (2) modifies or imitates the initials of the deputy returning officer,
- (3) acts as the representative of a candidate or of the supporters of an affirmative or negative answer to the referendum question or as a canvasser when his power of attorney is false,
- (4) destroys a ballot paper before the end of the period prescribed for contesting the election or quashing the by-law, resolution or ordinance that was the subject of the referendum,
- (5) performs duties reserved to the election or referendum officers without being such an officer,

(6) hinders the work of an election or referendum officer,  
is guilty of an offence.

**606.** Every person who

(1) is a deputy returning officer and knowingly admits to vote a person who refuses to make the oath or solemn affirmation required of him,

(2) is an election or referendum officer and who knowingly arrives late at the polling station in order to delay the opening of the poll,

(3) is a returning officer, clerk or secretary-treasurer and who knowingly allows the election clerk or referendum clerk to perform his duties without having made the oath or solemn affirmation required of him,

(4) is a former election or referendum officer and who, after having been dismissed or having ceased to carry out his functions, knowingly omits to return the documents and the material related to those functions he has in his possession to the returning officer, clerk or secretary-treasurer,

is guilty of an offence.

**607.** Every person who is an employer and who knowingly

(1) contravenes any of section 211 or 340 to 347;

(2) uses his authority or his influence to incite any of his employees to refuse to become an election or referendum officer or to abandon that office after having accepted it,

is guilty of an offence.

**608.** Each of the following persons is guilty of an offence:

(1) every officer, employee or association that knowingly contravenes section 283;

(2) every person who knowingly uses intimidation, threats or sanctions to incite an officer, employee or association to contravene section 283 or to punish them for refusing to contravene it.

**609.** Every person who, by his act or omission, knowingly aids another person to commit an offence or who, by his encouragement,

advice or order, incites him to commit an offence, is guilty of the offence as if he had committed it himself.

**610.** For the purposes of this chapter, a party knowingly acts or omits to act if its leader, another of its senior executives, its official representative or his delegate or its official agent or his deputy knowingly performs, allows or tolerates the act or omission.

Where the party commits an offence as described in the first paragraph, every person mentioned in that paragraph who has knowingly performed, allowed or tolerated the act or omission may be prosecuted and found guilty with or instead of the party.

## CHAPTER II

### PENALTIES

**611.** Every person who is guilty of an offence contemplated in any of sections 570 to 573 or 603 to 607 is liable, in addition to costs,

(1) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000;

(2) for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

**612.** Every person who is guilty of an offence contemplated in any of sections 574 to 581 is liable, in addition to costs, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$25 000.

**613.** Every person who contravenes any of sections 582 to 600 is liable, in addition to costs, to a fine of not less than \$100 nor more than \$10 000.

**614.** Every person who is guilty of an offence contemplated in section 601 is liable, in addition to costs, to a fine of not less than \$10 nor more than \$50 for each day of delay in sending the financial report or the return of election expenses.

**615.** Every person who is guilty of an offence contemplated in section 602 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$500 for each sitting which he attends without right.

**616.** Every person who is guilty of an offence contemplated in section 608 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$5 000.

## CHAPTER III

### CORRUPT ELECTORAL PRACTICES

**617.** Every offence described in any of sections 571 to 580 is a corrupt electoral practice.

Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 578, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed following permission of the treasurer granted pursuant to section 487 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error in good faith.

## CHAPTER IV

### PROCEEDINGS

**618.** Proceedings under this Title are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

**619.** Only the Chief Electoral Officer or the person generally or specially authorized by him for that purpose may bring proceedings for any offence described in any of sections 578 to 601 or in section 602 where the loss of the right to attend a sitting contemplated in that section results from the application of Chapter XIII of Title I.

**620.** Proceedings must be brought within two years of the date of the offence.

Notwithstanding the foregoing, where a document required to be produced, filed or transmitted under this Act reveals that an offence has been committed, proceedings may be brought within two years following the date of production, filing or transmission of the document, as the case may be.

## TITLE V

MISCELLANEOUS, TRANSITIONAL  
AND FINAL PROVISIONS

## CHAPTER I

## MISCELLANEOUS PROVISIONS

**621.** The clerk or secretary-treasurer shall, after an election, send to the Minister of Municipal Affairs and to the Chief Electoral Officer a statement naming the persons who form the council of the municipality and, where such is the case, giving the statistics relating to the election.

The clerk or secretary-treasurer shall notify them of any change occurring in the formation of the council after the election of the mayor by the councillors or after the decision of the council not to fill a vacant office of councillor.

**622.** No warrant of arrest may be executed against an election or referendum officer on polling day.

**623.** No act performed by a council, committee, commission or body during a sitting attended by one of its members who is disqualified from holding his office or who is not entitled to attend a sitting is invalidated by reason only that the member attends the sitting.

**624.** The oath or solemn affirmation required by this Act may be made before the mayor or the clerk or secretary-treasurer of the municipality, a justice of the peace, an election or referendum officer, a person responsible for the register contemplated in Chapter IV of Title II or any other person authorized by law to administer oaths or solemn affirmations.

The authorized person shall, upon request and free of charge, administer the oath or solemn affirmation and issue a certificate to that effect to the person who has made the oath or solemn affirmation.

**625.** For the purposes of this Act, the population of a municipality is that given in the last census recognized as valid pursuant to section 7 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 26 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as the case may be, from the date of publication of a Government order under that section or article or from any later date fixed in the order for its coming into force.

In a case of amalgamation or complete annexation of a municipality, the population of the municipality resulting from the amalgamation or of the annexing municipality is made up of the sum of the populations of all the municipalities affected by the amalgamation or annexation.

In case of the annexation of part of the territory of a municipality or in case of the annexation of territory not organized as territory of a local municipality or the territory of a local municipality whose council has not yet been formed, the population of the municipality affected by the annexation may be established by the Minister of Municipal Affairs where he considers that the apparent effect of the annexation has been to increase or reduce the population of a municipality to a figure over or below the figure prescribed in this Act. The Minister shall inform the municipality of the population figure he has established.

The population established under the second or third paragraph is valid until it is established in accordance with the first paragraph on the basis of a census carried out according to the amalgamation or annexation.

**626.** Every person who is required to sign his name on a document and who is unable to do so shall affix his mark in the presence of a witness who shall affix his signature.

**627.** The inobservance of a formality prescribed in this Act does not invalidate an act done illegally, unless the inobservance causes a serious prejudice or unless this Act provides to the same effect, particularly by prescribing that the formality shall be complied with under penalty of nullity, rejection or dismissal of the act.

**628.** Except on a question of jurisdiction, no extraordinary recourse provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor may any injunction be granted against the Chief Electoral Officer, any of his officers or a person mentioned in section 562 acting in the performance of his duties.

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



## CHAPTER II

## LEGISLATIVE AMENDMENTS

ACT RESPECTING ACCESS TO DOCUMENTS HELD  
BY PUBLIC BODIES AND THE PROTECTION OF  
PERSONAL INFORMATION

**629.** The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out, in Schedule A, the following:

“Cities and Towns Act (chapter C-19)	Sections 120 to 148.3
“Municipal Code (chapter C-27.1)	Articles 274 to 278 and 303 to 312
“Charter of the city of Montréal (1959-60, chapter 102)	Articles 206 to 229
“Charter of the city of Québec (1929, chapter 95)	Articles 40 to 44”.

ACT RESPECTING MUNICIPAL CONTRIBUTION TO  
RAILWAY CROSSING PROTECTION

**630.** Section 2 of the Act respecting municipal contribution to railway crossing protection (R.S.Q., chapter A-15) is amended by replacing the words “municipal electors of” in the second line by the words “persons qualified to vote in”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**631.** Section 35 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the figure “145” in the first line by the figure “137”.

**632.** Section 51 of the said Act is amended

(1) by replacing the words “owners or lessees of immovables situated” in the first and second lines of the first paragraph by the words “persons qualified to vote”;

(2) by replacing the words “owner or lessee of” in the third and fourth lines of the third paragraph by the words “person qualified to vote in”.

**633.** Section 53 of the said Act is amended by replacing the words “owners or lessees” in the second line of the first paragraph by the words “persons qualified to vote”.

**634.** Section 57 of the said Act is amended by replacing the figure “145” in the first line of the second paragraph by the figure “137”.

**635.** Section 79 of the said Act is amended by replacing the words “owners or lessees of immovables situated” in the first line by the words “persons qualified to vote”.

**636.** Section 80 of the said Act is amended by replacing the figure “145” in the second line of the second paragraph by the figure “137”.

**637.** Section 102 of the said Act is amended by replacing the figure “145” in the ninth line of the second paragraph by the figure “137”.

**638.** Section 103 of the said Act is amended by replacing the words “owners or lessees of immovables situated” in the first line of the first paragraph by the words “persons qualified to vote”.

**639.** Section 106 of the said Act is amended by replacing the figure “145” in the second line of the second paragraph by the figure “137”.

**640.** Section 108 of the said Act is amended by replacing the figure “145” in the third line by the figure “137”.

**641.** Section 113 of the said Act, amended by section (*insert here the section number of the version assented to of Bill 45 of 1985 corresponding to section 4 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 45 of 1985*) of the statutes of 1985, is again amended by replacing the figure “145” in the second line of subparagraph 2 of the second paragraph by the figure “137”.

**642.** Section 123 of the said Act is amended

(1) by replacing the figure “145” in the fourth line of the second paragraph by the figure “137”;

(2) by replacing the figure “145” in the fourth line of the third paragraph by the figure “137”.

**643.** Sections 131 to 145 of the said Act are replaced by the following sections:

**“131.** Every by-law provided for in the second or third paragraph of section 123 shall be approved in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).

**“132.** Every by-law in connection with a zone or sector shall be approved by the persons qualified to vote in the zone or sector and, if necessary, in any zone or sector for which application has been transmitted in accordance with section 135.

In any other case, the by-law shall be approved by the persons qualified to vote in the whole territory of the municipality.

**“133.** Where a by-law concerns a zone or sector, the clerk or secretary-treasurer of the municipality shall transmit, at least eight days before the publication of the notice of the registration proceedings to determine whether a referendum poll is necessary, a public notice to the persons qualified to vote in any contiguous zone or sector included in the territory of the municipality.

The heading of the notice must identify the group of persons to whom it is addressed and give a brief description of the contiguous zone or sector.

The notice must indicate

- (1) the number, title, object and date of passage of the by-law;
- (2) the right of the persons to whom it is addressed to file with the clerk or secretary-treasurer, within five days after publication of the notice, an application signed by them to take part in the registration proceedings and in the referendum poll, if any, on the by-law;
- (3) the number of signatures required in order to entitle the persons contemplated in paragraph 2 to take part in the registration proceedings and in the referendum poll, if any.

The notice must include an illustration by means of a diagram of the perimeter of the contiguous zone or sector and describe the perimeter by using the names of thoroughfares wherever possible.

**“134.** Every person qualified to vote in the contiguous zone or sector may, within five days after the publication of the notice, sign the application and transmit it to the clerk or secretary-treasurer.

**“135.** The persons qualified to vote in a contiguous zone or sector are entitled to take part in the registration proceedings and, where that

is the case, in the referendum poll on the by-law if the number of signatures amounts to

(1) a number equal to the majority of such persons qualified to vote, if there are fewer than 24;

(2) 12, if there are 24 or more.

**“136.** The provisions of the Act respecting elections and referendums in municipalities relating to the manner in which the rights of a legal person may be exercised, the number of demands for a referendum poll that a person qualified to vote may make and the manner in which the demands are counted apply, adapted as required, at the signature of an application.

**“137.** Where the required number of signatures is obtained, the zone or sector concerned, for the purposes of the Act respecting elections and referendums in municipalities, is made up of both the zone or sector which is the subject of the by-law and the contiguous zone or sector.”

**644.** Sections 179 and 180 of the said Act are replaced by the following section:

**“179.** The by-law contemplated in section 178 must be approved by the persons qualified to vote in the municipality and wishing it to be attached to the territory of another regional county municipality, in accordance with the Act respecting elections and referendums in municipalities.”

**645.** Section 182 of the said Act is amended by replacing the word and figure “to 180” in the fifth line by the word and figure “and 179”.

**646.** Section 235 of the said Act is replaced by the following section:

**“235.** For the purposes of this Act, the persons qualified to vote are the persons determined in accordance with the Act respecting elections and referendums in municipalities.

Where this Act gives a certain number of persons qualified to vote the right to request an assessment by the Commission, the reference date to determine which persons are qualified to vote is the date of passage of the resolution or by-law being the subject of the request for assessment or, in the case contemplated in subparagraph 3 of the first paragraph of section 103, the date of publication of the notice of intent of the council of a municipality not to amend a by-law to bring it into conformity with the planning programme.”

**647.** Section 240 of the said Act is amended by replacing the words “property-owners or tenants” in the third line of the fifth paragraph by the words “persons qualified to vote”.

**648.** Section 264 of the said Act is amended by replacing subparagraph *b* of subparagraph 2 of the second paragraph by the following subparagraph:

“(b) subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following: “where the development plan specifies development areas grouping together one or more zones for which a special planning programme has come into force, a development area may be a registration and polling unit for the purposes of sections 131 to 137;”.”

**649.** Section 264.01 of the said Act, enacted by section 6 of chapter 47 of the statutes of 1984, is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) Chapters IV and V of Title I apply, *mutatis mutandis*, to the town of Mirabel except that subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following: “where the development plan specifies development areas grouping together one or more zones for which a special planning programme has come into force, a development area may be a registration and polling unit for the purposes of sections 131 to 137.” ”

**650.** Section 264.1 of the said Act, amended by section (*insert here the section number of the version assented to of Bill 45 of 1985 corresponding to section 8 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 45 of 1985*) of the statutes of 1985, is again amended by striking out the last sentence of the third paragraph.

**651.** Section 264.2 of the said Act, amended by section (*insert here the section number of the version assented to of Bill 45 of 1985 corresponding to section 9 of the version tabled when the bill was introduced*) of chapter (*insert here the chapter number of Bill 45 of 1985*) of the statutes of 1985, is again amended by striking out the last sentence of the third paragraph.

#### ACT RESPECTING THE NATIONAL ASSEMBLY

**652.** The Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by inserting, after the second paragraph of section 60, the following paragraph:

“Notwithstanding the second paragraph, where the incompatible office devoting upon the Member is that of member of the council of a municipality subject to Title I of the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*), he shall if he wishes to hold that incompatible office, resign from his office as Member of the Assembly before making the oath or solemn affirmation as a member of the municipal council.”

**653.** Section 141 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the second paragraph, where the office contemplated in section 57 is that of member of the council of a municipality subject to Title I of the Act respecting elections and referendums in municipalities, that section does not apply to a person who, on 31 December 1985, legally holds that office and that of Member of the Assembly, until he ceases to hold both such offices at the same time. A person does not cease to hold his offices at the same time on the expiry of his term in one of them if his term is renewed in that office.”

#### CITIES AND TOWNS ACT

**654.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out the second paragraph of section 1.

**655.** Section 2 of the said Act is amended

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

“Sections 52 to 57 of this Act apply to all city and town municipalities by whatever law governed, even to those not contemplated by section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal; but, section 52 does not apply to the cities of Hull and Laval. This paragraph does not invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and which repeals, replaces or amends, directly or indirectly, any of sections 52 to 57 of this Act.”;

(2) by striking out the fourth paragraph.

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

(1) by striking out subparagraph 3 of the first paragraph;

(2) by striking out subparagraph 11 of the first paragraph.

**657.** Section 8 of the said Act is amended by striking out the second paragraph.

**658.** Section 16 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) The resolution contemplated in subsection 1 is subject to approval by the persons qualified to vote, in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

**659.** Section 17 of the said Act is amended

(1) by replacing the words “the date fixed by the council under subsection 3 of section 16” in the first and second lines of subsection 1 by the words “approval by the persons qualified to vote”;

(2) by striking out paragraph *d* of subsection 2;

(3) by striking out paragraph *f* of subsection 2.

**660.** Section 18 of the said Act is amended by striking out subsection 6.

**661.** Section 20 of the said Act is amended by replacing the word and figure “section 51” in the seventh line of the first paragraph by the words “the Act respecting elections and referendums in municipalities”.

**662.** Section 21 of the said Act is amended by striking out the second paragraph.

**663.** Subdivision 3 of Division IV of the said Act, consisting of sections 33 to 35, is repealed.

**664.** Section 36 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The by-law shall contain a complete description of the territory to be annexed and shall set forth the terms and conditions of the annexation.”

**665.** Section 38 of the said Act is replaced by the following section:

**“38.** If the council of the municipality in which the territory which it is proposed to annex is located approves the by-law within thirty days after the clerk or secretary-treasurer received it, he shall forthwith so notify the council of the municipality seeking the annexation.

The by-law shall then be submitted for approval to the persons qualified to vote in the territory.

The Act respecting elections and referendums in municipalities applies for the purposes of the approval, subject to the following conditions:

(1) the public notice of registration proceedings to determine whether a referendum poll is necessary shall be given by the clerk of the municipality seeking the annexation;

(2) the notice shall be given twice, once a week during two consecutive weeks, in a newspaper circulated in the municipality in which the territory which it is proposed to annex is situated;

(3) the days on which the register may be examined by the persons qualified to vote shall be comprised in the period beginning twenty days and ending twenty-five days after the second publication.

Subject to the foregoing conditions, the Act respecting elections and referendums in municipalities applies as if the by-law were that of the municipality wherein the territory sought to be annexed is located. More particularly, the place where the register may be examined shall be located in that municipality.”

**666.** Section 39 of the said Act is amended by striking out the first paragraph.

**667.** Section 40 of the said Act is amended by replacing the word “concerned” in the eighth line of the first paragraph by the words “qualified to vote in the territory which it is proposed to annex”.

**668.** Section 41 of the said Act is repealed.

**669.** Section 42 of the said Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“The Commission shall also hold such an inquiry when the by-law is deemed approved under section 40 and it is requested by at least

(1) one-third of the persons qualified to vote in the territory which it is proposed to annex, if they number under 60;



- (2) 20 of such persons, if they number 60 or over but not over 200;
- (3) one-tenth of such persons, if they number over 200, but under 3 000;
- (4) 300 of such persons if they number over 3 000.

If the computation pursuant to the second paragraph results in a number that includes a fraction, the fraction shall be counted as a unit.

The Minister, on the recommendation of the Commission after the holding of the inquiry, may order a referendum of the persons qualified to vote in the territory which it is proposed to annex.

The referendum shall be made by means of a poll, in accordance with the Act respecting elections and referendums in municipalities. The expenses incurred for the referendum shall be charged to the municipality seeking annexation."

**670.** The said Act is amended by inserting, after section 42, the following section:

**"42.1** The provisions of the Act respecting elections and referendums in municipalities relating to the manner in which the rights of a legal person may be exercised, the number of demands for a referendum poll that a person qualified to vote may make and the manner in which the demands are counted apply, adapted as required, to any application referred to in section 40 or 42."

**671.** Section 43 of the said Act is amended

- (1) by replacing the word "concerned" in the first line of paragraph *b* by the words "qualified to vote";
- (2) by replacing the word "concerned" in the third line of paragraph *c* by the words "qualified to vote".

**672.** Section 44 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

"For the purpose of determining whether a person is qualified as an elector or candidate at an election or qualified to vote at a referendum in the annexing municipality, any period during which, before the annexation, he was domiciled in the territory annexed or owned an immovable or had a place of business in the territory, is considered a period spent, from the beginning, in the annexing municipality, if it is still running at the time of the annexation and as long as it continues in the annexing municipality."

**673.** Sections 48 to 51 of the said Act are repealed.

**674.** Sections 58 to 60 of the said Act are repealed.

**675.** Sections 63 and 64 of the said Act are repealed.

**676.** The heading of Division V of the said Act is amended by replacing the word "QUALIFICATIONS" by the word "DISQUALIFICATION".

**677.** Section 115 of the said Act is repealed.

**678.** Section 116 of the said Act is amended

(1) by replacing what precedes paragraph 1 by the following:

"**116.** The following persons shall not be nominated for or hold any office as officer or employee of the municipality:";

(2) by inserting the words "other than his contract of employment as officer or employee" after the word "municipality" in the second line of the first paragraph of paragraph 4;

(3) by striking out paragraph 8;

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

"This section applies to all city and town municipalities, by whatever law governed, even to those not contemplated by section 1 or whose charters repeal, replace or amend the said sections directly or indirectly, and to the village of Senneville, except the cities of Québec and Montréal. This paragraph is not meant to invalidate any provision of the charter of a municipality which came into force after 18 December 1968 and repeals, replaces or amends directly or indirectly section 116 of this Act, to the extent that such provision applies to the office of officer or employee of the municipality."

**679.** Sections 117 to 119 of the said Act are repealed.

**680.** Divisions VI to VIII of the said Act, consisting of sections 120 to 317, are repealed.

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

**682.** Section 351 of the said Act is repealed.

**683.** Subdivisions III and IV of subdivision 2 of Division XI of the said Act, consisting of sections 370 to 396, are repealed.

**684.** Section 397 of the said Act is amended by replacing the words “person of full age who is entered on the valuation roll in force as a property-owner or tenant and is a Canadian citizen” in the first and second lines by the words “interested person”.

**685.** Section 398 of the said Act is repealed.

**686.** Section 408 of the said Act is amended by replacing the second paragraph of subsection 2 by the following paragraphs:

“The appeal must be brought within 30 days after the date of judgment.

The appeal has precedence over any other one at the first sitting of the court after the inscription.

The plaintiff shall serve on the municipality the judgment rendered on his action and have a certified copy of the judgment left at the clerk’s office.”

**687.** Section 444 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The by-law shall be submitted to the approval of the persons qualified to vote and of the Government.”

**688.** Section 458.7 of the said Act is replaced by the following section:

“**458.7** Subject to what has been provided for in this subdivision, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities apply, adapted as required, to the registration and the poll.”

**689.** Section 466 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Every by-law passed under paragraph 4 or 5 of the first paragraph must be submitted for approval to the persons qualified to vote and to the Government.”

**690.** Section 468.22 of the said Act is repealed.

**691.** Section 468.23 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, a member of the board shall not cease to hold office as such at the end of his term as a member of the municipal council if he has been reelected at the election held at or after the end of his term, as the case may be, and if, after his reelection he has been sworn or has made the required solemn affirmation within the prescribed time.”

**692.** Section 468.39 of the said Act, replaced by section 22 of chapter 38 of the statutes of 1984, is amended by replacing the second paragraph by the following paragraph:

“Before approving the by-law, the Minister may order each corporation whose territory is under the jurisdiction of the management board to submit the by-law to the approval of the persons qualified to vote, by means of a referendum poll held in accordance with the Act respecting elections and referendums in municipalities.”

**693.** Sections 556 and 557 of the said Act are replaced by the following sections:

“**556.** Every by-law ordering a loan shall be submitted to the approval of the persons qualified to vote and of the Minister of Municipal Affairs.

This section applies notwithstanding any inconsistent provision of a charter or special Act, unless such charter or Act dispenses the by-law from the approval of the persons qualified to vote.

“**557.** If a referendum poll must be held under the Act respecting elections and referendums in municipalities, it is necessary, so that the by-law be approved, not only that the majority of the votes cast be affirmative ones but also that the votes cast equal at least a number equivalent to the following proportion of the persons qualified to vote domiciled in the municipality:

- (1) one-eighth, if their number is under 1 000;
- (2) eight hundredths, if their number is equal to or over 1 000 though under 2 000;
- (3) one twentieth, if their number is equal to or over 2 000.

If the result of the computation provided for in the first paragraph gives a number including a fraction, the latter shall be counted as a unit.”

**694.** Section 561 of the said Act, amended by section 37 of chapter 38 of the statutes of 1984 and section *(insert here the section number of the version assented to of Bill 45 of 1985 corresponding to section 32*

*of the version tabled when the bill was introduced) of chapter (insert here the chapter number of Bill 45 of 1985) of the statutes of 1985, is replaced by the following sections:*

**“561.** Where the repayment of a loan is to be borne by the owners of immovables of a part only of the municipality, or by the persons who benefit from the works contemplated in section 487, the tax to be levied each year during the term of the loan shall be assessed only on the interested owners.

The tax must be sufficient to pay the interest each year and to make up the capital repayable at the maturity of the bonds.

**“561.1** Every by-law ordering a loan referred to in section 561 shall be submitted to the approval of the Minister of Municipal Affairs and that of the persons qualified to vote in the interested part of the municipality or, as the case may be, to that of the persons who benefit from the works.

For the purposes of the Act respecting elections and referendums in municipalities, such part of the municipality is the zone or sector concerned.

This section has effect notwithstanding any inconsistent provision of a charter or special Act, unless the latter dispenses the by-law from the approval of the persons qualified to vote.

**“561.2** If a referendum poll is to be held under the Act respecting elections and referendums in municipalities, in order that the by-law referred to in section 561.1 be approved, it is necessary not only that the majority of the votes cast be affirmative but also that the number of the votes cast represents at least the majority of the persons qualified to vote in the interested part of the municipality or, as the case may be, of the beneficiaries, who are domiciled in any place in the municipality.

**“561.3** Sections 561.1 and 561.2 apply even when a proportion not exceeding twenty-five per cent of the loan to be repaid is payable by the corporation.”

**695.** Section 562 of the said Act, amended by section 38 of chapter 38 of the statutes of 1984, is again amended

(1) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) A copy of the notice mentioning the registration procedure;

“(5) A certificate of the publication of the notice mentioning the registration procedure;”;

(2) by replacing paragraphs 7 to 9 by the following paragraphs:

“(7) A copy of the certificate giving the result of the registration procedure;

“(8) A copy of the resolution of the council fixing the referendum poll, if necessary;

“(9) A copy of the list giving the result of the referendum poll, if necessary;”.

**696.** Section 568 of the said Act is amended by adding, at the end, the following paragraph:

“Disqualification may also be declared by means of an action for the declaration of disqualification referred to in the Act respecting elections and referendums in municipalities.”

**697.** Section 569 of the said Act, amended by section 42 of chapter 38 of the statutes of 1984, is again amended by adding, at the end of subsection 5, the following paragraph:

“Disqualification may also be declared by means of an action for the declaration of disqualification referred to in the Act respecting elections and referendums in municipalities.”

**698.** Section 573 of the said Act is amended by adding, at the end of subsection 9, the following paragraph:

“Disqualification may also be declared by means of the proceedings for the declaration of disqualification referred to in the Act respecting elections and referendums in municipalities.”

**699.** Forms 2 to 35 of the said Act are repealed.

#### MUNICIPAL CODE OF QUÉBEC

**700.** Article 34 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the words “,which must be six in number, besides the mayor” in the fourth and fifth lines of the second paragraph.

**701.** Article 47 of the said Code is amended by replacing the second and third paragraphs by the following paragraph:

“For the purposes of determining if a person is a qualified elector or candidate at an election or qualified to vote at a referendum in the

annexing municipality, any period during which, before the annexation, he was domiciled on the territory annexed or owned an immovable or occupied a place of business in the territory, is considered a period spent, from its beginning, in the annexing municipality, if such period is still running at the time of the annexation and as long as it continues to run in the annexing municipality.”

**702.** Articles 56 and 57 of the said Code are replaced by the following articles:

“**56.** If the council of the municipality in which the territory which it is proposed to annex is located approves the by-law within thirty days after the clerk received it, he shall forthwith so notify the council of the municipality seeking the annexation.

The by-law shall then be submitted to the approval of the qualified voters of the territory.

“The Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*) applies for the purposes of the approval, subject to the following conditions:

(1) the public notice of the registration procedure to determine whether a referendum poll is necessary shall be given by the secretary treasurer of the municipality seeking the annexation;

(2) the notice shall be given twice, once a week during two consecutive weeks, in a newspaper circulated in the municipality which it is proposed to annex is located;

(3) the days on which the register is open for registration to qualified voters must be comprised in the period beginning twenty days and ending on the twenty-five days after the second publication.

Subject to such conditions, the Act respecting elections and referendums in municipalities applies as if the by-law were that of the municipality where the territory which it is proposed to annex is located. More particularly the place where the register is open for registration must be located in that municipality.

“**57.** Upon the approval of the by-law, the clerk of the municipality where the territory which it is proposed to annex is located shall immediately so notify the council of the municipality seeking the annexation.”

**703.** Article 58 of the said Code is amended by replacing the words “persons concerned” in the seventh line of the first paragraph by the words “qualified electors of the territory which it is proposed to annex.”

**704.** Article 59 of the said Code is repealed.

**705.** Article 60 of the said Code is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“The Commission shall also hold such an inquiry when the by-law is deemed approved under article 58 and it is demanded by at least:

(1) one-third of the qualified voters in the territory which it is proposed to annex, provided their total number is under 60;

(2) 20 of such voters provided their total number is equal to or higher than 60, though not over 200;

(3) one-tenth of such voters provided their total number is over 200, though under 3 000;

(4) 300 of such voters, provided their total number is over 3 000.

Should the result of the computation referred to in the second paragraph give a number including a fraction, the latter shall be counted as a unit.

The Minister, on the recommendation of the Commission after the holding of the inquiry may order consultation of the qualified voters in the territory which it is proposed to annex.

The consultation shall be made by means of a referendum poll, in accordance with the Act respecting elections and referendums in municipalities. The expenses incurred for the consultation shall be charged to the municipality seeking annexation.”

**706.** The said Code is amended by inserting, after article 60, the following article:

“**60.1** Provisions of the Act respecting elections and referendums in municipalities which concern the manner in which a legal person may exercise his rights, the number of demands for holding a referendum poll that may be filed by a qualified voter and the manner of counting the applications apply to a demand provided for in section 58 or 60, adapted as required.”

**707.** Article 61 of the said Code is amended

(1) by replacing the word “concerned” in the first line of subparagraph *b* by the word “qualified to vote”;



(2) by replacing the word “concerned” in the third and fourth lines of subparagraph *c* by the words “qualified to vote”.

**708.** Articles 109 to 114 of the said Code are repealed.

**709.** Article 143 of the said Code is amended by striking out the fifth paragraph.

**710.** Article 159 of the said Code is amended by striking out the third paragraph.

**711.** Article 162 of the said Code is repealed.

**712.** Article 167 of the said Code is amended by replacing the words and figure “in article 112” in the third and fourth lines of the first paragraph by the figure “4.1”.

**713.** The heading of Title VI of the said Code is replaced by the following:

“PERSONS DISQUALIFIED FROM HOLDING MUNICIPAL OFFICE”.

**714.** The heading of Chapter I of Title VI and article 268 of the said Code are repealed.

**715.** Article 269 of the said Code is amended

(1) by replacing that part which precedes paragraph 1 by the following:

“**269.** The following persons shall not be appointed to nor hold any office as officer or employee of the corporation.”;

(2) by inserting the words “other than his contract as an officer or employee” after the word “corporation” in the second line of the first paragraph of paragraph 4;

(3) by striking out the second paragraph of paragraph 4;

(4) by striking out paragraph 7.

**716.** Article 270 of the said Code is repealed.

**717.** Titles VII to X of the said Code, including articles 271 to 409, are repealed.

**718.** Article 414 of the said Code is repealed.

**719.** Chapter V of Title XIII of the said Code, including article 444, is repealed.

**720.** Sections III and IV of Chapter I of Title XIV of the said Code, consisting of articles 456 to 485, are repealed.

**721.** The heading of section V of Chapter I of Title XIV of the said Code is amended by replacing the word "ELECTORS" by the words "QUALIFIED VOTERS".

**722.** Article 486 of the said Code is amended by replacing the word "electors" in the third and fourth lines of the first paragraph by the words "qualified voters".

**723.** Article 557 of the said Code is amended

(1) by replacing the last sentence of paragraph 2 by the following sentence: "Any by-law made under this paragraph shall be subject to approval by the qualified voters and by the Government;";

(2) by replacing the last sentence of paragraph 4 by the following sentence: "Any by-law made under this paragraph shall be subject to approval by the qualified voters and by the Government; if a referendum poll must be held, approval of the by-law by the qualified voters requires not only that the majority of the votes cast be affirmative but also that the affirmative votes is equal to or greater than one-third of the number of qualified voters;"

**724.** Article 591 of the said Code is repealed.

**725.** Article 592 of the said Code is amended by replacing the second paragraph by the following paragraph:

"However, such a person shall not cease to hold office as such at the end of his term as a member of the municipal council if he has been reelected at the election during or after which his term has expired, as the case may be, and if, after his reelection, he had made the required oath or solemn affirmation within the prescribed time."

**726.** Article 608 of the said Code, replaced by section 64 of chapter 38 of the statutes of 1984, is amended by replacing the second paragraph by the following paragraph:

“Before approving the by-law, the Minister may order each corporation whose territory is under the jurisdiction of the management board to submit the by-law for approval to the qualified voters. A referendum poll shall then be held in accordance with the Act respecting elections and referendums in municipalities.”

**727.** Article 627 of the said Code is amended

(1) by replacing the second paragraph of paragraph 8 by the following paragraph:

“Every by-law made under this paragraph shall be subject to approval by the qualified voters, the council of the municipality where the road is situated and the Government.”;

(2) by replacing the words “property-owners of such territory shall be entitled to vote upon the by-law” in the fifth and sixth lines of the fourth paragraph of paragraph 8, by the words “qualified voters of such territory are referred to in the second paragraph”.

**728.** Article 640 of the said Code is replaced by the following article:

“**640.** Subject to this division, Chapters IV and VI of Title II of the Act respecting elections and referendums in municipalities apply, *mutatis mutandis*, to the registration and the poll.”

**729.** Article 690 of the said Code is amended by striking out the words “elector or other” in the second paragraph.

**730.** Article 935 of the said Code is amended by inserting, after the third paragraph of subarticle 9, the following paragraph:

“Disqualification may also be declared by means of the action for the declaration of disqualification referred to in the Act respecting elections and referendums in municipalities.”

**731.** Articles 1061 and 1062 of the said Code are replaced by the following articles:

“**1061.** Every borrowing or issue of bonds made by the corporation, in payment or for aid, shall be effected under a by-law, subject to any provision to the contrary.

Every by-law of a local corporation referred to in the first paragraph shall be subject to approval by the qualified voters and by the Minister of Municipal Affairs.

Notwithstanding any inconsistent provision of this Code, every by-law of a regional county municipality referred to in the first paragraph shall be subject to approval by the Minister.

**“1062.** Where a referendum poll must be held under the Act respecting elections and referendums in municipalities, approval of the by-law of the local corporation requires not only that the majority of the votes cast be affirmative but also that the number of votes cast is equal to or greater than the following proportion of the number of qualified voters domiciled in the municipality:

- (1) one eighth, if there are fewer than 1 000;
- (2) eight hundredths, if there are 1 000 or over but under 2 000;
- (3) one twentieth, if there are 2 000 or over.

Any fraction resulting from the computation pursuant to the first paragraph shall be counted as a unit.”

**732.** Article 1071.1 of the said Code, enacted by section 80 of chapter 38 of the statutes of 1984, is amended by replacing the words “the approval” in the first line by the words “any approval”.

**733.** Article 1074 of the said Code is repealed.

**734.** Article 1075 of the said Code, amended by section 82 of chapter 38 of the statutes of 1984, is again amended

- (1) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) a copy of the notice of registration proceedings;

“(5) a certificate of the publication of the notice of registration proceedings;”;

- (2) by replacing paragraphs 7 and 8 by the following paragraphs:

“(6.1) a copy of the certificate attesting the results of the registration proceedings;

“(7) a copy of the resolution of the council fixing the referendum polling day, where that is the case;

“(8) a copy of the statement attesting the results of the referendum poll, where that is the case;”.

**735.** Article 1082 of the said Code is amended by adding, at the end, the following paragraph:

“Disqualification may also be declared by means of the action for the declaration of disqualification referred to in the Act respecting elections and referendums in municipalities.”

**736.** Article 1084 of the said Code, amended by section 85 of chapter 38 of the statutes of 1984 and by section *(insert here the section number of the version assented to of Bill 45 of 1985 corresponding to section 64 of the version tabled when the bill was introduced)* of chapter *(insert here the chapter number of Bill 45 of 1985)* of the statutes of 1985, is replaced by the following articles:

**“1084.** When the repayment of a loan must be borne by the owners of immoveable property of a part only of the municipality or by the persons benefiting from the works determined in accordance with article 979, the tax to be levied each year, during the term of the loan, shall be imposed only on the property owners concerned.

The tax must be sufficient to pay the interest each year and make up the capital repayable at the maturity of the bonds.

**“1084.1** Every local corporation by-law ordering a loan referred to in article 1084 shall be subject to approval by the Minister of Municipal Affairs and by the qualified voters in the concerned portion of the municipality or, as the case may be, by the persons benefiting from the works.

For the purposes of the Act respecting elections and referendums in municipalities, such part of the municipality is the zone or precinct concerned.

**“1084.2** When a referendum poll must be taken under the Act respecting elections and referendums in municipalities, approval of the by-law contemplated in article 1084 requires not only that the majority of the votes cast be affirmative, but also that the number of votes cast be equal to or greater than the majority of the qualified voters in the concerned part of the municipality or, as the case may be, of the persons benefiting from the works who are domiciled in any part thereof.

**“1084.3** Articles 1084.1 and 1084.2 apply even when a proportion not exceeding 25% of the loan to be repaid is charged to the corporation.”

**737.** Article 1094 of the said Code, amended by section 89 of chapter 38 of the statutes of 1984, is again amended by adding, at the end of subarticle 5, the following paragraph:

“Disqualification may also be declared by means of the action for the declaration of disqualification referred to in the Act respecting elections and referendums in municipalities.”

**738.** The said Code is amended by inserting after form 4 the following form:

“4.1— (*Article 167*)

*Oath or solemn affirmation of a municipal officer*

I, (*insert here the given name and surname of the municipal officer*) swear (*or solemnly affirm*) that I will perform my duties as (*enter here the office of the municipal officer and the name of the municipal corporation*) according to law.

So help me God. (*this sentence is omitted in the case of a solemn affirmation*)

.....  
(*signature of the municipal officer*)

Declared under oath (*or solemnly affirmed*) before me,  
at ....., (*place*) this ..... (*date*)

.....  
(*signature of the person administering  
the oath or solemn affirmation*)

**739.** Forms 6 to 15 of the said Code are repealed.

ACT RESPECTING THE COMMISSION MUNICIPALE

**740.** Section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by replacing the words “elector-proprietors” in the fifth line of the second paragraph of subsection 2 by the words “qualified voters”.

**741.** Section 54 of the said Act is amended by replacing the words “elector-proprietors” in the twelfth line of subparagraph *b* of the first paragraph by the words “qualified voters”.

## ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**742.** Section 11 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, no person shall cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election during or after which the term expires, as the case may be, if within the prescribed period he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council to represent thereon the same municipality.”

**743.** Section 35 of the said Act is replaced by the following section:

“**35.** Subject to sections 34.2 and 87.2, any member of the Council other than the chairman or the vice-chairman who attends a meeting shall vote, unless he is prevented therefrom by reason of his interest in the matter at issue, in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

**744.** Section 63.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, no person shall cease to be a member of the council of a municipality at the expiry of his term if he is elected to an office in the same council at the election during or after which the term expires, as the case may be, and if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person.”

**745.** Section 169.8 of the said Act is repealed.

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**746.** Sections 12.1 to 12.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), enacted by section (*insert here the section number of the version assented to of Bill 49 of 1985 corresponding to section 2 of its tabled version at the time of its introduction*) of chapter (*insert here the chapter number of Bill 49 of 1985*) of the statutes of 1985, are replaced by the following sections:

**“12.1** The chairman of the executive committee shall table a written statement before the Council, within sixty days of his appointment, declaring the existence of his pecuniary interests in immovables situated in the territory of the Community and in legal persons, partnerships and undertakings.

The statement shall declare in particular, any employment or directorship of the chairman and the existence of loans he may have contracted with persons or institutions other than financial institutions the balance of which exceeds \$2 000 in principal and interest.

The statement shall not declare the value of the interest set forth nor the extent of the chairman's participation in legal persons, partnerships or undertakings. The statement does not mention the existence of sums deposited in a financial institution nor the ownership of bonds issued by a government, a municipality or any other public body.

**“12.2** Each year, the chairman shall table an updated statement before the Council, within sixty days of the anniversary of his appointment.

**“12.3** Where the chairman fails to table the statement within the prescribed time, he shall no longer be entitled to sit on the Council, the executive committee, the board of directors of the Société de transport de la Communauté and any committee thereof nor on any other board, committee, commission or public body of which he is a member owing to his office as chairman of the executive committee, from the tenth day following the expiry of the prescribed time and until the statement is tabled. He shall lose his right to attend and speak at sittings of commissions of the Council.

Upon the expiry of the time prescribed for tabling the statement, the secretary shall inform the chairman who has not tabled the statement of his failure to do so and of the effects thereof.

**“12.4** Where the chairman loses his right to sit, he shall, as a consequence, lose his right to receive the remuneration or allowance provided for each sitting he is not entitled to attend.

Where the chairman's remuneration or allowance is not established for each sitting, 1% of the annual amount thereof shall be subtracted for each sitting in which he may not take part.

**“12.5** If the chairman of the executive committee is present at a sitting when a question in which he has, directly or indirectly, a particular pecuniary interest must be taken into consideration, he shall



disclose the general nature of the interest before the beginning of the deliberations on the question and abstain from taking part therein, from voting or attempting to influence the vote on the question.

Where the sitting is not public, in addition to the obligations imposed by the first paragraph, the chairman shall leave the sitting for the duration of the deliberations and voting on the question, after disclosing the general nature of his interest.

Where the question is taken into consideration at a sitting at which the chairman is not present, he shall disclose the general nature of his interest at the next sitting he attends.

**“12.6** Section 12.5 does not apply where the interest of the chairman consists of remunerations, allowances, reimbursements of expenses, social benefits or other conditions of employment related to his duties or where it consists of sums of money, property or benefits granted by one municipal body to another, on both of which he sits.

Section 12.5 does not apply either where the chairman's interest is so indirect or small that the chairman cannot reasonably be influenced by it.

For the purposes of the first paragraph, the words “municipal body” have the same meaning as in the provisions of the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*) which respect the disclosure of the pecuniary interests of the members of the council of a municipality.

**“12.7** Every person who knowingly makes a false or incomplete statement of his pecuniary interests or who contravenes section 12.5 is disqualified from holding the office of chairman and that of member of the council of a municipality.

The disqualification continues for five years after the day the judgment declaring the person disqualified becomes a *res judicata*.

**“12.8** The chairman's disqualification may be declared, in particular, by means of the action for the declaration of disqualification provided in the Act respecting elections and referendums in municipalities which then applies adapted as required.

**“12.9** A chairman who knowingly takes part in a sitting although he has lost his right under section 12.3 is guilty of an offence.

A chairman who is guilty of the offence described in the first paragraph is liable, on summary proceedings, in addition to costs, to

a fine of \$50 to \$500 for each sitting in which he takes part while he is disqualified.

**“12.10** Any act performed by a council, committee, commission or agency in a sitting in which the chairman who is disqualified from holding his office or who is not entitled to participate in it is actually taking part therein, shall not be invalidated by the mere fact that the chairman is taking part in the sitting.”

**747.** Section 54 of the said Act is replaced by the following section:

**“54.** Every member of the Council present at a meeting shall vote, unless he is prevented therefrom by reason of his interest in the matter at issue, in conformity with the Act respecting elections and referendums in municipalities.”

**748.** Section 82.4 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, no person shall cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election at or after which the term expires, as the case may be, if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council to represent thereon the same municipality.”

**749.** Section 101.1 of the said Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph, no person shall cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election at or after which the term expires, as the case may be, if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council to represent thereon the same municipality.”

**750.** Section 255 of the said Act, replaced by section (*insert here the section number of the version assented to of Bill 49 of 1985 corresponding to section 23 of its version tabled at the time of its introduction*) of chapter (*insert here the chapter number of Bill 49 of 1985*) of the statutes of 1985, is again replaced by the following section:

**“255.** Each member of the board of directors present at a meeting shall vote unless he is prevented therefrom by reason of his interest

in the question concerned, in accordance with the Act respecting elections and referendums in municipalities or with section 12.5.

Where a member chosen from among citizens has a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Société, he shall disclose it to the board of directors and abstain from taking part in the deliberations and from voting on any question regarding the undertaking in which he has an interest."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**751.** Sections 6.3.1 to 6.3.6 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), enacted by section (*insert here the section number of the version assented to of Bill 49 of 1985 corresponding to section 28 of its version tabled at the time of its introduction*) of chapter (*insert here the chapter number of Bill 49 of 1985*) of the statutes of 1985, are replaced by the following sections:

**"6.3.1** The chairman of the executive committee shall table a written statement before the Council, within sixty days of his appointment, declaring the existence of his pecuniary interests in immovables situated in the territory of the Community and in legal persons, partnerships and undertakings.

The statement shall declare, in particular, any employment or directorship of the chairman and the existence of loans he may have contracted with persons or institutions other than financial institutions the balance of which exceeds \$2 000 in principal and interest.

The statement shall not declare the value of the interest set forth nor the extent of the chairman's participation in legal persons, partnerships or undertakings. The statement does not mention the existence of sums of money deposited in a financial institution nor the ownership of bonds issued by a government, a municipality or any other public body.

**"6.3.2** Each year, the chairman shall table an updated statement before the Council, within sixty days of the anniversary of his appointment.

**"6.3.3** Where the chairman fails to table the statement within the prescribed time, he shall no longer be entitled to sit on the Council, the executive committee, commissions of the Council and the board of directors of the Transit Commission nor on any other board, committee, commission or public body of which he is a member owing to his office as chairman of the executive committee, from the tenth

day following the expiry of the prescribed time and until the statement is tabled.

Upon the expiry of the time prescribed for tabling the statement, the secretary shall inform the chairman who has not tabled the statement of his failure to do so and of the effects thereof.

**“6.3.4** The chairman who has lost his right to sit shall, consequently, lose his right to receive the remuneration or allowance provided for each sitting in which he may not take part.

Where the chairman’s remuneration or allowance is not established for each sitting, 1% of the annual amount thereof shall be subtracted for each sitting in which he may not take part.

**“6.3.5** If the chairman of the executive committee is present at a sitting when a question in which he has, directly or indirectly, a particular pecuniary interest must be taken into consideration, he shall disclose the general nature of the interest before the beginning of the deliberations on the question and abstain from taking part therein, from voting or trying to influence the vote on the question.

Where the sitting is not public, in addition to the obligations imposed by the first paragraph, the chairman shall leave the sitting for the duration of the deliberations and voting on the question after disclosing the general nature of his interest.

Where the question is taken into consideration at a sitting at which the chairman is not present, he shall disclose the general nature of his interest at the next sitting he attends.

**“6.3.6** Section 6.3.5 does not apply where the interest of the chairman consists of remunerations, allowances, reimbursements of expenses, social benefits or other conditions of employment related to his duties or where it consists of sums of money, property or benefits granted by one agency to another on both of which he sits.

Section 6.3.5 does not apply either where the chairman’s interest is so indirect or small that the chairman cannot reasonably be influenced by it.

For the purposes of the first paragraph, the words “municipal body” have the same meaning as in the provisions of the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*) which respect the disclosure of the pecuniary interests of the members of the council of a municipality.

**“6.3.7** Every person who knowingly makes a false or incomplete statement of his pecuniary interests or who contravenes section 6.3.5 is disqualified from holding the office of chairman and that of member of the council of a municipality.

The disqualification continues for five years after the day on which the judgment declaring the person disqualified becomes a *res judicata*.

**“6.3.8** The chairman’s disqualification may be declared, in particular, by means of the action for the declaration of disqualification provided in the Act respecting elections and referendums in municipalities which then applies, adapted as required.

**“6.3.9** A chairman who knowingly takes part in a sitting although he has lost his right under section 6.3.3 is guilty of an offence.

A chairman who is guilty of the offence described in the first paragraph is liable, on summary proceedings, in addition to costs, to a fine of \$50 to \$500 for each sitting in which he takes part while he is disqualified.

**“6.3.10** Any act performed by a council, committee, commission or agency in a sitting in which the chairman who is disqualified from holding his office or who is not entitled to participate in it is actually taking part therein, shall not be invalidated by the mere fact that the chairman is taking part in the sitting.”

**752.** Section 40 of the said Act is replaced by the following section:

**“40.** Subject to section 29, any member of the Council present at a meeting shall vote, except if he is the chairman of the executive committee or the chairman or the vice-chairman of the Council and if such member is prevented from voting by reason of his interest in the matter concerned, in accordance with the Act respecting elections and referendums in municipalities.”

**753.** Section 69.3 of the said Act is amended by replacing the third paragraph by the following paragraph:

**“For the purposes of the second paragraph, no person shall cease to be a member of the Council at the expiry of his term as a member of the council of a municipality if he is elected to such an office at the election at or after which the term expires, as the case may be, if, within the prescribed time, he makes the oath or solemn affirmation required of any elected person and if the election enables him to again become a member of the Council to represent thereon the same municipality.”**

**754.** Section 182 of the said Act is amended by replacing the words “no commissioner” in the first line of the third paragraph by the words “the director general”.

**755.** Section 234 of the said Act is amended by striking out the words and figure “the Act respecting municipal bribery and corruption (chapter F-6),”, in the fourth and fifth lines.

#### MUNICIPAL FRANCHISES ACT

**756.** Section 1 of the Municipal Franchises Act (R.S.Q., chapter C-49) is amended by replacing the second paragraph by the following paragraph:

“The by-law or resolution granting such privilege, right or franchise shall be submitted to the approval of the qualified voters.”

**757.** Section 2 of the said Act is amended by replacing the words “municipal electors” in the second line by the words “qualified voters”.

**758.** Section 3 of the said Act is repealed.

#### ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

**759.** Section 14 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by replacing the second paragraph by the following paragraph:

“However such a person shall not cease to hold office as such at the expiry of his term as a member of the council if he has been elected to such an office at the election at or after which the term expires, as the case may be, and if, within the prescribed time, he is sworn or makes the solemn affirmation required of any elected person.”

**760.** Section 27 of the said Act is repealed.

#### ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

**761.** Section 45 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is amended by replacing the word “electors” in the second line of the second paragraph by the words “qualified voters”.

## ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

**762.** The Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is repealed.

## ELECTION ACT

**763.** The Election Act (1984, chapter 51) is amended by inserting, after section 91, the following section:

**“91.1** The returning officer shall transmit, free of charge, to the clerk or secretary-treasurer of each municipality whose territory is wholly or partly included in the electoral division a certified copy of the list of electors of each polling subdivision comprized in that territory.”

**764.** The said Act is amended by inserting, after section 143, the following section:

**“143.1** The returning officer shall transmit, free of charge, to the clerk or secretary-treasurer of each municipality whose territory is wholly or partly included in the electoral division a certified copy of the abstracts of changes made to the list of electors of each polling subdivision comprised in that territory.”

**765.** Section 483 of the said Act is amended by replacing the words and figures “in certain municipalities (R.S.Q., chapter E-2.1)” in the third and fourth lines by the words and figures “and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*)”.

## PUBLIC OFFICERS ACT

**766.** Section 9 of the Public Officers Act (R.S.Q., chapter E-6) is amended

(1) by striking out the words “every mayor,” in the second line of the first paragraph;

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

“The first two paragraphs do not apply in the case of a municipality or public corporation the majority of the council of which consists of persons elected in municipal elections.”

## ACT RESPECTING PUBLIC ELEMENTARY AND SECONDARY EDUCATION

**767.** Section 229 of the Act respecting public elementary and secondary education (1984, chapter 39) is replaced by the following sections:

**“229.** A member of the council of commissioners present at a meeting at which a matter is to be discussed in which he has a direct or indirect pecuniary interest shall disclose the general nature of his interest before the beginning of the deliberations on the matter and abstain from participating in them and from voting or attempting to influence the vote taken on the matter.

The first paragraph also applies to a meeting of any council, committee or commission which the member is part of within the school board or a school body.

Where the meeting is not public, the member shall, in addition to the requirements prescribed in the first paragraph, leave the meeting after disclosing the general nature of his interest, until the deliberations and vote on the matter are over.

Where the matter is discussed at a meeting at which the member is not present, he shall disclose the general nature of his interest at the first subsequent meeting he attends.

**“229.1** Section 229 does not apply where the member’s interest has to do with remuneration, allowances, expense reimbursements, fringe benefits or other conditions of employments attached to his functions within the school board or school body or with money, property or benefits granted by one school body to another or by the board to a school body or *vice versa*.

Nor does it apply where the member’s interest is so indirect or minor that the member could not reasonably be influenced by it.

**“229.2** For the purposes of sections 229 and 229.1, “school body” means

- (1) a school council;
- (2) a company established under section 338;
- (3) the Conseil scolaire de l’île de Montréal;
- (4) any other body determined by regulation of the Minister of Education.



**"229.3** Any person who knowingly contravenes section 229 is disqualified from holding the office of member of the council of commissioners.

The disqualification persists for five years after the date on which the judgment declaring the person disqualified becomes a *res judicata*.

Disqualification may be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*), adapted as required."

**768.** Section 233 of the said Act is amended by striking out, in the second line, the figure ", 229".

**769.** Section 410 of the said Act is amended by striking out, in the first line of the first paragraph, the figure ", 229".

**770.** Section 413 of the said Act is amended by striking out, in the first line, the figure ", 229".

**771.** The said Act is amended by inserting, after section 453, the following section:

**"453.1** The Minister may, by regulation, designate a body as a "school body" for the purposes of sections 229 and 229.1."

#### ACT RESPECTING MUNICIPAL TAXATION

**772.** The Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by repealing sections 60 and 60.1.

#### ACT RESPECTING MUNICIPAL BRIBERY AND CORRUPTION

**773.** The Act respecting municipal bribery and corruption (R.S.Q., chapter F-6) is repealed.

#### EDUCATION ACT

**774.** Section 80 of the Education Act (R.S.Q., chapter I-14) is amended by replacing the second paragraph by the following paragraph:

"A member of a school board may be declared disqualified by, in particular, an action for declaration of disqualification provided for by the Act respecting elections and referendums in municipalities (1985,

chapter *insert here the chapter number of this Act*), which applies to such case, adapted as required.”

**775.** Section 500 of the said Act is amended by striking out the second paragraph.

#### ELECTRICITY MUNICIPALIZATION ACT

**776.** Section 4 of the Electricity Municipalization Act (R.S.Q., chapter M-38) is replaced by the following section:

“**4.** Every by-law made under section 3 shall be submitted to the approval of the persons qualified to vote.

It requires no further approval.”

**777.** Section 14 of the said Act is amended

(1) by replacing the word “elector-proprietors” in the fifth line of paragraph *b* of subsection 2 by the words “persons qualified to vote”;

(2) by replacing subsection 3 by the following subsection:

“(3) The provisions of the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*) relating to the manner in which the rights of a legal person may be exercised, the number of applications for a referendum poll that a person qualified to vote may make and the manner in which the applications are counted, adapted as required, apply to any application referred to in paragraph *b* of subsection 2.

As regards any application referred to in paragraph *b* of subsection 2, the Commission municipale du Québec, before taking charge of the management of the electricity system, shall submit the application to the approval of the persons qualified to vote in each interested municipality. The consultation shall be made by means of a referendum poll in accordance with the above-mentioned Act. The Commission shall take charge of the management of the electricity system only if the result of the poll gives a majority of affirmative votes in each municipality.”

#### ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

**778.** Section 5 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended

(1) by replacing paragraphs *h* and *i* of subsection 2 by the following paragraphs:

“(h) establish the division of the new municipality into electoral districts or the manner of doing so, where such is the case;

“(i) where the new municipality will not be divided into electoral districts, determine the number of its councillors;”;

(2) by replacing paragraph *k* of subsection 2 by the following paragraph:

“(k) fix the polling date for each of the first two general elections in the new municipality;”.

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

(1) by replacing the words “interested person”, in the eighth line of the first paragraph by the words “person qualified to vote in each municipality concerned”;

(2) by replacing the third and fourth paragraphs by the following paragraph:

“The provisions of the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*) relating to the manner in which the rights of a legal person may be exercised, the number of applications for a referendum poll that a person qualified to vote may make and the manner in which the applications are counted, adapted as required, apply to any objection referred to in the first paragraph.”

**780.** Section 9 of the said Act is amended

(1) by replacing the words “interested person” in the first line of the first paragraph by the words “person qualified to vote in a municipality concerned”;

(2) by replacing the words “interested persons of” in the fifth line of the third paragraph by the words “persons qualified to vote in”.

**781.** Section 12 of the said Act is amended by replacing the words “interested persons of” in the third line by the words “persons qualified to vote in”.

**782.** Section 13 of the said Act is replaced by the following section:

**“13.** Where the Minister has ordered, under section 9 or 12, consultation of the persons qualified to vote, the consultation shall be made by means of a referendum poll, in accordance with the Act respecting elections and referendums in municipalities. The said Act applies insofar as it is not inconsistent with this section.

The referendum poll shall be presided over by the person designated by the Minister.

The following question shall be entered on the ballot paper: “Are you in favour of the amalgamation of your municipality?”.

The results of the poll shall be transmitted to the Minister without delay.

Where a referendum poll of qualified voters is ordered in more than one municipality, it shall be held on the same day in all of them.

Expenses incurred for the holding of the poll are payable by the municipalities concerned and shall be shared among them proportionately to the taxable values on each of their assessment rolls. The third paragraph of subsection 1 of section 10 applies to the case contemplated in this section.”

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

**783.** Section 44 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21) is replaced by the following section:

**“44.** This Act does not prevent a municipality from holding, in respect of a convention provided for in the first paragraph of section 21 or an agreement provided for in the second paragraph of section 27.1, a consultative referendum in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

#### MUNICIPAL WORKS ACT

**784.** Section 6 of the Municipal Works Act (R.S.Q., chapter T-14) is amended by inserting, after the second paragraph, the following paragraph:

“Disqualification may also be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

## ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

**785.** Section 1 of the Act respecting sales of municipal public utilities (R.S.Q., chapter V-4) is replaced by the following section:

**“1.** No municipality may sell, cede or otherwise alienate any public utility service belonging to it, except by a by-law subject to approval by the persons qualified to vote and by the Government.”

## ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**786.** The Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by inserting, after section 22, the following section:

**“22.1** The disqualification of a member of the Council may be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

**787.** Section 204 of the said Act is amended by adding, at the end of subsection 11, the following paragraph:

“Disqualification may also be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities.”

**788.** The said Act is amended by adding, after section 246, the following section:

**“246.1** The disqualification of a member of the council may be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities, adapted as required.”

**789.** Section 358 of the said Act is amended by adding, at the end of subsection 11, the following paragraph:

“Disqualification may also be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities, adapted as required.”

**790.** Section 408 of the said Act is amended by striking out, in the fourth and fifth lines, the words and figure “, the Act respecting municipal bribery and corruption (chapter F-6)”.

## MINING TOWNS ACT

**791.** Section 6 of the Mining Towns Act (R.S.Q., chapter V-7) is repealed.

**792.** Section 10 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“10.** The first general election of the members of the municipal council shall be held, in conformity with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*), on the first Sunday of November of the year during which the term of the municipal council the members of which are appointed under section 8 expires.”

## TEMPERANCE ACT

**793.** Section 7 of the Temperance Act (R.S.Q., 1964, chapter 45) is replaced by the following section:

**“7.** If the council orders that the by-law be submitted to the approval of the persons qualified to vote, with or without a requisition under section 5, or if the requisition referred to in section 6 has been received, a referendum poll shall be held so that the persons qualified to vote may approve or adopt the by-law.”

**794.** Sections 8 to 32 of the said Act are repealed.

**795.** Section 42 of the said Act is repealed.

**796.** The said Act is amended by inserting, after section 43, the following sections:

**“44.** Any provision of this Act affecting the persons qualified to vote in a regional county municipality is deemed to affect the persons qualified to vote in each local municipality the territory of which is comprised in that of the regional county municipality and which is affected by any by-law referred to in this Act, as well as the persons qualified to vote in any territory which is comprised therein, so affected and is not the territory of a local municipality or constitutes the territory of such a municipality the council of which has not yet been formed. Every poll provided for in this Act shall be held separately for each such group of persons qualified to vote.

**“45.** The provisions of the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter*

*number of this Act*) relating to the manner in which the rights of a legal person may be exercised, the number of applications for a referendum poll that a person qualified to vote may make and the manner in which the applications are counted, adapted as required, apply to any application provided for in this Act.

**“46.** The approval or adoption, by the persons qualified to vote, of a by-law provided for in this Act shall be made by means of a referendum poll, in accordance with the Act respecting elections and referendums in municipalities.”

**797.** The said Act is amended by replacing the words “municipal electors” or “electors”, wherever they appear, by the words “persons qualified to vote” and by adjusting the text accordingly.

#### ACT TO INCORPORATE THE MONTREAL SOUTH SHORE TRANSIT COMMISSION

**798.** Section 6 of the Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the first paragraph, such person shall not cease to hold such office at the end of his term as a member of the council of a municipality where he is elected to such office at the election during or after which the term ends and, within the prescribed time limit, takes the oath or makes the solemn affirmation required of any elected person.”

**799.** Section 13 of the said Act is replaced by the following section:

**“13.** Every member of the Council who is present at a meeting shall vote, except where he is prevented therefrom by reason of his interest in the matter at issue, in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

#### ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

**800.** Section 17 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is replaced by the following section:

**“17.** Every member of the board of directors who attends a meeting shall vote, except where he is prevented therefrom by reason of his interest in the matter at issue, in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

## CHARTER OF THE CITY OF QUÉBEC

**801.** Section 1 of the Charter of the City of Québec (1929, chapter 95) is amended

(1) by replacing paragraph *n* by the following paragraph:

“(n) The words “list”, “electoral list” and “voters’ list” shall mean the list of electors prepared in accordance with the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*);”;

(2) by replacing paragraph *q* by the following paragraph:

“(q) The words “electoral district” and “ward” shall mean an electoral district delimited pursuant to the Act respecting elections and referendums in municipalities;”.

**802.** Section 14 of the said Charter, replaced by section 3 of chapter (*insert here the chapter number of bill 199 of 1985*) of the statutes of 1985, is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) by a council consisting of the mayor and one councillor per electoral district;”.

**803.** The heading of Section VI of the said Charter is repealed.

**804.** Sections 18 to 20e of the said Charter are repealed.

**805.** Section 21 of the said Charter, replaced by section 2 of chapter 86 of the statutes of 1969 and amended by section 6 of chapter (*insert here the chapter number of bill 199 of 1985*) of the statutes of 1985, is again amended

(1) by replacing what precedes paragraph *a* by the following:

“**21.** The following persons shall not be appointed to or hold a position as officer or employee of the city:”;

(2) by striking out the second paragraph of paragraph *a*;

(3) by striking out the second paragraph of paragraph *b*;

(4) by replacing paragraph *d* the following paragraph:

“(d) whoever has, directly or indirectly, by himself or his partner, any contract with the city other than his contract as an officer or



employee. Acceptance of or application for municipal services available to ratepayers according to a fixed tariff shall not be deemed a contract with the city;”;

(5) by striking out paragraph *g*.

**806.** Section 22 of the said Charter, replaced by section 7 of chapter (*insert here the chapter number of bill 199 of 1985*) of the statutes of 1985, is repealed.

**807.** Sections 24 to 26 of the said Charter are repealed.

**808.** Section 29 of the said Charter is repealed.

**809.** Sections VII to XV-A of the said Charter, consisting of sections 30 to 146*g*, are repealed.

**810.** Section 151 of the said Charter, replaced by section 43 of chapter 81 of the statutes of 1965 (1<sup>st</sup> session) and amended by section 100 of chapter 16 of the statutes of 1980, is again amended by striking out the second, third and fourth paragraphs.

**811.** Section 286*b* of the said Charter, enacted by section 1 of chapter 34 of the statutes of 1984, is amended by replacing the words and figures “in certain municipalities (R.S.Q., chapter E-2.1)” in the last line of the third paragraph by the words and figures “and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*)”.

**812.** Schedules A to H-2 and J of the said Charter are repealed.

#### CHARTER OF THE CITY OF MONTRÉAL

**813.** Article 2 of the Charter of the City of Montréal (1959-60, chapter 102) is amended by replacing paragraph *j* by the following paragraph:

“(j) “elector”: any person who is a qualified elector in the city;”.

**814.** Article 58 of the said Charter is repealed.

**815.** Article 59 of the said Charter is amended by replacing the fourth paragraph by the following paragraph:

“Saving the case of articles 69 to 72, the acting-mayor has and shall exercise all the powers of the mayor, whenever the mayor is absent from the city or is unable to perform the duties of his office, and during any vacancy in the office of mayor.”

**816.** Articles 62 and 63 of the said Charter are repealed.

**817.** Article 68 of the said Charter is repealed.

**818.** Articles 74 and 75 of the said Charter are repealed.

**819.** Article 107 of the said Charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, is again amended by adding, at the end of subsection 8, the following paragraph:

“Disqualification may also be declared by means of the action for declaration of disqualification provided for in the Act respecting elections and referendums in municipalities (1985, chapter *insert here the chapter number of this Act*).”

**820.** Article 112 of the said Charter, replaced by section 19 of chapter 77 of the statutes of 1977, is again replaced by the following article:

“**112.** After each general election, the clerk shall convene a special meeting of the council for a date within thirty days after the date on which the majority of the members of the council have taken the oath or made the solemn affirmation required of any elected person.

The object of the meeting is to proceed with the appointments and elections provided for in article 79 and with the choosing of the acting-mayor in accordance with article 59.”

**821.** Article 113 of the said Charter, replaced by section 20 of chapter 77 of the statutes of 1977, is amended by replacing the words and figure “articles 68 and” in the first line by the word “article”.

**822.** Article 119 of the said Charter, amended by section 23 of chapter 77 of the statutes of 1977, is again amended by striking out the figure “68,” in the first line of the first paragraph.

**823.** Article 125*a* of the said Charter, enacted by section 17 of chapter 70 of the statutes of 1963 (1<sup>st</sup> session), is replaced by the following article:

**"125a.** Every councillor who is present shall vote, unless he is prevented therefrom under the Act respecting elections and referendums in municipalities."

**824.** Titles VI to VIIA of the said Charter, consisting of articles 196 to 450a, are repealed.

**825.** Chapter III of Title VIII of the said Charter, consisting of articles 471 to 514, is repealed.

**826.** Article 661.1 of the said Charter, replaced by section 2 of chapter 34 of the statutes of 1984, is amended by replacing the words and figures "in certain municipalities (R.S.Q., chapter E-2.1)" in the third line of the third paragraph by the words "and referendums in municipalities".

**827.** Form 1 of the said Charter is repealed.

**828.** Forms 4 to 30 of the said Charter are repealed.

#### AMENDMENTS TO PARTICULAR CHARTERS

**829.** The legislative provisions referred to in the Schedule are repealed to the extent indicated therein.

#### IMPLICIT AMENDMENTS

**830.** No provision, in force on 31 December 1985, of a general law, special Act, letters patent, proclamation, order, order in council, ordinance, regulation, by-law or resolution shall apply insofar as it is inconsistent with this Act.

**831.** No provision of the charter of a municipality which on 31 December 1985 does not apply, under the second or fourth paragraph of section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), still shall not apply notwithstanding the replacing or striking out of such paragraph by section 655 of this Act, even if the provision is not inconsistent with this Act.

**832.** Every provision of a general law or special Act providing that a by-law, resolution or order of a municipality shall be submitted to the approval of the persons qualified to vote in that municipality or another is deemed to refer to Title II of this Act.

The persons qualified to vote at the referendum are those determined under Title II of this Act, even if the provision referred to in the first paragraph describes them as “electors”, “municipal electors”, “elector-proprietors” or “proprietors” or by any other similar term.

**833.** If the provision referred to in the first paragraph of section 832 provides that the consulting of the persons qualified to vote may or shall be preceded by an application from a certain number of them, the provisions of this Act relating to the manner in which the rights of a legal person may be exercised, the number of applications for a referendum poll that a person qualified to vote may make and the manner in which the applications are counted, adapted as required, apply to any application referred to in the first paragraph.

If the required number of the applications is reached, a referendum poll shall be held without registration.

**834.** Every reference, in a general law or special Act, to a provision replaced or repealed by this Act is a reference to the corresponding provision of this Act, where such is the case.

## CHAPTER III

### TRANSITIONAL PROVISIONS

**835.** Every member of the council of a municipality who is in office on 31 December 1985 shall remain in office until the end of his term in accordance with this Act.

**836.** The day fixed for the poll at the first general election held in accordance with this Act in a municipality is the first Sunday of November of the calendar year during which the next general election or, as the case may be, the next fixed-date election for the office of mayor is to be held under the Act governing the municipality in that matter is on 31 December 1985.

If necessary, the term of any member of the council in office on 31 December 1985 shall be extended or reduced to comply with the first paragraph, subject to a premature ending of his term under this Act.

**837.** The division of the territory of a municipality for election purposes and the composition of its council, as they stand on 31 December 1985, remain unchanged until they are replaced in accordance with this Act.

**838.** Section 45 applies only from the election referred to in section 836, to any municipality whose territory is not divided for election purposes and whose council consists of less than six offices of councillor on 31 December 1985.

**839.** Sections 57 and 58 and paragraphs 3 to 5 of section 299 do not apply to any person who on 31 December 1985 legally holds both the office of member of the council of a municipality and any office referred to in the said provisions until he no longer holds both offices.

A person shall not cease to hold both offices at the end of his term in one such office, where the latter office is renewed.

**840.** Paragraphs 1 and 2 of section 299 apply to a member of the council of a municipality in office on 31 December 1985 during his term still running on that date, only where he was not eligible when he was elected under the legislative provisions then applicable or if he subsequently ceases to be eligible under those provisions.

**841.** The second and third paragraphs of section 315 do not apply to a member of the council in office on 31 December 1985 whose term of office, under those paragraphs, should have ended before 1 January 1986.

His term of office shall end on the day on which the judgment declaring him disqualified becomes a *res judicata*, unless his term ended sooner for any other reason. Where such is the case, the disqualification period of 5 or 20 years provided for in section 300 or 301 starts to run on that very day.

**842.** Until the list of electors of a municipality governed by the Municipal Code of Québec (R.S.Q., chapter C-27.1) is prepared, schedule to its valuation roll takes the place of that list.

**843.** Until a tariff established under section 564 comes into force, the tariff established by the Minister of Municipal Affairs under section 303 of the Cities and Towns Act (R.S.Q., chapter C-19) and in force on 31 December 1985, adapted as required, applies to the elections and referendums held under this Act.

**844.** Until a tariff established under section 567 comes into force, the tariff established by the Government under section 232 of the Election Act (R.S.Q., chapter E-3.1) or under section 482 of the Election Act (1984, chapter 51) and in force on 31 December 1985 applies to a recount of the votes carried on in accordance with this Act, save insofar as it is inconsistent therewith.

**845.** The Government, the Minister of Municipal Affairs, the Chief Electoral Officer, any municipality or any person may perform any deed provided for in this Act after (*insert here the date of assent to this Act*) but before 1 January 1986, including the making or publishing of an order, order in council, regulation, by-law, resolution or ordinance, so as to give effect to the provisions of this Act as soon as possible after the latter date.

No deed referred to in the first paragraph shall become binding before 1 January 1986.

**846.** Every procedure brought before 31 December 1985 in accordance with any provision amended, replaced or repealed by this Act may be continued in accordance with that provision as it stood on that date where it cannot be continued in accordance with this Act, in particular by reason of the time limits fixed by this Act or any other Act.

The first paragraph does not apply to any procedure referred to in section 12 or 13 of the Interpretation Act (R.S.Q., chapter I-16).

**847.** Any letters patent, order, order in council, regulation, by-law, resolution or ordinance in force on 31 December 1985 and adopted under any provision replaced or repealed by this Act remains in force until the date provided for the end of its operation, until its object is carried out or it has been replaced or repealed by this Act. Where such is the case, it is deemed to have been adopted under the corresponding provision of this Act.

However, it does not operate if it is meant to fix the first Monday of November as the polling day of a general election, fix the hours for the poll, fix the term of the members of the council, order that a poll be held at several places or that the vote be taken by show of hands.

**848.** Any deed performed before 1 January 1986 under any provision replaced or repealed by this Act remains effective, if it is still useful. Where such is the case, it is deemed to have been performed under the corresponding provision of this Act.

**849.** Every person in office on 31 December 1985 and appointed under any provision replaced or repealed by this Act shall remain in office until the end of the period for which he was appointed or until he is replaced or otherwise ceases to hold office according to law. Where such is the case, the person is deemed to have been appointed under the corresponding provision of this Act.

The first paragraph does not prevent a person from continuing to hold office notwithstanding the end of his term, until he is replaced or appointed again, if it is so provided for by law.

## CHAPTER IV

### FINAL PROVISIONS

**850.** Not later than 30 September of each calendar year, the Chief Electoral Officer and the Commission de la représentation shall submit to the President of the National Assembly a report on their respective activities under this Act for the preceding calendar year.

The report shall be tabled in the National Assembly within thirty days of its receipt if the Assembly is in session or, if it is not sitting, within thirty days of the opening of the next session or of resumption.

**851.** The Minister of Municipal Affairs is responsible for the administration of this Act.

**852.** Sections 94 to 99, section 260, the fourth paragraph of section 492 and sections 543 and 563 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

**853.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**854.** This Act comes into force on 1 January 1986 except sections 767 to 771, 774 and 775, which come into force on 1 July 1986 and section 845, which comes into force on (*insert here the date of assent to this Act*).

In respect of members of the school boards, section 773 has effect from 1 July 1986.

## SCHEDULE

LEGISLATIVE PROVISIONS REPEALED  
UNDER SECTION 829

Municipality	Title of the Act	Provisions repealed
1. Acton-Vale	An Act to incorporate the town of Acton-Vale (1908, chapter 102)	Sections 6 to 13
2. Arthabaska	An Act to incorporate the town of Arthabaska (1903, chapter 70)	Sections 6, 7, 14 to 16, 18 and 20
3. Asbestos	An Act to amend the charter of the town of Asbestos (1941, chapter 79)	Section 1
	An Act to amend the charter of the town of Asbestos and respecting certain municipal and school corporations of the county of Richmond (1953-54, chapter 91)	Section 1
	An Act to amend the charter of the town of Asbestos (1959-60, chapter 132)	Sections 1 and 2
4. Aylmer	Charter of the city of Lucerne (1974, chapter 88, section 23)	Section 8
5. Baie-d'Urfé	An Act to consolidate the charter of the town of Baie d'Urfée (1953-54, chapter 111)	Sections 7 to 24, 33 and 34
6. Barkmere	An Act to incorporate the Town of Barkmere (1926, chapter 80)	Sections 5 to 16



Municipality	Title of the Act	Provisions repealed
7. Beauharnois	An Act to revise the charter of the town of Beauharnois and to incorporate its territory into a city municipality (1948, chapter 69)	The second paragraph of section 9 replaced by section 5 of chapter 90 of the statutes of 1956-57
8. Beauport	Charter of the city of Beauport (1975, chapter 91, section 1)	Section 8
9. Bedford	An Act to incorporate the town of Bedford (1890, 1 <sup>st</sup> session, chapter 77)	Section 5 replaced by section 4 of chapter 106 of the statutes of 1919  Section 7 replaced by section 5 of chapter 106 of the statutes of 1919 and by section 3 of chapter 100 of the statutes of 1952-53
10. Belleterre	An Act to incorporate the town of Belleterre (1942, chapter 89)	Sections 5, 6, 9 to 15 and 23 to 25
11. Beloeil	An Act to incorporate the town of Beloeil (1913-14, chapter 92)	Section 6, amended by section 1 of chapter 141 of the statutes of 1959-60
	An Act to amend the charter of the town of Beloeil (1950-51, chapter 98)	Sections 7 to 12  Sections 4 to 9

Municipality	Title of the Act	Provisions repealed
12. Berthierville	An Act respecting the town of Berthier and to ratify an agreement between the school commissioners for the municipality of Berthierville and for that of Berthier parish (1942, chapter 88)	Section 3
13. Black-Lake	An Act to incorporate the town of Black-Lake (1908, chapter 101)	Sections 8, 9, 11 and 12
14. Bromptonville	An Act to incorporate the town of Bromptonville (1903, chapter 72)	Sections 9 and 10 replaced by sections 1 and 2 of chapter 148 of the statutes of 1959-60
	Section 11, amended by section 4 of chapter 148 of the statutes of 1959-60  An Act to amend the charter of the town of Bromptonville (1959-60, chapter 148)	Section 11, amended by section 4 of chapter 148 of the statutes of 1959-60  Sections 3 and 5
15. Cadillac	An Act respecting the incorporation of the town of Cadillac (1948, chapter 78)	Sections 10 to 13, 15 and 16
16. Candiac	An Act to incorporate the town of Candiac (1956-57, chapter 124)	Sections 5, 6 and 8 to 19
17. Cap-de-la-Madeleine	An Act to incorporate the town of Cap de la Madeleine (1917-18, chapter 97)	Section 8 replaced by section 5 of chapter 100 of the statutes of 1922 (2 <sup>nd</sup> session)

Municipality	Title of the Act	Provisions repealed
18. Chandler	An Act to amend the charter of the town of Cap-de-la-Madeleine (1922, 2 <sup>nd</sup> session, chapter 100)	Section 4 Section 7 replaced by section 5 of chapter 58 of the statutes of 1948 Sections 11 and 13 to 15
	An Act respecting the city of Cap de la Madeleine (1944, chapter 57)	Section 1
	An Act respecting the city of Cap-de-la-Madeleine (1948, chapter 58)	Sections 7 to 10
19. Charlesbourg	An Act to incorporate the town of Chandler and to grant to the school commissioners for the municipality of Chandler the right to impose an education tax (1957-58, chapter 105)	Section 12
	Charter of the city of Charlesbourg (1975, chapter 91, section 2)	Section 9
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	The words "composed of the mayor and ten councillors" in paragraph <i>a</i> of section 46 replaced for the city of Charlesbourg by section 2 of chapter 87 of the statutes of 1977

Municipality	Title of the Act	Provisions repealed
20. Châteauguay	An Act respecting the town of Châteauguay-Centre and the town of Châteauguay (1975, chapter 98)	Section 7
21. Chicoutimi	An Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88)	Section 6a, enacted by section 1 of chapter 81 of the statutes of 1977
22. Coaticook	An Act respecting the town of Coaticook (1940, chapter 99)	Sections 4 to 11 and 15 to 29
	An Act respecting the town of Coaticook (1946, chapter 70)	Sections 5 and 6
	An Act respecting the town of Coaticook (1950-51, chapter 90)	Sections 5 to 16 and 30
	An Act respecting the town of Coaticook (1957-58, chapter 86)	Sections 3, 4 and 6 to 11
23. Cookshire	An Act to amend the charter of The corporation of the town of Cookshire (1958-59, chapter 104)	Sections 3 and 4
24. Côte-Saint-Luc	An Act to incorporate the town of Côte St. Luc (1951-52, chapter 98)	Sections 8 and 11 to 21
	An Act to amend the charter of the town of Côte Saint-Luc (1955-56, chapter 109)	Section 4
25. Cowansville	An Act to grant a charter and certain special powers to the town of Cowansville (1959-60, chapter 139)	Sections 8 to 12

Municipality	Title of the Act	Provisions repealed
26. Danville	An Act to amend the charter of the town of Danville (1959-60, chapter 155)	Sections 3 to 5
27. Delson	An Act to incorporate as a town the municipality of the village of Delson and to annex thereto certain portions of territory and also to annex a certain portion of territory to The school board of Delson (1956-57, chapter 121)	Sections 12 and 13
	Cities and Towns Act (Revised Statutes, 1941, chapter 233)	The second paragraph of section 30, replaced for the town of Delson by section 15 of chapter 121 of the statutes of 1956-57
28. Dolbeau	An Act to incorporate the town of Dolbeau (1927, chapter 87)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Dolbeau (1956-57, chapter 108)	Sections 1 to 3
29. Dorion	An Act respecting Dorion Village and to erect it as a town under the name of "The Town of Dorion" (1916, 1 <sup>st</sup> session, chapter 59)	Sections 8 and 11
30. Dorval	An Act to consolidate the charter of the town of Dorval (1950, chapter 120)	Sections 8 to 21
	An Act to amend the charter of the town of Dorval (1953-54, chapter 97)	Section 2

Municipality	Title of the Act	Provisions repealed
31. Duparquet	An Act to incorporate the town of Duparquet (1933, chapter 136)	Sections 5 to 7, to 11 and 14
32. East-Angus	An Act to incorporate the town of East-Angus (1912, 1 <sup>st</sup> session, chapter 72)	Section 8 Section 9 replaced by section 1 of chapter 102 of the statutes of 1919-20
	An Act to amend the charter of the town of East-Angus (1952-53, chapter 95)	Section 4
33. Estérel	An Act to incorporate the town of Estérel (1958-59, chapter 107)	Sections 6 and 9
34. Farnham	An Act to consolidate and amend the charter of Farnham (1956-57, chapter 93)	Sections 10 to 12 and 18
35. Fossambault-sur-le-Lac	An Act respecting the town of Fossambault-sur-le-Lac (1975, chapter 102)	Sections 1 to 4
36. Gagnon	An Act to incorporate the town of Gagnon, The Catholic school commission of the town of Gagnon and the Protestant board of school trustees of the town of Gagnon (1959-60, chapter 161)	Sections 5 and 8 to 10 Section 11 replaced by section 1 of chapter 96 of the statutes of 1964 Sections 18 <i>a</i> and 18 <i>b</i> , enacted by section 2 of chapter 96 of the statutes of 1964 Section 10

Municipality	Title of the Act	Provisions repealed
37. Gatineau	Charter of the city of Gatineau (1974, chapter 88, section 18)	Section 9
38. Granby	An Act respecting the village of Granby and to erect it as a city under the name of the City of Granby (1916, 2 <sup>nd</sup> session, chapter 70)	Section 10 replaced by section 8 of chapter 98 of the statutes of 1925 and by section 1 of chapter 75 of the statutes of 1951-52
		Section 15 replaced by section 2 of chapter 75 of the statutes of 1951-52
		Sections 16 to 22
		Sections 29, 30 and 32
		Section 33 replaced by section 9 of chapter 98 of the statutes of 1925
	An Act to amend The Granby City Charter (1925, chapter 98)	Section 10
	An Act to amend the charter of the city of Granby (1951-52, chapter 75)	Section 5
	An Act to amend the charter of the city of Granby (1955-56, chapter 79)	Sections 7 to 9 and 17
39. Grand-Mère	An Act to amend the charter of the city of Grand'Mère (1955-56, chapter 87)	Section 2

Municipality	Title of the Act	Provisions repealed
40. Greenfield-Park	An Act to incorporate the town of Greenfield Park (1911, chapter 68)	Section 6 replaced by section 2 of chapter 104 of the statutes of 1953-54 Sections 8 and 11
	An Act to amend the charter of the town of Greenfield Park (1953-54, chapter 104)	Sections 4, 5 and 7 to 14
	An Act to amend the charter of the town of Greenfield Park (1958-59, chapter 87)	Sections 6 to 9
41. Hampstead	An Act to amend the charter of the town of Hampstead (1958-59, chapter 88)	Sections 3 and 6 to 9
42. Hull	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	The words "composed of the mayor and eight councillors, one for each ward described in subsection 2" in paragraph <i>a</i> of subsection 1 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975  Subsection 2 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975



Municipality	Title of the Act	Provisions repealed
43. Iberville	An Act to consolidate the charter of the town of Iberville (1907, chapter 72)	<p>Sections 13, 16 and 17</p> <p>Sections 17<i>a</i> and 17<i>b</i>, enacted by section 1 of chapter 63 of the statutes of 1943</p> <p>Section 18 replaced by section 2 of chapter 63 of the statutes of 1943</p> <p>Sections 18<i>a</i> to 18<i>d</i>, enacted by section 3 of chapter 63 of the statutes of 1943</p> <p>Sections 19 to 21</p>
44. Île-Cadieux	An Act to incorporate the Town of Île Cadieux (1922, 1 <sup>st</sup> session, chapter 115)	Sections 5 to 12 and 14 to 19
45. Île-Dorval	An Act to incorporate the town of Dorval Island (1915, chapter 106)	Sections 3, 4 and 8 to 16
46. Île-Perrot	An Act to erect as a town corporation the municipality of Île Perrot (1954-55, chapter 96)	Sections 9 and 12 to 24
47. Joliette	An Act to amend the charter of the city of Joliette and to annex new territories to the school municipality of the town of Joliette (1946, chapter 63)	Section 8
48. Jonquière	Charter of the city of Jonquière (1974, chapter 88, section 1)	Section 7

Municipality	Title of the Act	Provisions repealed
49. Kirkland	An Act to incorporate as a town under the name of Kirkland the municipality of the parish of Saint-Joachim de la Pointe-Claire (1960-61, chapter 131)	Sections 12 to 16
50. Lac Delage	An Act to incorporate the town of Lac Delage (1958-59, chapter 109)	Section 8
51. Lachine	An Act to consolidate and amend the charter of the town of Lachine and to incorporate it as a city (1909, chapter 86)	<p>Section 11 replaced by section 11 of chapter 57 of the statutes of 1912 (2<sup>nd</sup> session), by section 1 of chapter 79 of the statutes of 1913-14, by section 2 of chapter 126 of the statutes of 1930-31, by section 3 of chapter 120 of the statutes of 1935 and by section 1 of chapter 61 of the statutes of 1946</p>
		Section 13
		<p>Sections 19 and 21 replaced by sections 10 and 11 of chapter 78 of the statutes of 1945</p>

Municipality	Title of the Act	Provisions repealed
		Section 23 replaced by section 5 of chapter 120 of the statutes of 1935, by section 1 of chapter 108 of the statutes of 1937, by section 1 of chapter 80 of the statutes of 1942 and by section 2 of chapter 61 of the statutes of 1946
		Sections 24 to 26 replaced by sections 3 to 5 of chapter 80 of the statutes of 1942
	An Act to amend the charter of the city of Lachine (1913-14, chapter 79)	Form I
	An Act to amend the charter of the city of Lachine (1915, chapter 96)	Section 1 Section 2 replaced by section 6 of chapter 80 of the statutes of 1942
	An Act to amend the charter of the city of Lachine (1935, chapter 120)	Section 4
	An Act to amend the charter of the city of Lachine (1937, chapter 108)	Section 8

Municipality	Title of the Act	Provisions repealed
52. Lac-Mégantic	An Act to amend the charter of the city of Lachine (1945, chapter 78)	Section 10 replaced by section 3 of chapter 72 of the statute of 1951-52
		Sections 11 and 12
	An Act to amend the charter of the city of Lachine (1949, chapter 82)	Sections 16 and 17
	An Act to amend the charter of the city of Lachine (1951-52, chapter 72)	Sections 1 and 3
	An Act to amend the charter of the city of Lachine (1953-54, chapter 71)	Sections 1 and 6
	An Act to amend the charter of the town of Mégantic (1957-58, chapter 84)	Section 2
53. Lac-Saint-Joseph	An Act to amend the charter of the town of Lac Mégantic (1965, 1 <sup>st</sup> session, chapter 102)	Section 4
	An Act to incorporate the town of Lake St. Joseph (1936, 1 <sup>st</sup> session, chapter 13)	Sections 7 to 15 and 19
	An Act to amend the Act to incorporate the town of Lake St. Joseph (1973, chapter 86)	Section 1
54. Lac-Sergent	An Act to incorporate the town of Lac Sergent (1921, chapter 128)	Sections 5 to 18

Municipality	Title of the Act	Provisions repealed
55. La Pocatière	An Act respecting the town of La Pocatière (1966-67, chapter 114)	Section 1
56. La Prairie	An Act to incorporate the town of La Prairie (1909, chapter 92)	Sections 9 and 12
	An Act to amend the charter of the town of La Prairie (1958-59, chapter 86)	Section 3
57. La Salle	An Act to incorporate the town of Lasalle (1912, 1 <sup>st</sup> session, chapter 73)	Section 8
	An Act to amend the charter of the town of Lasalle (1916, 2 <sup>nd</sup> session, chapter 75)	Section 5
58. L'Assomption	An Act to incorporate the town of L'Assomption (1957-58, chapter 95)	Sections 12 to 15 and 17 to 21
59. La Tuque	An Act to incorporate the town of La Tuque (1911, chapter 69)	Section 12
	An Act to amend the charter of the town of La Tuque (1913-14, chapter 86)	Sections 4 to 16
	An Act to amend the charter of the town of La Tuque (1922, 2 <sup>nd</sup> session, chapter 99)	Section 2
	An Act to amend the charter of the town of La Tuque (1955-56, chapter 94)	Section 7
60. Laval	Charter of the City of Laval (1965, 1 <sup>st</sup> session, chapter 89)	Sections 8, 11, 14 and 20 to 23 and Schedule two replaced by sec-

Municipality	Title of the Act	Provisions repealed
		tion 29 of chapitre 96 of the statutes of 1968
	An Act to amend the charter of the city of Laval (1966-67, chapter 91)	Section 5
	An Act to amend the charter of the city of Laval (1968, chapter 96)	Sections 2, 3 and 5 to 18
	An Act to amend the charter of the city of Laval (1969, chapter 93)	Section 1
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	Sections 56 and 57 replaced for the city of Laval by section 13 of chapter 89 of the statutes of 1965 (1 <sup>st</sup> session)
61. Lebel-sur-Quévillon	An Act to incorporate the Town and the school municipality of Lebel-sur-Quévillon (1965, 2 <sup>nd</sup> session, chapter 108)	Sections 5 and 9
	An Act respecting the Town of Lebel-sur-Quévillon (1968, chapter 108)	Section 1
62. Lemoyne	An Act to incorporate the town of Lemoyne (1949, chapter 100)	Section 5 Section 6 replaced by section 1 of chapter 100 of the statutes of 1953-54 Section 11

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of Lemoyne (1953-54, chapter 100)	Sections 2, 3 and 5 to 13
63. Lennoxville	An Act to incorporate the town of Lennoxville (1919-20, chapter 107)	Sections 8 to 15
64. Léry	An Act to incorporate the town of DeLéry (1913-14, chapter 90)	Sections 8 and 12 to 18
65. Lévis	An Act to consolidate the charter of the city of Lévis (1956-57, chapter 84)	Section 16
66. Lorraine	An Act to incorporate the town of Lorraine (1959-60, chapter 162)	Sections 5, 8 and 17
67. Louiseville	An Act to amend the charter of the town of Louiseville (1957-58, chapter 92)	Section 2
68. Macamic	An Act to incorporate as a town the village of Macamic (1954-55, chapter 95)	Sections 5 and 11
69. Malartic	An Act to incorporate the town of Malartic (1939, chapter 124)	Sections 5 and 9 Section 11 replaced by section 2 of chapter 118 of the statutes of 1950 Sections 12 and 13 Section 15 replaced by section 3 of chapter 118 of the statutes of 1950

Municipality	Title of the Act	Provisions repealed
		Sections 17, 32 and 33
		Section 33a, enacted by section 4 of chapter 118 of the statutes of 1950
	An Act to amend the charter of the town of Malartic (1950, chapter 118)	Section 1
70. Maple-Grove	An Act to incorporate the town of Maple Grove (1917-18, chapter 94)	Section 8
71. Marievalle	An Act to incorporate the town of Marievalle (1905, chapter 47)	The second paragraph of section 6
		The words “, and the deposit required from candidates for the election to the office of alderman shall be twenty-five dollars, instead of fifty dollars” in section 10
72. Matagami	An Act to amend the charter of the town of Matagami (1981, chapter 48)	Section 1
73. Mirabel	An Act respecting the vicinity of the new international airport (1970, chapter 48)	The second sentence of the first paragraph and the second paragraph of section 5



Municipality	Title of the Act	Provisions repealed
74. Mont-Joli	An Act to incorporate the town of Mont-Joli (1945, chapter 91)	Sections 10 and 11  Section 11 <i>a</i> , enacted by section 1 of chapter 93 of the statutes of 1950-51  Section 12
	An Act respecting the town of Mont-Joli (1953-54, chapter 98)	Section 1
75. Montréal-Est	An Act to consolidate the charter of the town of Montreal East (1934, chapter 100)	Sections 8 and 9
76. Montréal-Nord	An Act to incorporate the parish of Sault-au-Recollet, under the name of the town of Montreal North (1915, chapter 108)	Sections 3, 7 and 8  Section 9 replaced by section 1 of chapter 95 of the statutes of 1917-18
	An Act respecting the corporation of the town of Montreal North (1919, chapter 109)	Section 14
	An Act to amend the charter of the town of Montreal North (1958-59, chapter 78)	Section 2
77. Montréal-Ouest	An Act to revise and consolidate the charter of the town of Montreal West (1911, chapter 65)	Sections 10 and 12 replaced by sections 1 and 3 of chapter 97 of the statutes of 1919-20  Sections 14 to 18

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of Montreal West (1919-20, chapter 97)	Sections 4 and 6 to 21
78. Mont-Royal	An Act to incorporate Mount Royal as a town (1912, 2 <sup>nd</sup> session, chapter 72)	Section 4 replaced by section 4 of chapter 64 of the statutes of 1944
		Section 5 replaced by section 1 of chapter 102 of the statutes of 1915
	An Act to confirm the extinguishment of certain restrictions, servitudes and charges, and to amend the charter of the town of Mount Royal (1944, chapter 64)	Sections 3 and 5
	An Act to confirm the extinguishment of certain restrictions, to amend certain by-laws of the town of Mount-Royal and to amend the charter of the town of Mount Royal (1952-53, chapter 83)	Section 3
	An Act respecting the town of Mount Royal (1953-54, chapter 88)	Sections 2 and 3 to 7
	An Act to amend the charter of the town of Mount Royal (1957-58, chapter 74)	Sections 1 to 3 Paragraphs <i>a</i> and <i>b</i> of section 4

Municipality	Title of the Act	Provisions repealed
79. Nicolet	An Act to revise and consolidate the charter of the town of Nicolet (1910, chapter 57)	Sections 11 to 13 Section 14 replaced by section 1 of chapter 96 of the statutes of 1958-59 Sections 15 and 16
80. Noranda	An Act to incorporate the town of Noranda (1926, chapter 79)	Sections 5, 6, 9, 13 and 14
81. Outremont	An Act to amend and consolidate the charter of the town of Outremont, and to incorporate it into a city (1915, chapter 93)	Sections 8, 11 to 15 and 23 Section 24 replaced by section 1 of chapter 92 of the statutes of 1923-24 and by section 1 of chapter 108 of the statutes of 1960-61 Sections 25 to 32
	An Act to amend the charter of the city of Outremont (1953-54, chapter 69)	Sections 1 and 2
	An Act to amend the charter of the city of Outremont (1959-60, chapter 112)	Sections 1 and 5
	An Act to amend the charter of the city of Outremont (1960-61, chapter 108)	Sections 2 and 3
	An Act respecting the city of Outremont (1962, chapter 69)	Section 3

Municipality	Title of the Act	Provisions repealed
82. Percé	Charter of the City of Percé (1970, chapter 77)	The second sentence of the first paragraph and the second paragraph of section 5
83. Pierrefonds	An Act to incorporate the town of Pierrefonds (1958-59, chapter 110)	Sections 12 to 14 and 25 to 30
	An Act to amend the charter of the Town of Pierrefonds and of the town of Dollard des Ormeaux (1960-61, chapter 132)	Section 6
84. Pincourt	An Act to incorporate as a town the village of Pincourt (1959-60, chapter 168)	Sections 9 to 13
85. Pointe-Claire	An Act to incorporate the town of Pointe Claire (1911, chapter 71)	Section 8 replaced by section 1 of chapter 79 of the statutes of 1916 (2 <sup>nd</sup> session)
	An Act to amend the charter of the town of Pointe Claire (1916, 2 <sup>nd</sup> session, chapter 79)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Pointe Claire (1951-52, chapter 86)	Sections 2, 3, 8, 9, 11, 14 to 17 and 30
	An Act to amend the charter of the town of Pointe Claire (1954-55, chapter 73)	Section 1
	An Act to amend the charter of the town of Pointe-Claire (1956-57, chapter 98)	Sections 1 to 4

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Pointe-Claire (1958-59, chapter 61)	Sections 2 and 3
86. Port-Cartier	An Act to incorporate the town of Port Cartier and concerning the school commissioners of Schelter Bay (1958-59, chapter 111)	Sections 5, 8 to 12 and 22
87. Repentigny	An Act to incorporate the town of Repentigny (1956-57, chapter 125)	Sections 9, 11, 12 and 14 to 17  Section 30a enacted by section 8 of chapter 158 of the statutes of 1959-60
	An Act to amend the charter of the town of Repentigny (1959-60, chapter 158)	Section 1
88. Richmond	An Act to amend and consolidate the charter of the town of Richmond (1901, chapter 50)	The second paragraph of section 5, replaced by section 1 of chapter 81 of the statutes of 1941  The second sentence of section 7 replaced by section 2 of chapter 81 of the statutes of 1941
	An Act to amend the charter of the corporation of the town of Richmond (1941, chapter 81)	Section 3

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the town of Richmond (1957-58, chapter 93)	Sections 2 to 5
	An Act to amend the charter of the town of Richmond (1958-59, chapter 93)	Section 2
89. Rigaud	An Act to incorporate the municipality of Rigaud village as a town (1911, chapter 72)	Sections 11 to 23
90. Rimouski	An Act to revise and consolidate the charter of the town of Saint Germain de Rimouski (1904, chapter 64)	Section 6 replaced by section 5 of chapter 96 of the statutes of 1919-20
	An Act to amend the charter of the town of Saint Germain de Rimouski (1919-20, chapter 96)	Section 6
91. Rivière-du-Loup	Revised statutes, 1909	The second paragraph of section 5300 replaced by section 12 of chapter 56 of the statutes of 1910
	An Act to amend the charter of the city of Rivière-du-Loup (1949, chapter 87)	Section 3
92. Rock-Island	An Act to incorporate as a town the Corporation of the village of Rock Island, county of Stanstead (1956-57, chapter 118)	Sections 10 to 12 and 14
93. Rosemère	An Act to incorporate the town of Rosemère (1957-58, chapter 109)	Sections 8 to 14

Municipality	Title of the Act	Provisions repealed
94. Rouyn	An Act to incorporate the city of Rouyn (1948, chapter 63)	Sections 10, 15, 16 and 18 to 20
	An Act respecting Cities and Towns (Revised statutes, 1941, chapter 233)	The third paragraph of section 47 replaced for the city of Rouyn by section 12 of chapter 63 of the statutes of 1948
	An Act to amend the charter of the city of Rouyn (1957-58, chapter 67)	Sections 1 and 5
95. Roxboro	An Act to incorporate the town of Roxboro and ratify the titles of Remi Realty Limited to certain real estate therein (1913-14, chapter 91)	Section 3 replaced by section 1 of chapter 77 of the statutes of 1916 (2 <sup>nd</sup> session) and by section 1 of chapter 104 of the statutes of 1919-20
		Sections 4 to 6, 9 and 10
		Section 11 replaced by section 5 of chapter 77 of the statutes of 1916 (2 <sup>nd</sup> session) and by section 3 of chapter 104 of the statutes of 1919-20
		Sections 12 to 16

Municipality	Title of the Act	Provisions repealed
96. Sainte-Agathe-des-Monts	An Act to amend the charter of the town of Roxboro (1916, 2 <sup>nd</sup> session, chapter 77)	Section 3
	An Act to amend the charter of the town of Roxboro (1946, chapter 74)	The third paragraph of section 4
	An Act to amend the charter of the town of Roxboro (1958-59, chapter 100)	Sections 1 and 2
	An Act to incorporate the town of Ste. Agathe des Monts (1915, chapter 103)	Section 8 replaced by section 1 of chapter 86 of the statutes of 1927
		Section 12
		Section 13 replaced by section 1 of chapter 99 of the statutes of 1974
		Sections 15 and 20
		Sections 22 to 24 replaced by sections 3 to 5 of chapter 86 of the statutes of 1927
		Section 25
		Sections 26 to 29 replaced by sections 6 to 9 of chapter 86 of the statutes of 1927



Municipality	Title of the Act	Provisions repealed
97. Sainte-Foy	An Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56)	<p>Sections 30, 31 and 33 to 35</p> <p>The words “and shall be divided into seven wards as described in Schedule II” in section 4</p>
	Cities and Towns Act (Revised statutes, 1964, chapter 193)	<p>Sections 12 to 16</p> <p>Schedule II</p> <p>The words “composed of the mayor and seven councillors, one for each ward described in Schedule II” in paragraph <i>a</i> of section 46 replaced by section 6 of chapter 56 of the statutes of 1976</p>
98. Sainte-Geneviève	An Act to incorporate as a town the village of Sainte-Geneviève de Pierrefonds (1958-59, chapter 115)	Sections 13 to 16
99. Sainte-Thérèse	An Act to consolidate the charter of the town of Sainte Thérèse (1951-52, chapter 84)	<p>Sections 6 to 8, 10, 11, 13 to 18 and 20</p> <p>Section 22 replaced by section 5 of chapter 112 of the statutes of 1971</p>

Municipality	Title of the Act	Provisions repealed
100. Saint-Hubert	An Act to annex certain territories to the city of Sainte-Thérèse (1959-60, chapter 124)	Section 9
	An to incorporate as a town The corporation of Saint-Hubert (1957-58, chapter 112)	Sections 4, 14 and 16 to 21
	An Act to incorporate the town of Jacques Cartier and the town of Mackayville (1947, chapter 102)	Section 8 Section 9 replaced by section 1 of chapter 100 of the statutes of 1956-57 and amended by section 2 of chapter 80 of the statutes of 1958-59
		Sections 10 and 11
	An Act to amend the charter of the town of Mackayville (1950, chapter 114)	Section 1
101. Saint-Jean-sur-Richelieu	An Act to amend the charter of the town of Mackayville (1956-57, chapter 100)	Sections 3, 4 and 6 to 9
	An Act respecting the city of St. Johns and the town of Saint-Luc (1964, chapter 82)	Section 2
102. Saint-Jérôme	An Act to consolidate the Charter of the Town of St. Jerome and to constitute its territory a city municipality (1950, chapter 103)	Section 13
103. Saint-Joseph-de-Sorel	An Act respecting the town of Saint-Joseph-de-Sorel (1947, chapter 107)	Section 1

Municipality	Title of the Act	Provisions repealed
104. Saint-Laurent	An Act to amend the charter of the town of St. Laurent (1908, chapter 94)	Section 5 replaced by section 1 of chapter 86 of the statutes of 1950-51  Section 7 replaced by section 2 of chapter 86 of the statutes of 1951-52
	An Act to amend the charter of the town of Saint Laurent (1917-18, chapter 91)	Section 2 replaced by section 2 of chapter 97 of the statutes of 1966-67
	An Act to amend the charter of the town of St. Laurent (1922, 2nd session, chapter 97)	Section 1
	An Act to amend the charter of the town of St. Laurent (1925, chapter 99)	Section 1
	An Act to amend the charter of the town of St. Laurent (1950, chapter 106)	Section 1
	An Act respecting the town of St. Laurent, the town of Côte St-Luc and the Canadian Pacific Railway Company (1953-54, chapter 84)	Sections 1 and 12
	An Act to amend the charter of the city of Saint-Laurent (1959-60, chapter 110)	Section 2

Municipality	Title of the Act	Provisions repealed
105. Saint-Léonard	An Act to incorporate the municipality of the parish of St. Léonard de Port Maurice as a town (1915, chapter 105)	Section 13
106. Saint-Ours	An Act to incorporate the town of St. Ours (29-30, Victoria, chapter 60)	Sections 3, 4 and 7
107. Saint-Pierre	An Act to amend the charter of the town of St. Pierre (1955-56, chapter 98)	Section 1
108. Saint-Tite	An Act to incorporate the town of St. Tite (1910, chapter 64)	Sections 7 and 9 to 16
109. Salaberry-de-Valleyfield	An Act respecting Cities and Towns (Revised statutes, 1925, chapter 102)	Paragraphs 9, 10 and 30 of section 4 replaced for the city of Salaberry-de-Valleyfield by section 4 of chapter 111 of the statutes of 1931-32
	An Act to consolidate the charter of the city of Salaberry-de-Valleyfield (1931-32, chapter 111)	Section 15 Sections 16 and 18 replaced by sections 1 and 2 of chapter 87 of the statutes of 1940
		Section 19 replaced by section 3 of chapter 87 of the statutes of 1940 and by section 3 of chapter

Municipality	Title of the Act	Provisions repealed
		72 of the statutes of 1953-54 and amended by sec- tion 2 of chapter 59 of the statutes of 1958-59
		Section 58
		Section 59 amen- ded by section 3 of chapter 78 of the statutes of 1955-56
		Section 60
		Section 61 replaced by section 1 of chapter 95 of the statutes of 1934
		Sections 62 to 76
		Sections 76 <i>a</i> and 76 <i>b</i> enacted by section 5 of chap- ter 59 of the sta- tutes of 1958-59
		Sections 77 and 82
		Section 111 <i>a</i> enacted by sec- tion 1 of chapter 130 of the statutes of 1933
		Section 111 <i>b</i> enacted by sec- tion 1 of chapter 130 of the statutes

Municipality	Title of the Act	Provisions repealed
		of 1933 and amended by section 3 of chapter 60 of the statutes of 1954-55
		Sections 111c to 111o enacted by section 1 of chapter 130 of the statutes of 1933
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1954-55, chapter 60)	Section 4
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1956-57, chapter 78)	Sections 5, 6 and 9
110. Schefferville	An Act respecting the town of Shefferville (1966-67, chapter 115)	Sections 2 to 8
111. Scotstown	An Act to incorporate the town of Scotstown (1892, chapter 58)	Sections 4 to 6 and 37
112. Senneville	An Act to incorporate the village de Senneville (1894-95, chapter 60)	Section 5
	An Act to amend the charter of the village of Senneville (1935, chapter 147)	The sixth paragraph of section 1
113. Sept-Îles	An Act to erect the town of Sept-Îles, in the county of Saguenay (1950-51, chapter 69)	Sections 4 and 8 Sections 15, 16 and 21 enacted by section 1 of

Municipality	Title of the Act	Provisions repealed
		chapter 102 of the statutes of 1952-53
	An Act to amend the charter of the town of Sept-Iles (1956-57, chapter 117)	Section 2
114. Shawinigan	An Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, chapter 95)	Sections 12 to 14 replaced by sections 1 to 3 of chapter 56 of the statutes of 1944, by sections 1 to 3 of chapter 77 of the statutes of 1950-51 and by sections 1 to 3 of chapter 55 of the statutes of 1958-59
		Section 21 replaced by section 4 of chapter 120 of the statutes of 1921
	An Act to amend the charter of the city of Shawinigan (1967-68, chapter 100)	Sections 1 to 7
115. Sherbrooke	An Act to revise the charter of the city of Sherbrooke (1974, chapter 101)	Sections 6 and 7
116. Sillery	An Act to amend the Charter of the city of Sillery (1983, chapter 63)	Sections 4 and 5

Municipality	Title of the Act	Provisions repealed
117. Sorel	An Act to incorporate the city of Sorel (1889, chapter 80)	<p>Sections 23, 24, 28, 58 and 98</p> <p>Section 99 amended by sec- tion 8 of chapter 59 of the statutes of 1912 (1st ses- sion), by section 1 of chapter 59 o the statutes of 1943 and by sec- tion 4 of chapter 66 of the statutes of 1958-59</p> <p>Section 100 replaced by sec- tion 9 of chapter 59 of the statutes of 1912 (1st ses- sion)</p> <p>Sections 101 to 108 and 128 to 138</p> <p>Section 138<i>a</i> enacted by sec- tion 8 of chapter 112 of the statutes of 1931-32</p> <p>Section 139 replaced by sec- tion 10 of chapter 60 of the statutes of 1899 and by section 2 of chap- ter 82 of the sta- tutes of 1956-57</p>



Municipality	Title of the Act	Provisions repealed
		Sections 140 and 141 replaced by sections 3 and 4 of chapter 82 of the statutes of 1956-57
		Sections 142 and 143
		Section 144 replaced by section 5 of chapter 82 of the statutes of 1956-57
		Section 145
		Section 146 replaced by section 5 of chapter 67 of the statutes of 1954-55
		Sections 147 to 154
		Section 155 replaced by section 9 of chapter 60 of the statutes of 1899
		Sections 156 to 163
		Section 164 replaced by section 3 of chapter 73 of the statutes of 1962

Municipality	Title of the Act	Provisions repealed
		Sections 165 to 167
		Section 168 replaced by section 11 of chapter 59 of the statutes of 1912 (1st session) and by section 9 of chapter 112 of the statutes of 1931-32
		Sections 169 to 195
		Section 196 replaced by section 12 of chapter 59 of the statutes of 1912 (1st session) and by section 10 of chapter 112 of the statutes of 1931-32
		Section 197
		Section 197a enacted by section 6 of chapter 67 of the statutes of 1954-55
		Sections 198 to 226
		Section 227 amended by section 4 of chapter 52 of the statutes of 1892

Municipality	Title of the Act	Provisions repealed
		Section 228
		Section 229 amended by section 5 of chapter 52 of the statutes of 1892
		Sections 230 to 236
		Section 237 replaced by section 13 of chapter 59 of the statutes of 1912 (1st session)
		Sections 238 to 246
		Sections 248 to 253
		Sections 256 to 274
		Sections 292 to 299
		Section 300 amended by section 6 of chapter 52 of the statutes of 1892
		Sections 301 to 303
	An Act to amend the charter of the city of Sorel and to establish a body to promote industry in the region of Sorel (1958-59, chapter 66)	Sections 19 and 20

Municipality	Title of the Act	Provisions repealed
	An Act to amend the charter of the city of Sorel (1962, chapter 73)	Section 2
118. Témiscaming	An Act to incorporate the town of Kipawa (1919-20, chapter 110)	Sections 6, 9, 10 and 14 to 23
119. Terrebonne	An Act to consolidate and replace the Charter of the Town of Terrebonne (1907, chapter 75)	Section 21
	An Act to amend the Charter of the Town of Terrebonne (1951-52, chapter 94)	Section 6
	An Act to amend the Charter of the Town of Terrebonne (1960-61, chapter 125)	Sections 3 and 4
120. Thetford-Mines	An Act to incorporate the town of Thetford Mines (1905, chapter 48)	Section 9 Section 10 replaced by section 2 of chapter 68 of the statutes of 1912 (1st session)
		Section 13 replaced by section 1 of chapter 64 of the statutes of 1946 and by section 2 of chapter 85 of the statutes of 1955-56
		Section 13a enacted by section 3 of chapter 68 of the statutes of 1912 (1st session)

Municipality	Title of the Act	Provisions repealed
		Section 14
		Section 14a enacted by section 4 of chapter 68 of the statutes of 1912 (1st session)
	An Act to amend the charter of the city of Thetford Mines (1950, chapter 90)	Sections 3 to 7
	An Act to amend the charter of the city of Thetford-Mines (1952-53, chapter 73)	Section 2
	An Act to amend the charter of the city of Thetford Mines (1955-56, chapter 85)	Sections 3 to 5
	An Act to amend the charter of the city of Thetford Mines (1956-57, chapter 81)	Section 4
	An Act to amend the charter of the city of Thetford Mines (1959-60, chapter 118)	Section 2
121. Tracy	An Act to incorporate as a town corporation the parish of St. Joseph, county of Richelieu (1953-54, chapter 113)	Section 11
	An Act to amend the charter of the town of Tracy (1959-60, chapter 137)	Sections 2 and 4
122. Trois-Pistoles	An Act to incorporate the town of Trois Pistoles (1916, 1st session, chapter 62)	Sections 10 to 15

Municipality	Title of the Act	Provisions repealed
123. Trois-Rivières	An Act to amend and consolidate the charter of the city of Three Rivers (1915, chapter 90)	Section 6 replaced by section 2 of chapter 94 of the statutes of 1965 (1st session)
		Section 33
	An Act to amend the charter of the city of Three Rivers (1937, chapter 106)	Section 5
	An Act to amend the charter of the city of Trois-Rivières (1947, chapter 84)	Section 4
124. Vanier	An Act to amend the charter of the city of Trois-Rivières (1965, 1st session, chapter 94)	Section 26 replaced by section 10 of chapter 99 of the statutes of 1966-67
	An Act to incorporate the town of Quebec West (1916, 1 <sup>st</sup> session, chapter 61)	Sections 5, 11 to 16, 30 and 31
	An Act to amend the charter of the town of Quebec West (1917-18, chapter 96)	Sections 8 and 9
125. Vaudreuil	An Act to incorporate the town of Vaudreuil (1963, 1st session, chapter 93)	Sections 8 and 12 to 14
	An Act respecting Cities and Towns (Revised Statutes, 1941, chapter 233)	The last two paragraphs of section 30 replaced for the town of Vaudreuil by section 10 of chapter 93 of the statutes of 1963 (1st session)

Municipality	Title of the Act	Provisions repealed
126. Verdun	An Act to amend the charter of the city of Verdun (1916, 1st session, chapter 48)	Section 3 replaced by section 1 of chapter 55 of the statutes of 1943
		Section 7 replaced by section 2 of chapter 100 of the statutes of 1929
	An Act to amend the charter of the city of Verdun (1929, chapter 100)	Section 1
	An Act to amend the charter of the city of Verdun (1934, chapter 90)	Sections 1 and 2
	An Act to amend the charter of the city of Verdun (1937, chapter 109)	Sections 5 and 9
	An Act to amend the charter of the city of Verdun (1939, chapter 106)	Section 5
	An Act to amend the charter of the city of Verdun (1940, chapter 81)	Section 1
	An Act to amend the charter of the city of Verdun (1944, chapter 53)	Sections 2, 3, 5 and 6
	An Act to amend the charter of the city of Verdun (1945, chapter 73)	Section 10
	An Act to amend the charter of the city of Verdun (1947, chapter 82)	Section 6

Municipality	Title of the Act	Provisions repealed
127. Victoriaville	An Act to amend the charter of the city of Verdun (1960-61, chapter 103)	Section 3
	An Act to amend the charter of the city of Verdun (1963, 1st session, chapter 75)	Section 20
	An Act to erect the corporation of Victoriaville into a town municipality (1936, 1st session, chapter 8)	Sections 4 to 7
	An Act to amend the charter of the town of Victoriaville (1939, chapter 116)	Sections 1 to 3
	An Act to amend the charter of the town of Victoriaville (1940, chapter 93)	Sections 1 and 3
	An Act to amend the charter of the town of Victoriaville (1953-54, chapter 86)	Sections 4 to 6 and 8 to 11
	An Act to amend the charter of the town of Victoriaville (1954-55, chapter 68)	Section 4
	An Act to amend the charter of the town of Victoriaville (1955-56, chapter 92)	Section 1
	An Act to amend the charter of the town of Victoriaville (1957-58, chapter 75)	Sections 1 to 5
128. Westmount	An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city (1908, chapter 89)	Sections 16, 18, 22, 25 and 26



Municipality	Title of the Act	Provisions repealed
129. Windsor	An Act to amend the charter of the city of Westmount (1912, 1st session, chapter 60)	Sections 3, 5, 14 and 17 Schedule A (Form H-1)
	An Act to amend the charter of the city of Westmount (1954-55, chapter 58)	Section 1
	An Act to amend the charter of the city of Westmount (1955-56, chapter 76)	Sections 2 and 4
	An Act to incorporate the town of Windsor Mills (1899, chapter 68)	Sections 15, 16 and 18
	An Act to amend the charter of the town of Windsor (1945, chapter 87)	Sections 3 to 9
	An Act to amend the charter of the town of Windsor (1952-53, chapter 92)	Sections 5 to 8

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