

NATIONAL ASSEMBLY OF QUÉBEC

Bill 66

**An Act to amend certain legislation concerning
the financing of political parties and concerning municipal elections**

First reading

Second reading

Third reading



M. MARC-ANDRÉ BÉDARD

Minister of State for Electoral Reform

EXPLANATORY NOTES

This bill has two specific objects: to introduce the amendments proposed by the Conseil consultatif du financement des partis politiques, and to amend the municipal statutes to bring them into line with the voting provisions of the Election Act.

The main intent of the amendments proposed by the Conseil are as follows:

(1) to allow the director general of political parties to grant new authorizations to a party upon the publication in the Gazette officielle du Québec of the new boundary descriptions of the electoral divisions;

(2) to allow the director general to correct ex officio any errors made inadvertently in any return or affidavit;

(3) to provide that sums of money paid by a candidate for election expenses will be considered to be election expenses;

(4) to change the provisions on free air time and free print space so as to allow their use even outside the election period;

(5) to allow the political parties to submit returns annually instead of semi-annually;

(6) to specify that the financial returns must contain a statement of income and expenses;

(7) to allow a party Leader or a Member to continue to sit for 10 days notwithstanding that his return of election expenses has not been submitted, in order to allow him to obtain extra time to file it.

The amendments requested by the Conseil also involve similar changes in the Act respecting elections in certain municipalities and in the Referendum Act.

The amendments to bring about concordance with the Election Act have to do with advance polls, the form of the ballot-paper, persons still at the polling-station at closing time, how to vote, how to mark a ballot, and how blind or otherwise handicapped persons may vote.

To effect the desired concordance, this bill amends the Municipal Code, the Cities and Towns Act, the Charter of the city of Montréal and the Charter of the City of Québec.

ACTS AMENDED BY THIS BILL

- (1) Act to govern the financing of political parties (R.S.Q., chapter F-2);
- (2) Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1);
- (3) Referendum Act (R.S.Q., chapter C-64.1);
- (4) Taxation Act (R.S.Q., chapter I-3);
- (5) Municipal Code;
- (6) Cities and Towns Act (R.S.Q., chapter C-19);
- (7) Charter of the City of Québec (1929, chapter 95);
- (8) Charter of the city of Montréal (1959-1960, chapter 102).

Bill 66

An Act to amend certain legislation concerning
the financing of political parties and concerning municipal elections

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

TITLE I

FINANCING OF POLITICAL PARTIES AND NATIONAL COMMITTEES

CHAPTER I

ACT TO GOVERN THE FINANCING OF POLITICAL PARTIES

1. The Act to govern the financing of political parties (R.S.Q., chapter F-2) is amended by replacing the title of Chapter I by the following title:

“CONTRIBUTIONS AND EXPENSES”.

2. Section 1 of the said Act is replaced by the following section:

“**1.** In this Act, unless otherwise required by the context,

“contribution” means money donated to a political party, a riding association or a candidate, or services rendered or goods furnished to them free of charge, for political purposes;

“election officer”, in addition to its ordinary meaning, means an enumerator, a revisor or the secretary of the board of revisors; however, a revisor is an election officer only during enumeration and the preparation of the electoral lists;

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

“elector” means a person who

(1) is eighteen years of age;

(2) is a Canadian citizen;

(3) has been domiciled in Québec for at least twelve months; and

(4) is not under any disqualification to vote by virtue of the Election Act (R.S.Q., chapter E-3.1) nor under any other legal disqualification;

“independent candidate” means a person who, from the day of the issue of a writ instituting the holding of an election, declares to the director general his intention to be an independent candidate in an electoral division;

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

3. Section 2 of the said Act is amended

(1) by replacing subparagraphs *d* and *e* of the first paragraph by the following subparagraphs:

“(d) a loan granted for political purposes by an elector or a financial institution contemplated in section 73 at the current rate of interest in the market at the time it is granted, or a guarantee granted by an elector as surety;

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

(2) by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) an amount of not over \$25 in each case as entrance fee to an activity or demonstration of a political nature.”

4. Section 16 of the said Act is amended

(1) by replacing subparagraph *b* of paragraph 1 by the following subparagraph:

“(b) verify if the parties, associations and candidates are complying with this Act;”;

(2) by replacing subparagraph *f* of paragraph 1 by the following subparagraph:

“(f) inquire into the legality of contributions and expenses and into any other matter relating to the carrying out of this Act;”;

(3) by replacing subparagraph *a* of paragraph 2 by the following subparagraph:

“(a) provide any person with advice or guidelines regarding the application and interpretation of this Act;”.

5. The said Act is amended by adding, after section 16, the following section:

“**16.1** The director general may delegate the powers vested in him by section 44 to any person he may designate in writing to that effect.”

6. Section 17 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**17.** Any person may apply to the director general for an inquiry into the legality of contributions and expenses and into any other matter relating to the carrying out of this Act.”

7. The said Act is amended by adding, after section 24, sections 92 and 93 renumbered 24.1 and 24.2, preceded by the following subdivision heading:

“§ 4. — *Report of the director general*”.

8. Section 34 of the said Act is replaced by the following section:

“**34.** A party, an association or an independent candidate soliciting authorization must have an official representative designated by the leader of the party or by the person designated in writing by the leader, or by the candidate, as the case may be.”

9. Section 35 of the said Act is amended by replacing the expression “electoral district” at the end of the second paragraph by the expression “electoral division”.

10. The said Act is amended by adding, after section 35, the following section:

“**35.1** From the publication in the *Gazette officielle du Québec* of the list of the electoral divisions in accordance with section 32 of the Act respecting electoral representation (R.S.Q., chapter R-24.1), the director general may grant authorizations for the purposes of this division, taking into account the new electoral divisions.

From the publication referred to in the first paragraph, the official representative of a political party may, in accordance with the second paragraph of section 35, appoint a delegate for each of the new divisions.”

11. Section 40 of the said Act is amended by adding the following paragraphs:

“(d) the name and address of the leader of the party;

“(e) the address of not more than two permanent offices of the party, where applicable.”

12. Section 43 is amended by replacing what precedes paragraph *a* by the following:

“**43.** The director general shall grant an authorization to an association, upon a written application of the leader of the authorized party or of the person designated in writing by the leader, and upon production of the following information:”.

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

“**45.** The authorization granted to an independent candidate entitles him to solicit and collect contributions until the day preceding that of the polling.

After polling day, the authorization granted to the candidate entitles him to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses incurred in accordance with this Act.”

14. Section 54 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**54.** If a party, association or candidate ceases to be authorized, the sums remaining shall be turned over without delay to the director general by the person holding them.”

15. The French text of section 58 of the said Act is amended by replacing the word “encourus” in the last line by the word “engagés”.

16. The said Act is amended by inserting, after section 62, the following section:

“**62.1** Every sum of money, except sums spent in accordance with subparagraphs *d* and *e* of paragraph 2 of section 101 and sums spent in accordance with paragraph 5 of section 105, disbursed by a

candidate for payment through his official agent of an election expense is deemed to be a contribution.”

17. Section 65 of the said Act is repealed.

18. Section 69 of the said Act is replaced by the following section:

“**69.** Every contribution of money of over one hundred dollars must be made by cheque or other order of payment signed by the elector and drawn on his account in a chartered bank or a trust company having an office in Québec, or in a savings and credit union.”

19. Section 75 of the said Act is amended by replacing the first paragraph by the following paragraph:

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

20. The said Act is amended by replacing the heading of Division VIII of Chapter I by the following heading:

“EXPENSES OF POLITICAL PARTIES,
ASSOCIATIONS
AND INDEPENDENT CANDIDATES”.

21. Section 78 of the said Act is amended by adding the following paragraph:

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

This section has effect from 10 July 1980.

22. Section 80 of the said Act is amended by replacing what precedes paragraph *a* by the following:

“**80.** The auditor shall examine the return made pursuant to section 83 and issue a certificate attesting, if such is the case, that, following comparison with the vouchers and bank deposits of the party,”.

23. Sections 81, 82 and 83 of the said Act are replaced by the following sections:

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

“32. The director general shall reimburse the authorized political parties one-half of the auditing expenses incurred by them in the application of this division, up to \$4 000.

“33. The official representative of every authorized political party must, not later than 1 April each year, submit to the director general a financial return for the preceding financial period containing a balance sheet, a statement of income and expenses, and a statement of developments in the financial position of the party, prepared in accordance with generally recognized accounting standards.

“33.1 The statement of income and expenses must include a general income statement and the total expenses and indicate, in addition,

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

(2) the total sum of contributions of one hundred dollars or less and of the amounts collected pursuant to subparagraph *e* of the first paragraph of section 2;

(3) the total sum of amounts collected under subparagraph *f* of the first paragraph of section 2 as registration fees at a political convention, and the place and date of the convention;

(4) the total sum of amounts collected under subparagraph *g* of the first paragraph of section 2 as entrance fees to an activity or demonstration of a political nature, and the nature, place and date of the activity or demonstration;

(5) the total sum of contributions of over one hundred dollars.

“33.2 The financial return must indicate, furthermore,

(1) the financial institutions where the amounts of money collected by the party are deposited and the account numbers used and the total value of services rendered and goods furnished gratuitously;

(2) the name and full address of each elector who has paid a contribution of over one hundred dollars;

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

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

(5) a detailed statement of all amounts borrowed in accordance with subparagraph *d* of the first paragraph of section 2, the date of each loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in capital and interest.

The official representative must, for two years from the date of submitting the return, keep the receipts issued for contributions collected during a financial period. These receipts must be handed over to the director general at his request."

24. Sections 84 and 85 of the said Act are replaced by the following sections:

"84. For the purposes of this division, the financial period corresponds to the calendar year.

"85. No return mentioned in section 83 is deemed submitted to the director general unless it is accompanied with the certificate contemplated in section 80."

25. Section 86 of the said Act is amended by replacing the second paragraph by the following paragraphs:

"The return must contain a statement of income and expenditures made in accordance with section 83.1 and the information prescribed by section 83.2.

"The official representative must, for two years from the date of submitting the return, keep the receipts issued for contributions received. However, he must hand them over to the director general at his request."

26. Sections 87 and 88 of the said Act are replaced by the following sections:

"87. Where the time prescribed in section 83 or 86 expires during an election period, it is extended to ninety days after the date of the general election.

"88. Where the time prescribed in section 83 or 86 expires within ninety days after the date of a general election, it is extended

to one hundred and twenty days after the date of the general election.”

27. Section 90 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The return must contain, *mutatis mutandis*, the information provided for in section 83, except the statement of developments in the financial position. It must be accompanied with a copy of each of the receipts for contributions received.”

28. The said Act is amended by inserting, after section 90, the following section:

“90.1 An independent candidate who solicits and collects contributions after polling day or who, after submitting his return of election expenses, has amounts of money or goods in his election fund, must submit a return to the director general for the period ending on the next 31 December.

The return must be submitted not later than 1 April of the year following each financial period in which contributions have been solicited and collected as in the first paragraph, or in which amounts of money or goods remain in the candidate’s election fund.

The return must be submitted in accordance with section 90 and be accompanied with the same documents.”

29. Section 94 of the said Act is replaced by the following section:

“94. If the returns of the parties, associations or independent candidates are not filed within the fixed time, the leader of the party or, if he is not a member, the house leader or, as the case may be, the independent candidate, if elected, becomes, ten days after the expiry of the prescribed time, disqualified to sit or vote in the National Assembly of Québec until the returns are filed.

Sections 114, 115 and 117 apply *mutatis mutandis* to this division.

30. Section 97 of the said Act is amended by adding the following paragraph:

“Any person who contravenes any of sections 3, 33 or 47 is guilty of an offence and is liable, on summary proceedings, to a fine of not less than \$100 nor more than \$1 000.”

31. Section 99 of the said Act is amended by striking out subsection 5.

32. Section 100 of the said Act is repealed.

33. Section 101 of the said Act is amended

(1) by replacing the word “encourus” in the second line of subsection 1 of the French text by the word “engagés”;

(2) by replacing paragraph *c* of subsection 2 by the following paragraphs:

“(c) the necessary cost of holding a convention in an electoral division for the selection of a candidate; such necessary cost includes the cost of renting a hall and the convening of delegates, but it shall not include any publicity nor exceed \$3 000;

“(c.1) the reasonable expenses of a candidate at a convention for an electoral division, excluding any cost of publicity;”;

(3) by replacing paragraphs *i* and *j* of subsection 2 by the following:

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

“(j) interest accrued between the beginning of the election period and the ninetieth day following the polling day, on any loan lawfully granted to an official representative for election expense purposes, unless the official agent has paid the interest and declared it as an election expense in his return of election expenses.

The permanent office of an authorized party is 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 full time, outside the election period, to attain the party’s objectives.”;

(4) by replacing subsection 3 by the following subsection:

“(3) The expenditures incurred before an election period for literature, objects or materials of an advertising nature, used during the election period for the purposes contemplated by the definition of the expression “election expenses”, are election expenses. These expenses are deemed to have been made by the official agent during the election period if he authorized that use.”

34. Section 102 of the said Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“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.”

35. The said Act is amended by inserting, after section 102, the following section:

“102.1 The official agent of a political 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 by the official agent during the election period.

All election expenses incurred by a deputy of the official agent are deemed to have been incurred by the official agent.

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

36. Section 103 of the said Act is amended

(1) by replacing subsection 2 by the following subsection:

“(2) The candidate of an authorized party must, when filing his nomination paper, designate his official agent.”;

(2) by striking out subsection 3.

37. Section 104 of the said Act is replaced by the following sections:

“104. No person may be the official agent of a candidate or of a party if

(1) he is not an elector; or

(2) he is a candidate, an election officer or an employee of an election officer.

“104.1 An official agent or his deputy shall not pay the cost of election expenses except out of an election fund.

“104.2 Funds held in accordance with Chapter I by an authorized party, an authorized association or an authorized independent candidate are the only funds that may be paid into the election fund put at the disposal of an official agent.”

38. Section 105 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

“105. (1) During an election period, only the official agent of a candidate or of a recognized party or his deputy may incur or authorize election expenses.”;

(2) by adding, after subsection 1, the following subsection:

“(1.1) No literature, object or material of an advertising nature contemplated in subsection 3 of section 101 may be used during an election period except by the official agent of a candidate or of a recognized party or his deputy, or with his authorization.”;

(3) by replacing subsection 7 by the following subsection:

“(7) At general elections only, the official agent of a recognized party, his deputy or the official representative of an authorized association, if expressly authorized therefor by the official agent of the party, may, for as long as no candidate of their party has filed his nomination paper and before the hour fixed for filing his nomination paper, authorize election expenses of a local nature for an amount not exceeding \$3 000 and including no publicity.

If, at the time of the polling, the party has no official candidate in the electoral division for which such expenses were authorized, such expenses are deemed to have been incurred by the recognized party; in the opposite case, such expenses are deemed to have been authorized by the official agent of the candidate of such party.”

39. Section 106 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

“However, in the case of printed matter, an advertisement or a radio or television program ordered by an official agent or his deputy, the mention of the address is replaced by that of the title of the official agent or his deputy.”

40. The said Act is amended by inserting, after section 106, the following section:

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

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

41. Section 107 of the said Act is amended by adding the following subsection:

“(4) The agency must remit to the official agent a detailed statement of the election expenses it has ordered.”

42. Section 108 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) Every person to whom an amount is due for election expenses must present his claim to the official agent not later than within the sixty days following polling-day. After that time, the claim is prescribed.”

43. Section 109 of the said Act is amended by replacing subsections 2 and 3 by the following subsections:

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

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

44. Section 110 of the said Act is amended

(1) by replacing the first three paragraphs by the following paragraphs:

“**110.** The director general shall reimburse an amount equal to 50 per cent of the election expenses incurred and paid in conformity with this Act, or the amount of such expenses incurred and paid, up to 15 cents per listed elector, whichever is greater, for each candidate

(1) declared elected;

(2) who obtained at least 20% of the valid votes;

(3) who was elected at the last election; or

(4) of either of the two parties whose official candidate obtained the greatest number of votes at the last election in the electoral division;

(5) who, in the case provided for in section 73 of the Election Act, is entitled to make the recommendations provided for in section 72 of the said Act.

In the case of an independent candidate, no reimbursement may exceed the amount of the debts resulting from his election expenses.

Except in the case of a candidate contemplated in subsection 3 of section 109, the reimbursement is based on a maximum of 70 cents per elector in respect of the amount of election expenses admissible for reimbursement.”;

(2) by erecting the last two paragraphs into section 110.1 of the said Act.

45. Section 110.1, added by paragraph 3 of section 44, is amended

(1) by replacing the expression “président d’élection” in the last line of the first paragraph of the French text by the expression “directeur du scrutin”;

(2) by adding the following paragraph:

“Reimbursements of election expenses are made to the official representative of the political party or of the association, as indicated by the official agent in his return of election expenses. In the case of an independent candidate, reimbursements are made jointly to the candidate and his official agent.”

46. Section 111 of the said Act is amended by replacing the first paragraph by the following paragraph:

“111. For the purposes of sections 109 and 110, the number of electors is the higher of

(1) the total of the electors listed on the revised lists, and

(2) the total of the electors listed after a second revision, if such is the case.”

47. Section 112 of the said Act is replaced by the following sections:

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

The return must be accompanied with the invoices, receipts and other vouchers that have not been sent to the director general or with certified copies of such documents, and with a list of such documents and a sworn statement in the prescribed form.

“112.1 On receiving the returns, the returning officer shall forward all the returns, sworn statements, invoices and vouchers to the director general. The director general shall publish, in a newspaper circulated in the electoral division, a summary of those returns within 30 days following the expiry of the time prescribed for their submission.

The director general shall keep the documents for one year from their receipt. During that period, he must allow any elector to examine the documents and make copies of them at the place designated by him for that purpose. At the expiry of that period, the

director general shall return the invoices and vouchers to the candidate at the latter's request; otherwise, he may destroy them."

48. Section 113 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"113. Within 90 days following polling day, the official agent of a recognized party shall deliver to the director general a return of his election expenses in the form prescribed by the director general.";

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

"Within 30 days following the prescribed time for submitting returns of election expenses, the director general shall have a summary of them published in a newspaper circulated in Québec."

49. The said Act is amended by inserting, after section 113, the following sections:

"113.1 In addition to election expenses, the official agent must indicate in the return prescribed in section 112 or 113 the source of the sums paid into the election fund put at his disposal.

"113.2 On filing the return prescribed in section 112 or 113, the official agent must remit the sums or goods remaining in his election fund to the official representative of the party or of the authorized association of the party, as the case may be; in the case of an authorized independent candidate, the official agent shall remit the sums or goods to the candidate.

"113.3 No sum or goods received by an authorized independent candidate may be used by him except for political, religious, scientific or charitable purposes."

50. Section 114 of the said Act is replaced by the following section:

"114. If the return and the statement prescribed by section 112 or 113 are not produced within the period fixed, the candidate or party leader, as the case may be, becomes, ten days after the expiry of the period prescribed, disqualified from sitting or voting in the National Assembly of Québec until such return and statement have been delivered.

However, a judge, by order, on a motion made before the candidate or party leader is disqualified from sitting or voting, may allow

him to continue to sit or vote for an additional period of not more than 30 days.”

51. Section 115 of the said Act is amended by replacing the first paragraph by the following paragraph:

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

52. Section 116 of the said Act is amended by replacing the third paragraph by the following paragraph:

“A judge may nevertheless authorize an official agent, a party leader or a candidate to pay a contested claim or a prescribed claim, if it is established before him that the refusal or failure to pay results from a *bona fide* error and that the payment will not increase the expenses to an amount exceeding the limit fixed by section 109.”

53. The said Act is amended by adding, after section 116, the following section:

“116.1 The director general may refer to a judge any claim contested by an official agent. Such a case is heard and decided by preference.”

54. Section 119 of the said Act is amended

(1) by inserting, after the word “incurs” in the first line of the first paragraph, the words “or authorizes”;

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

“Every person guilty of an offence under this section is liable to a fine of not less than \$100 nor more than \$10 000 or to such a fine and to imprisonment for not more than twelve months.”

55. Section 120 of the said Act is amended by replacing the first paragraph by the following paragraph:

“120. Every person who is guilty of an offence against the provisions of this chapter, other than an offence contemplated in section 119, is liable to a fine of not less than \$100 nor more than \$1 000 or to such fine and to imprisonment for not over 6 months.”

56. Section 121 of the said Act is replaced by the following section:

“121. Proceedings under this chapter are brought pursuant to the Summary Convictions Act (R.S.Q., chapter P-15).

Where a document required to be filed with the director general under this Act reveals that an offence was committed, proceedings may be brought during the year following the date of filing of the document.”

57. The said Act is amended by replacing, *mutatis mutandis*, the word “déboursés” wherever it appears in the French text of sections 3 and 33, in paragraph *b* of section 40 and in section 76 by the word “dépenses”.

58. The said Act is amended by replacing, *mutatis mutandis*, the words “recognized party” wherever they appear in subsection 4 of section 109, in the fourth paragraph of section 111 and in the second paragraph of section 117 by the words “authorized party”.

CHAPTER II

ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

59. Section 34 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended

(1) by striking out paragraphs *a* and *b*;

(2) by replacing paragraph *c* by the following paragraph:

“(c) “contribution” means money donated to a political party or to a candidate, and services rendered and goods furnished to them free of charge for political purposes;”;

(3) by striking out paragraph *d*.

60. The said Act is amended by replacing the heading of Division I of chapter VII by the following heading:

“CONTRIBUTIONS AND EXPENSES”.

61. Section 35 of the said Act is amended

(1) by replacing subparagraphs *d* and *e* of the first paragraph by the following subparagraphs:

“(d) a loan granted for political purposes by an elector or a financial institution contemplated in section 69 at the current rate of interest in the market at the time it is granted, or a guarantee granted by an elector as surety;

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

(2) by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) an amount of not over \$25 in each case as entrance fee to an activity or demonstration of a political nature.”

62. Section 44 of the said Act is amended by replacing paragraph *d* by the following paragraphs:

“(d) the name and address of the party leader;

“(e) the address of the permanent office of the party, where such is the case;

“(f) the name of the municipality in which it intends to carry on its activities and present candidates.”

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

“**48.** The authorization granted to an independent candidate entitles him to solicit and collect contributions until the day preceding that of the polling. This authorization is valid only in the municipality mentioned in paragraph *b* of section 47.

After polling day, the authorization granted to the candidate entitles him to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses incurred in accordance with this Act.”

64. Section 57 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**57.** If a party or candidate ceases to be authorized, the sums remaining shall be turned over without delay to the director general by the person holding them.”

65. The said Act is amended by inserting after section 58, the following section:

“**58.1** Every sum of money, except sums spent in accordance with paragraph *d* of subsection 2 of section 94 and subsection 5 of section 98, disbursed by a candidate for payment through his official agent of an election expense is deemed to be a contribution.”

66. Section 61 of the said Act is repealed.

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

65. Every contribution of money of over one hundred dollars must be made by cheque or other order of payment signed by the elector and drawn on his account in a chartered bank or a trust company having an office in Québec, or in a savings and credit union.”

68. The said Act is amended by replacing the heading of subdivision 5 of Division I by the following heading:

“§ 5. — *Expenses of political parties
and independent candidates*”.

69. Section 77 of the said Act is amended by replacing what precedes paragraph *a* by the following:

“**77.** The auditor shall examine the return made pursuant to section 80, and issue a certificate attesting, if such is the case, that, following comparison with the vouchers and bank deposits of the party,”.

70. Sections 78 and 79 of the said Act are replaced by the following sections:

“**78.** The auditor of a party has access to all the books, accounts and documents pertaining to the financial affairs of the party.

“**79.** The treasurer shall reimburse the authorized political parties, out of the general fund of the municipality, the auditing expenses incurred by them in the application of this subdivision, up to \$1 000.”

71. Sections 80, 81 and 82 of the said Act are replaced by the following sections:

“**80.** The official representative of every authorized political party must, not later than 1 April each year, submit to the treasurer for the preceding financial period, a financial return containing a balance sheet, a statement of income and expenses and a statement of developments in the financial position of the party, prepared in accordance with generally recognized accounting standards.

“**80.1** The statement of income and expenses must include a general income statement and the total expenses, and indicate, in addition,

(1) the total sum of the anonymous donations collected at meetings or demonstrations contemplated in subparagraph *b* of the first paragraph of section 35, and the nature, place and date of the meetings or demonstrations;

(2) the total sum of contributions of one hundred dollars or less and of the amounts collected pursuant to subparagraph *e* of the first paragraph of section 35;

(3) the total sum of amounts collected under subparagraph *f* of the first paragraph of section 35 as registration fees at a political convention, and the place and date of the convention;

(4) the total sum of amounts collected under subparagraph *g* of the first paragraph of section 35 as entrance fees to an activity or demonstration of a political nature, and the nature, place and date of the activity or demonstration;

(5) the total sum of contributions of over one hundred dollars.

“80.2 The financial return must indicate, furthermore,

(1) the financial institutions where the amounts collected by the party are deposited and the account numbers used and the total value of the goods or services furnished or rendered free of charge;

(2) the name and full address of each elector who has paid a contribution of over one hundred dollars;

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

(4) a detailed statement of all amounts transferred or loaned between the party and authorities of the party;

(5) a detailed statement of all amounts borrowed in accordance with subparagraph *d* of the first paragraph of section 35, the date of each loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in capital and interest.

The official representative must, for two years from the date of submitting the return, keep the receipts issued for contributions collected during a financial period. These receipts must be handed over to the treasurer at his request.

“81. For the purposes of this subdivision, the financial period corresponds to the calendar year.

“82. No return mentioned in section 80 is deemed submitted to the treasurer unless it is accompanied with the certificate contemplated in section 77.”

72. Section 83 of the said Act is amended by replacing the first paragraph by the following paragraph:

“33. Where the time prescribed in section 80 expires during the election period of a general election, it is extended to ninety days after the date of such election.”

73. Section 84 of the said Act is replaced by the following section:

“34. Where the time prescribed in section 80 expires within ninety days after the date of a general election, it is extended to one hundred and twenty days after the date of such election.”

74. Section 85 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Such return must contain, *mutatis mutandis*, the information provided for in section 80, except the statement of developments in the financial position. It must be accompanied with a copy of each of the receipts issued for contributions received.”

75. The said Act is amended by inserting, after section 85, the following section:

“35.1 An independent candidate who solicits and collects contributions after polling day or who, after submitting his return of election expenses, has amounts of money or goods in his election fund, must submit a return to the treasurer for the period ending on the next 31 December.

The return must be submitted not later than 1 April of the year following each financial period in which contributions have been solicited and collected or in which amounts of money or goods remain in the candidate’s election fund.

The return must be submitted in accordance with section 85 and be accompanied with the same documents.”

76. Section 88 of the said Act is amended

(1) by replacing what precedes subparagraph *a* of the first paragraph by the following:

“33. If the return of a party is not submitted within the fixed time, the following person becomes, ten days after the prescribed time, disqualified to sit or vote in the municipal council until the return is filed.”;

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

“If the report of an independent candidate is not filed within the prescribed time, that candidate, if he has been elected, becomes,

ten days after the expiry of the prescribed time, disqualified to sit or vote in the municipal council until the return is filed.”

77. Section 91 of the said Act is amended by adding the following paragraph:

“Any person who contravenes any of sections 36, 37 or 50 is guilty of an offence and is liable, on summary proceedings, to a fine of not less than \$100 nor more than \$1 000.”

78. Section 93 of the said Act is amended by striking out subsection 5.

79. Section 94 of the said Act is amended

(1) by replacing the word “encourus” in the first line of paragraph *a* of subsection 1 of the French text by the word “engagés”;

(2) by replacing subparagraph *c* of subsection 2 by the following subparagraphs:

“(c) the necessary cost of holding a convention in an electoral division for the selection of a candidate; such necessary cost includes the cost of renting a hall and the convening of delegates, but shall not include any publicity nor exceed \$1 500;

“(c.1) the reasonable expenses of a candidate at a convention for an electoral district except any cost of publicity;”;

(3) by replacing subparagraphs *h* and *i* of subsection 2 by the following subparagraphs:

“(h) the reasonable expenses usually incurred for the current operation of the permanent office of a party whose address is entered in the registers of the director general;

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

The permanent office of an authorized party is 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 full time, outside the election period, to attain the party’s objectives.”;

(4) by replacing subsection 3 by the following subsection:

“(3) The expenditures incurred before an election period for literature, objects or materials of an advertising nature, used during the election period for the purposes contemplated by the definition of the expression “election expenses”, are election expenses.

These expenses are deemed to have been made by the official agent during the election period if he authorized such use.”

30. Section 95 of the said Act is replaced by the following sections:

“95. A political party must have an official agent to incur election expenses. The official representative of the party is the official agent of the party unless another person is designated in writing for that purpose by the leader of the party.

The returning officer shall indicate the name of the official agent of the party in the notice of poll.

“95.1 The official agent of a political 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 by the official agent during the election period.

All election expenses incurred by a deputy of the official agent are deemed to have been incurred by the official agent.

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

31. Section 96 of the said Act is amended by replacing subsection 5 by the following subsection:

“(5) The returning officer must immediately inform the treasurer of every appointment or replacement of an official agent; he shall indicate in the notice of poll the name of the official agent of any independent candidate.”

32. The said Act is amended by inserting, after section 96, the following section:

“96.1 The official representative of an authorized independent candidate is that candidate’s official agent.”

33. The said Act is amended by inserting, after section 97, the following sections:

“97.1 An official agent or his deputy shall not pay the cost of election expenses except out of an election fund.

“97.2 Funds held in accordance with Division I by an authorized party or an authorized independent candidate are the only funds that may be paid into the election fund put at the disposal of an official agent.”

84. Section 98 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

“98. (1) During an election period, only the official agent of an authorized candidate, party or his deputy may incur or authorize election expenses.”;

(2) by adding, after subsection 1, the following subsection:

“(1.1) No literature, object or material of an advertising nature contemplated in subsection 3 of section 94 may be used during an election period except by the official agent of an authorized candidate or party or his deputy, or with his authorization.”;

(3) by replacing subsection 5 by the following subsection:

“(5) A candidate may himself pay his personal expenses incurred on the occasion of an election, up to the amount of \$300. Subject to paragraphs *c* and *d* of subsection 2 of section 94, the expenses he may so pay form part of his election expenses but must not include any publicity and the candidate must send a detailed statement thereof to his official agent or to the official agent of his party, as the case may be.”;

(4) by inserting the words “or his deputy” after the words “authorized party” in the first and second lines of subsection 7.

85. Section 99 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“However, in the case of printed matter, an advertisement or a radio or television program ordered by an official agent, the address is replaced by that of the title of the official agent.”

86. Section 100 of the said Act is amended by adding the following subsection:

“(4) The agency must remit to the official agent a detailed statement of the election expenses it has ordered.”

87. Section 101 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) Every person to whom an amount is due for election expenses must present his claim to the official agent not later than sixty days following polling-day. After that time, the claim is prescribed.”

88. Section 103 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

“103. (1) The treasurer shall reimburse, out of the municipality’s general fund, an amount equal to 50% of the election expenses incurred and paid in accordance with this chapter to the official agent of an independent candidate who is elected or obtains at least 20% of the valid votes at an election for the office of mayor or concillor, as the case may be.”;

(2) by inserting, after subsection 2, the following subsection:

“(2.1) In the case of an independent candidate, no reimbursement may exceed the amount of the debts resulting from his election expenses.”;

(3) by renumbering subsections 3 and 4 to read 1 and 2, and to become section 103.1 of the said Act.

89. Section 103.1 of the said Act, added by paragraph 3 of section 88, is amended by adding the following subsection:

“(3) Reimbursements of election expenses are made to the official representative of the political party. In the case of an independent candidate, reimbursements are made jointly to the candidate and his official agent.”

90. Section 104 of the said Act is replaced by the following sections:

“104. Within 90 days following polling day, the official agent of an authorized party or of an independent candidate, must deliver to the returning-officer or leave at his domicile a return of election expenses in the form prescribed by the director general.

The return must be accompanied with the invoices, receipts and other vouchers that have not been sent to the treasurer or with certified copies of such documents, and with a list of such documents and sworn statement in the prescribed form.

“104.1 On receiving the returns, the returning officer shall forward all the returns, sworn statements, invoices and vouchers to the treasurer. The treasurer shall publish, in a newspaper circulated in the municipality, a summary of the returns within thirty days following the expiry of the time limit provided for their submission.

The treasurer shall keep the documents for one year from their receipt. During that period, he must permit any elector to examine the documents and make copies of them at the place designated by him for that purpose. At the expiry of that period, he shall return the invoices and vouchers to the candidate at the latter’s request; otherwise, he may destroy them.

“104.2 In the return prescribed in section 104, the official agent must indicate, in addition to election expenses, the source of the sums paid into the election fund and put at his disposal.

“104.3 On filing the return prescribed in section 104, the official agent must remit the sums or goods remaining in his election fund to the official representative of the party; in the case of the official agent of an authorized independent candidate, he shall remit the sums and goods to the candidate.

“104.4 No sum or goods received by an authorized independent candidate may be used by him except for political, religious, scientific or charitable purposes.”

91. Section 105 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“105. If the return and sworn statement prescribed by section 104 are not produced within the fixed time, the candidate or the person determined pursuant to the first paragraph of section 88, as the case may be, becomes, ten days after the expiry of the prescribed time, disqualified from sitting or voting in the municipal council until such return and sworn statement have been delivered.

However, a judge, by order, on a motion made before the candidate or person determined under the first paragraph of section 88 is disqualified from sitting or voting, may allow him to continue to sit or vote for an additional period of not more than thirty days.”

92. Section 106 of the said Act is amended by replacing the first paragraph by the following paragraph:

“106. If a return or an sworn statement contains any error, the candidate or party leader may obtain permission from a judge to correct such error on establishing that it was made through inadvertence. However, the treasurer may, *ex officio*, allow the error to be corrected if the correction is not contested by a party or a candidate, as the case may be.”

93. Section 107 of the said Act is amended by replacing the third paragraph by the following paragraph:

“A judge may nevertheless authorize an official agent, a party leader or a candidate to pay a contested claim or a prescribed claim if it is established before him that the refusal or failure to pay results from a *bona fide* error, and that the payment will not increase the expenses to an amount exceeding the limit fixed by section 102.”

94. The said Act is amended by adding, after section 107, the following section:

“107.1 The director general may refer to a judge any claim contested by an official agent. Such a case is heard and decided by preference.”

95. Section 110 of the said Act is replaced by the following sections:

“110. Every official agent who incurs or authorizes election expenses exceeding the maximum fixed by section 102 or files a false return or sworn statement or produces a falsified invoice, receipt or other voucher, or, after the filing of his return, pays a claim otherwise than as permitted by section 107, is guilty of an offence.

A candidate or party leader who incurs, pays or authorizes any election expenses otherwise than as permitted by this division, is guilty of an offence.

Every person is guilty of an offence contemplated in this section who permits, tolerates or participates in any way in the commission thereof.

Every person who is guilty of an offence contemplated in this section is liable to a fine of not less than \$100 nor more than \$10 000 or to such a fine and imprisonment for not more than twelve months.

“110.1 Every offence mentioned in section 110 is a corrupt election practice.”

96. Section 111 of the said Act is replaced by the following sections:

“111. Every person who commits an offence under this division, other than an offence contemplated in section 110, is liable to a fine of not less than \$100 nor more than \$1 000 or to such a fine and imprisonment for not over six months.”

Every person who permits, tolerates or participates in an offence referred to in this section is guilty of the offence.

“112. Proceedings under this division are taken according to the Summary Convictions Act (R.S.Q., chapter P-15).

Where this Act requires that a document be filed with the director general, and the document discloses the committing of an offence, proceedings may be brought during the year following the date of filing of the document.”

97. Section 122 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“122. The director general of representation and the director general of elections must, not later than 31 March of each year, give

the President of the National Assembly of Québec a report of their respective activities under this Act for the preceding calendar year.

The director general of the financing of political parties shall include a report of his activities under this Act for the preceding fiscal year in the report he must file under the Act to govern the financing of political parties."

98. The said Act is amended by replacing the word "expenditures", wherever it is mentioned, *mutatis mutandis*, in sections 36 and 37, in paragraph *b* of section 44 and in section 73, by the word "expenses".

99. The said Act is amended by replacing, *mutatis mutandis*, the words "frais encourus" in section 79 and in subsection 1 of section 94 of the French text by the words "frais engagés".

CHAPTER III

THE REFERENDUM ACT

100. The Referendum Act (R.S.Q., chapter C-64.1) is amended by replacing the title of Chapter IV by the following title:

"REFERENDUM WRIT".

101. Section 27 of the said Act is amended by replacing the word "encourus" in the second line of the French text by the word "engagés".

102. Section 28 of the said Act is amended by replacing the word "encourus" in the first line of subparagraph *h* of the French text by the word "engagés".

103. Section 29 of the said Act is replaced by the following section:

"**29.** The expenditures incurred before a referendum for literature, objects or materials of an advertising nature, used during the referendum period for the purposes contemplated by the definition of the expression "regulated expenses" are regulated expenses. These expenses are deemed to have been made by the official agent during the referendum period if he has authorized that use."

104. Section 35 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**35.** For the purposes of the first paragraph of section 34, the number of electors is the total number of electors entered on the

revised lists or, if there is a second revision, the total number of electors entered on the lists after the second revision, whichever is higher.”

105. Section 1 of Division 2 of Appendix 2 of the said Act is amended:

“1. Replace section 1 by the following section:

“**1.** In this Act, unless the context indicates otherwise, “official agent”, “local agent”, “regulated expenses” and “referendum period” have the same meaning as in the Referendum Act;

“contribution” means money donated to a national committee, services rendered or goods furnished to it with a view to supporting an option submitted to a referendum;

“elector”: every person who

(1) is eighteen years of age;

(2) is a Canadian citizen;

(3) has been domiciled in Québec for at least twelve months; and

(4) is not under any disqualification to vote by virtue of the Election Act (R.S.Q., chapter E-3.1) nor under any other legal disqualification.” ”

106. Section 65 of Division 2 of Appendix 2 of the said Act is repealed.

107. Section 75 of Division 2 of Appendix 2 of the said Act is replaced by the following section:

“75 Replace the first paragraph by the following paragraph:

“**75.** Every radio, television or cable broadcaster and every owner of a newspaper, periodical or other printed matter may make air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to national committees, provided he offers such service equally as to quality and quantity to each of the national committees.” ”

108. Section 97 of the said Act is replaced by the following section:

“97 Replace the words and figures “64, 66, 69 to 71 and 73 to 75 in the first and second lines of the first paragraph.

Strike out the second paragraph.” ”

109. Section 100 of Division 2 of Appendix 2 of the said Act is repealed.

110. Section 106 of Division 2 of Appendix 2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“106 Replace the words “an election” in the second line of the first paragraph, in the first and fifth lines of the second paragraph and in the second line of the fourth paragraph by the words “a referendum”

Replace the word “election” in the first line of the fourth paragraph by the word “regulated” ”.

111. Section 107 of Division 2 of Appendix 2 of the said Act is replaced by the following section:

“107 Replace the word “election” in the first line of paragraph 1, in the first line of paragraph 3 and in the second line of paragraph 4 by the word “regulated” ”.

112. Section 108 of Division 2 of the said Act is amended by replacing paragraph 1 by the following paragraph:

“108 Replace the word “election” in the first lines of paragraphs 1 and 2 by the word “regulated” ”.

113. Section 2 of Division 2 of the said Act is amended by replacing the second paragraph by the following paragraph:

“113 Strike out the words “election expenses” in the first and second lines of the third paragraph”.

114. Section 115 of Division 2 of Appendix 2 of the said Act is replaced by the following section:

“115 Replace the first paragraph by the following paragraph:

“**115.** If a return or a statement contains any error, the chairman or official agent of a national committee may obtain permission from a judge to correct such error on establishing that it was made through inadvertence.”

Replace the words "a candidate or party leader" in the first line of the second paragraph by the words "chairman or official agent of a national committee", and strike out the word and figure "112 or" in the fourth line of the second paragraph".

CHAPTER IV

THE TAXATION ACT

115. Section 776 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing the first paragraph by the following paragraph:

"776. An individual who is an elector may deduct from his tax otherwise payable, with respect to a contribution of money made during the year to the official representative of an authorized political party, authorized association or authorized candidate, 50% of the first one hundred dollars contributed and 25% of the second one hundred dollars contributed."

TITLE II

MUNICIPAL ELECTIONS

CHAPTER I

MUNICIPAL CODE

116. Article 257 of the Municipal Code, amended by section 2 of chapter 68 of the statutes of 1926, section 4 of chapter 74 of the statutes of 1927, section 4 of chapter 83 of the statutes of 1934, section 25 of chapter 86 of the statutes of 1968, section 272 of chapter 72 of the statutes of 1979 and section 51 of chapter 16 of the statutes of 1980, is again amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"b) The day when and the places where the voting or advance polling will be held;"

117. The said Code is amended by inserting, before article 291, the following:

"SECTION I

"GENERAL PROVISIONS".

118. Article 293 of the said Code is amended by replacing the first paragraph by the following paragraph:

“293. In the interval between nomination and polling, the presiding officer procures all necessary ballot-boxes and causes a sufficient number of ballots to be printed.”

119. Article 296 of the said Code is amended by replacing subarticles 1, 2 and 3 by the following subarticles:

“296. 1. The ballot must permit each candidate to be clearly identified.

2. The ballot must contain on the obverse, in alphabetical order of surnames, first, the given name and then the surname of each candidate. The candidate's residence and occupation shall appear under his name. The given names and surnames shall be spelled as in the nomination paper.

3. The ballot must contain, on the reverse, a space reserved for the initials of the presiding officer, the name and address of the printer and the designation of the electoral district, where such is the case.

3.1 The ballot must be provided with a counterfoil and a stub, both bearing the same number on the reverse, the whole as set forth in form 9. The ballots must be numbered consecutively.

3.2 The ballot shall be printed on writing paper sufficiently thick so that the pencil mark does not appear through it.”

120. The said Code is amended by inserting, after article 301, the following heading and articles:

“SECTION II

“ADVANCE POLLING

“301 a. The presiding officer must establish as many advance polling-stations as he considers necessary. In the notice provided for in article 291, he shall indicate at what place, date and hours each advance polling-station will be open. He shall inform each candidate thereof immediately.

“301 b. Except as otherwise provided, this chapter, except article 309a, applies to advance polling, *mutatis mutandis*.

“301 c. When establishing an advance polling-station, the presiding officer is not required to take article 266 into account.

If the presiding officer considers it necessary to establish more than one advance polling-station, subarticles 4 and 5 of article 313*a* apply, *mutatis mutandis*.

“301*d*. The advance polling-station shall be open from two o'clock in the afternoon until ten o'clock in the evening, on Sunday of the week preceding polling day.

“301*e*. Election clerks, deputy presiding-officers, poll-clerks, handicapped persons or persons who have reason to believe they will be absent from the municipality or unable to vote on polling day may vote in the advance poll.

“301*f*. A person having reason to believe he will be absent from the municipality or unable to vote on polling day and wishing to vote in the advance poll must, before he receives a ballot, sign an affidavit to that effect, indicating his surname, address and occupation and take the oath, as set forth in form No. 8*a*; these acts shall be indicated in the poll-book.

“301*g*. As soon as an elector has voted, the poll-clerk of the advance polling-station must so indicate on a duplicate of the Schedule to the valuation roll.

In this section, the expression “Schedule to the valuation roll” also includes the list mentioned in subarticle 4 of article 313*a*.

“301*h*. At the close of the advance polling-station, the presiding officer shall place in separate envelopes the ballots that are in the ballot-box, the spoiled ballots, the unused ballots and the duplicate of the Schedule to the valuation roll; he shall then seal the envelopes.

The envelopes, except the envelope containing a duplicate of the Schedule to the valuation roll, and the poll-book shall be deposited in the ballot-box, which the presiding officer shall lock and seal.

“301*i*. After drawing up the list of electors who have voted in the advance poll, the presiding officer shall immediately send a copy of it to the candidates.

“301*j*. If the extract of the Schedule to the valuation roll on which the poll-clerk has indicated the electors who voted is lost or spoiled, the presiding officer shall take possession of the poll-book contained in the ballot-box to draw up the list of the electors who voted in the advance poll.

As soon as that list is drawn up, the presiding officer shall replace the poll-book in the ballot-box, and lock and seal the ballot-box.

Before acting under this article, the presiding officer must notify each candidate of it; the candidate or his agent may attend the operations.

“301k. The duplicate of the Schedule to the valuation roll used by the presiding officer or the deputy presiding-officer on polling day must indicate the electors who voted in the advance poll.

“301l. From the close of the poll on polling day, the presiding officer shall count and add the ballots in the ballot-box used in an advance poll, in accordance with articles 310 to 312, *mutatis mutandis*.

“SECTION III

“EXERCISE OF THE RIGHT TO VOTE”.

121. Article 302 of the said Code is amended by replacing subarticle 1 by the following subarticle:

“302. 1. Immediately after the ballot-box is locked, the presiding officer must, at the appointed time, call upon the electors to vote.”

122. Article 304 of the said Code is replaced by the following article:

“304. The votes shall be given by ballot and the presiding officer, after initialling a ballot in the space reserved for that purpose, and detaching the stub, shall remit the ballot to the elector entitled to vote.”

123. Article 306 of the said Code is replaced by the following article:

“306. After receiving a ballot, the elector shall proceed into one of the compartments of the polling-station, mark the ballot in one of the circles and then fold up the ballot so that the initials on the back of it can be seen without opening it; he shall leave the compartment and allow the initials of the presiding officer to be examined by that officer, by the poll-clerk and by any agent of a candidate who wishes to do so; then the elector, in full view of those present, shall remove the counterfoil and remit it to the presiding officer, who shall destroy it, and the elector himself shall place the ballot in the ballot-box.

“306a. The elector shall mark the ballot by making a cross, an “X”, a check mark or a line with a fountain or ball point pen or, as the

case may be, the pencil remitted to him by the presiding officer at the same time as the ballot."

124. Article 308 of the said Code is amended by replacing subarticle 1 by the following subarticle:

"308. 1. An elector who declares under oath, as in form 13, that he is unable to mark his ballot himself by reason of an infirmity or because he cannot read, may be assisted by either the presiding officer in the presence of the agents, or by an elector who declares under oath, as in form 13*a*, that he has not assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence. In either case, an indication of it is made in the poll-book."

125. The said Code is amended by inserting, after article 308, the following articles and heading:

"308*a*. The presiding officer must provide a visually handicapped person with a template, in accordance with form 13*b*, to enable him to vote without assistance. The presiding officer shall then indicate to him the order in which the candidates appear on the ballot, and the indications entered under their names.

"308*b*. Any electors on the premises of a polling-station before the time set for the close of the poll who have not been able to exercise their right to vote before the appointed time may exercise their right to vote, and the presiding officer shall declare the polling closed after they have voted.

"SECTION IV

"SPECIAL PROVISIONS".

126. The said Code is amended by inserting, after article 309*a*, the following heading:

"SECTION V

"PROCEEDINGS AFTER THE CLOSE OF THE POLL".

127. Article 310 of the said Code, amended by article 6 of chapter 74 of the statutes of 1927, is again amended by inserting, after the first paragraph, the following paragraphs:

"No ballot may be rejected for the sole reason that the counterfoil has not been detached. In such a case, the presiding officer shall detach the counterfoil and destroy it.

Furthermore, no ballot may be rejected for the sole reason that the mark made in one of the circles goes beyond the circle in which the elector has made his mark.”

128. Article 387*a* of the said Code, enacted by section 12 of chapter 69 of the statutes of 1941 and amended by section 31 of chapter 86 of the statutes of 1968 and section 18 of chapter 36 of the statutes of 1979, is replaced by the following article:

“387*a*. When a by-law is submitted for the approval of the electors by secret ballot, the vote shall be taken following the provisions governing elections, except articles 301*a* to 301*l*, so far as they may be applicable and are not derogated from by the following provisions.”

129. The said Code is amended by inserting, after form 8, the following form:

“8a. — (Article 301f)

*Declaration under oath or solemn affirmation of an elector
wishing to vote in the advance poll because he will be absent or
unable to vote on polling day*

Municipality of

I,
given name
surname

.....
Occupation

.....
Address

declare that I have reason to believe

☐ that I shall be absent from the municipality on polling day;

OR

☐ that I shall be unable to vote on polling day.

I, therefore, wish to vote in the advance poll.

.....
Elector

Declared under oath
(or solemnly affirmed)
before me,
at....., this.....

.....
Presiding Officer

130. Form 9 of the said Code is replaced by the following form:

“9. — (*Article 296*)

Ballot

OBVERSE

François CARRIER

Musician... Street No....

André GAGNON

Manager... Street No....

Michel LAVOIE

Welder... Street No....

001

.....

001

.....

Presiding officer's initials

Municipality of:

Electoral district (where such is the case) } *or* Mayor

Councillor

1 November 1981

Lucien Lamothe, Printer
117, rue Notre-Dame est
Montréal

131. Form 10 of the said Code is repealed.

132. Form 12 of the said Code is amended by replacing the indication: “Ballots prepared with the aid of the presiding officer” by the following indication: “Ballots prepared with the aid of the presiding officer or an elector”.

133. Form 13 of the said Code is replaced by the following forms:

“13. — (*Article 308*)

Oath of Elector unable to mark his Ballot

You swear (or solemnly affirm) that you are unable to mark your ballot owing to a disability or because you cannot read.

So help you God.

“13a. — (*Article 308*)*Oath of an elector who assists
another elector*

You swear (*or* solemnly affirm) that you are an elector, that you have not already assisted another elector during the polling, and that you will not disclose the name of the candidate for whom the elector voted in your presence.

So help you God.

“13b. — (Article 308a)

Template for visually handicapped persons

13B

Municipal Code
(article 308a)

This template, valid for a maximum of 10 candidates, enables visually handicapped electors to mark their ballots without help.

General instructions to returning officer

- Visually handicapped electors ARE NOT required to take the oath of an elector unable to vote without help if they use this template.

Procedure for handling ballot

- Remove a ballot from the pad and fold it in the prescribed manner.
- Unfold it and place it in the template so that the first circle on the ballot is directly underneath the first circle on the template.
- Indicate to the elector the order in which the candidates appear on the ballot and the indication entered under their names.
- Ask the elector to refold his ballot after marking it, along the folds that you made when you folded it.”



CHAPTER II

CITIES AND TOWNS ACT

134. Section 127 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the first paragraph by the following paragraph:

“127. The returning-officer shall divide the electoral list of each ward into polling-subdivisions of not more than three hundred electors.”

135. Section 156 of the said Act is amended by replacing paragraph *b* of the first paragraph by the following paragraph:

“(b) the day of the opening of the polling-stations and advance polling-stations.”

136. Section 180 of the said Act is amended by replacing subsections 1 and 2 by the following subsections:

“180. 1. The ballot-paper must permit each candidate to be clearly identified.

1.1 The ballot-paper shall contain on the obverse, in alphabetical order of surnames, first, the given name and then the surname of each candidate. The candidate's residence, address, profession or occupation shall appear under the name of the candidate or, as the case may be, in the case of a municipality subject to Chapter VII of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1), his political affiliation or the word “independent”, as the case may be.

1.2 The ballot-paper must contain on the reverse, a space reserved for the initials of the deputy returning-officer, the name and address of the printer and the designation of the electoral district, where such is the case.

1.3 The ballot-paper shall be provided with a counterfoil and a stub both bearing the same number on the reverse, the whole according to Form 19. The ballot-papers shall be numbered consecutively.

2. The ballot-paper shall be printed on writing paper sufficiently thick so that writing does not appear through it.”

137. Section 199 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The deputy returning-officer, after initialling a ballot-paper in the space reserved for that purpose, and detaching the stub,

shall remit the ballot-paper to the person who is entitled to vote at the polling-station."

138. Section 201 of the said Act is replaced by the following sections:

"201. The elector, after receiving the ballot-paper, shall proceed into one of the compartments of the polling-station, mark his ballot-paper in one of the circles and then he shall fold up the ballot-paper so that the initials and the number affixed by the deputy returning-officer can be seen without opening it. He shall allow the deputy returning-officer's initials to be examined by that officer, the poll-clerk and any representative of a candidate who wishes to do so, and shall then, in full view of those persons present, remove the counterfoil and give it to the deputy returning-officer, who shall destroy it, and the elector himself shall then place the ballot-paper in the ballot-box.

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

139. Section 204 of the said Act is replaced by the following sections:

"204. An elector who declares under oath as in Form 25 that he is unable to mark his ballot-paper himself by reason of an infirmity or because he cannot read, may be assisted by either the deputy returning-officer or the poll clerk in the presence of sworn agents, or by an elector who declares under oath as in Form 25.1 that he has not assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence.

In either case an entry of the assistance is made in the poll-book.

"204.1 The deputy returning-officer must provide a visually handicapped person who so requests with a template, in accordance with Form 26, to enable him to vote without assistance. The deputy returning-officer shall then indicate to him the order in which the candidates appear on the ballot-paper, and the indications entered under their names."

140. Section 212 of the said Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“212. 1 Any electors on the premises of a polling-station before the time set for the close of the poll who have not been able to exercise their right to vote before the appointed time may exercise their right to vote, and the deputy returning-officer shall declare the polling closed after they have voted.”;

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

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

Furthermore, no ballot-paper may be rejected for the sole reason that the mark made in one of the circles goes beyond the circle in which the elector has made his mark.”

141. Subdivision 8 of the said Act, including section 220, is replaced by the following subdivision:

“§ 8. — *Advance polling-stations*

“220. The returning-officer must establish as many advance polling-stations as he considers necessary and determine which polling-subdivisions are attached to each; he shall immediately inform each candidate and each authorized party. He shall indicate in the notice provided for in section 171 at what place, date and hours those polling-stations are open.

“220.1 Except as otherwise provided, the provisions of this Act respecting polling in an ordinary polling-station, apply, *mutatis mutandis*, to advance polling, except section 210.

“220.2 The advance polling-station shall be open from two o'clock in the afternoon until ten o'clock in the evening, on Sunday of the week preceding polling day.

In a municipality with a population of 20 000 inhabitants or more, the advance polling-station shall be open on Sunday and Monday of the week preceding polling day.

“220.3 Returning-officers, election officers, deputy returning-officers or poll-clerks, handicapped persons or persons who have reason to believe they will be absent from the polling-subdivision or unable to vote therein on polling day may vote in the advance poll.

“220.4 A person having reason to believe he will be absent from the municipality or unable to vote on polling day and wishing to vote in the advance poll must, before he receives a ballot-paper,

sign an affidavit to that effect, indicating his name, address and occupation, and take the oath, in Form 32.1; these acts shall be indicated in the poll book.

“220.5 As soon as an elector has voted, the poll-clerk must so indicate on the extract of the electoral list.

“220.6 If polling is held during two days, the deputy returning-officer shall, after the closing of the advance polling-station on the first day, count the number of electors who, according to the poll-book, have voted, and enter that number as follows immediately under the name of the last voter: *The number of electors who voted at this advance polling-station on the first day is . . . (write the number out in full)*, and affix his signature thereto.

The deputy returning-officer shall place in separate envelopes the ballots that are in the ballot-box, the spoiled ballots, the unused ballots, the forms, and the extract of the electoral list; he shall then seal the envelopes. These envelopes, except the envelope containing the extract of the electoral list and the poll-book, shall be deposited in the ballot-box, which the deputy returning-officer shall lock and seal.

The deputy returning-officer shall then remit the ballot-box, the key and the envelope containing the extract of the electoral list to the returning-officer or the person designated by him.

“220.7 At the beginning of the second day, where such is the case, the deputy returning-officer shall take possession of the ballot-box, the key and the envelope containing the extract of the electoral list. In the presence of the poll-clerk and agents, he shall open the ballot-box and take possession of the poll-book and the envelopes containing the forms, the unused ballots and the extract of the electoral list.

“220.8 At the close of the advance polling-station, the deputy returning-officer shall proceed in the manner provided in section 220.6, *mutatis mutandis*.

“220.9 After drawing up the list of the electors who voted in the advance poll, the returning-officer shall immediately send a copy thereof to the candidates.

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

As soon as that list is drawn up, the returning-officer shall replace the poll-book in the ballot-box, and lock and seal the ballot-box.

Before acting under this section, the returning-officer must notify each candidate of it; the latter may attend the operations.

“220.11 The extract of the electoral list used by the deputy returning-officer in an ordinary polling-station must include the electors who voted in the advance poll.

“220.12 At the close of the polling-stations on polling-day, the deputy returning-officer shall, with the assistance of the poll-clerk and in the presence of the candidates and their agents, count the votes. The counting is effected pursuant to sections 212 to 216, *mutatis mutandis*.

The deputy returning-officer and poll-clerk may be other persons than those appointed to act in the advance polling-station.”

142. Section 241 of the said Act is repealed.

143. Section 385 of the said Act is amended by replacing the second paragraph of subsection 1 by the following paragraph:

“Sections 220 to 220.12 do not apply when such a poll is held.”

144. Form 12 of the said Act is replaced by the following form:

“12.—(Section 171)

Notice of Poll

Notice

City of(or town
of , *as the case may be*).

Public notice is hereby given that a poll is necessary for the city
of(or the town
of) or the wards
of(or the electoral districts
of) and that poll will be held on

Further, the following persons are nominated:

Election of Mayor

Given name, surname

Occupation and address

(*political affiliation*
or independent, as the case may be)

Election of Councillors

Given name, surname

Occupation and address

(*political affiliation*
or independent, as the case may be)

Advance polling-stations are open onfrom
date hours

and are established in the following places:

Polling-stations are open onfrom
date hours

and are established in the following places:

The official addition of the votes will take place at
....., in the evening of the poll, as I receive
the ballot-boxes.

Of all of which all persons interested are hereby required to
take notice and govern themselves accordingly.”

145. Form 19 of the said Act is replaced by the following form:

“19. — (*Section 180*)

Ballot

OBVERSE

François CARRIER

Musician... Street No....

André GAGNON

Beekeeper... Street No....

Michel LAVOIE

Welder... Street No....

001

.....

001

.....

Returning-officer's initials

Municipality of:

Electoral district (where such is the case) } or Mayor

Councillor

1 November 1981

Lucien Lamothe, Printer
117, rue Notre-Dame est
Montréal

146. Form 21 of the said Act is amended by replacing the words “Ballot-papers prepared with the aid of the deputy returning-officer” by the following words: “Ballot-papers prepared with the aid of the deputy returning-officer or an elector”.

147. Forms 25 and 26 of the said Act are replaced by the following forms:

“25.—(Section 204)

Oath of Elector unable to mark his Ballot-Paper

You swear (*or* solemnly affirm) that you are unable to mark you ballot-paper owing to an infirmity or because you cannot read.

So help you God.

“25.1 — (Section 204)

Oath of an elector who assists another elector

You swear (*or* solemnly affirm) that you are an elector, that you have not already assisted another elector during the polling, and that you will not disclose the name of the candidate for whom the elector voted in your presence.

So help you God.

“26.— (Section 204.1)

Template for visually handicapped persons

26

Cities and
Towns Act
Section 204.1

This template, valid for a maximum of 10 candidates, enables visually handicapped electors to mark their ballot-papers without help.

General instructions to deputy returning-officer

- Visually handicapped electors ARE NOT required to take the oath of an elector unable to vote without help if they use this template.

Procedure for handling ballot-paper

- Remove a ballot-paper from the pad and fold it in the prescribed manner.
- Unfold it and place it in the template so that the first circle on the ballot-paper is directly underneath the first circle on the template.
- Indicate to the elector the order in which the candidates appear on the ballot-paper and the indication under their names.
- Ask the elector to refold his ballot-paper after marking it, along the folds that you made when you folded it.”

.....
Deputy returning-officer

CHAPTER III

CHARTER OF THE CITY OF QUÉBEC

149. Section 85 of the Charter of the City of Québec (1929, chapter 95), replaced by section 26 of chapter 102 of the statutes of 1937, section 29 of chapter 51 of the statutes of 1954-1955 and section 38 of chapter 81 of the statutes of 1965 is again replaced by the following section:

“35. The city clerk shall also deliver to each officer presiding at a poll the list of electors to be used at such poll, and shall also deliver to him, as occasion may require, for each district, a sufficient number of ballot-papers for the election of mayor and councillors.”

150. Section 86 of the said Charter, replaced by section 11 of chapter 72 of the statutes of 1949 and section 10 of chapter 77 of the statutes of 1950 is again replaced by the following sections:

“36. The ballot-paper must permit each candidate to be clearly identified.

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

It must contain on the reverse, a space reserved for the initials of the poll presiding officer, the name and address of the printer and the designation of the electoral district.

“36a. The ballot-paper shall be provided with a counterfoil and a stub both bearing the same number on the reverse. The ballot-papers shall be numbered consecutively, the whole as set forth in Schedule D.”

151. Section 93 of the said Charter, replaced by section 31 of chapter 51 of the statutes of 1954-1955 and section 39 of chapter 81 of the statutes of 1965 is again replaced by the following section:

“93. If such name is entered on the list of electors for the voting subdivision at such poll, the voter shall be given ballot-papers, as the case may be, on the reverse whereof the presiding officer shall have previously placed his initials, the ballot-papers

being given and returned in succession, first for voting for the mayor, and afterwards for the councillors. However, if the elector does not object thereto, the officer presiding over the polling-station may hand him at one time the ballot-papers to which such voter is entitled."

152. Section 99 of the said Charter is amended by replacing the first and second paragraphs by the following paragraphs:

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

The elector shall mark the ballot-paper by making a cross, an "X", a check mark or a line with a fountain or ball point pen or, as the case may be, the pencil remitted to him by the presiding officer at the same time as the ballot-paper."

153. Section 101 of the said Charter is replaced by the following section:

"101. An elector who declares under oath as in Schedule E that he is unable to mark his ballot-paper himself by reason of an infirmity or because he cannot read, may be assisted by either the presiding officer in the presence of the candidate or his representative, or by an elector who declares under oath as in Schedule E-1 that he has not assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence."

154. The said Charter is amended by inserting after section 102, the following section:

"102a. The presiding officer must provide a visually handicapped person who so requests with a template, in accordance with Schedule F, to enable him to vote without assistance. The presiding officer shall then indicate to him the order in which the candidates appear on the ballot-paper, and the indications entered under their names."

155. The said Charter is amended by inserting, after section 106, the following section:

“106a. The electors on the premises of a poll before the time set for the close of the poll who have not been able to exercise their right to vote before the appointed time may exercise their right to vote, and the presiding officer shall declare the polling closed after they have voted.”

156. The said Charter is amended by inserting, after section 107b, the following section:

“107c. No ballot paper may be rejected for the sole reason that the mark made in one of the circles goes beyond the circle in which the elector has made his mark.”

157. The said Charter is amended by inserting, after Division XII, the following:

“DIVISION XII A

“ADVANCE POLLING

“130a. The presiding officer must establish as many advance polls as he considers necessary and determine which polling subdivisions are attached to each; he shall immediately inform each candidate and each authorized party.

He shall indicate in the notice of election provided for in section 73, at what place, date and hours those polls are open.

“130b. Except as otherwise provided, Division XII applies to advance polling, *mutatis mutandis*.

“130c. The advance polls shall be open from two o'clock in the afternoon until ten o'clock in the evening, on Sunday and Monday of the week preceding polling day.

“130d. Election officers, excluding the chief returning-officer and his deputy, handicapped persons or those persons who have reason to believe they will be absent from the city or unable to vote on polling day may vote in the advance poll.

“130e. A person having reason to believe he will be absent from the city or unable to vote on polling day and wishing to vote in the advance poll must, before he receives a ballot-paper, sign an affidavit to that effect, indicating his surname, address and occupation, and take the oath, in accordance with Schedule H-2; these acts shall be indicated in the poll-book.

“130f. As soon as an elector has voted, the poll-clerk shall so indicate on the electoral list of the polling subdivision.

“130g. The presiding officer shall, after the closing of the advance poll on the first day, count the number of electors who, according to the poll-book, have voted, and enter that number as follows immediately under the name of the last voter: *The number of electors who voted at this advance polling-station on the first day is . . . (write the number out in full)*, and affix his signature thereto.

The presiding officer shall place in separate envelopes the ballots that are in the ballot-box, the spoiled ballots, the unused ballots, the forms and the electoral list; he shall then seal the envelopes. These envelopes, except the envelope containing the electoral list and the poll-book, shall be deposited in the ballot-box, which the presiding officer shall lock and seal.

The presiding officer shall then remit the ballot-box, the key and the envelope containing the electoral list to the chief returning-officer or the person designated by him.

“130h. At the beginning of the second day, the presiding officer shall take possession of the poll-book, the key and the envelope containing the extract of the electoral list. In the presence of the clerk of the advance polling-station and any agents present, he shall open the ballot-box and take possession of the poll-book and the envelopes containing the forms, the unused ballot-papers and the electoral list.

At the close of the advance polling-station on the second day, the presiding officer shall proceed in the manner provided in section 130g.

“130i. After drawing up the list of electors who voted in the advance poll, the chief returning-officer shall immediately send a copy to the candidates.

“130j. If the electoral list on which the poll-clerk has indicated that an elector has voted is lost or spoiled, the chief returning-officer shall take possession of the poll-book contained in the ballot-box to draw up the list of the electors who voted in the advance poll.

As soon as that list is drawn up, the chief returning-officer shall replace the poll-book in the ballot-box, lock and seal the ballot-box.

Before acting under this section, the chief returning-officer shall notify each candidate of it; the latter may attend the operations.

“130k. The electoral list used by the officer presiding at the poll on polling day must include the electors who voted in the advance poll.

“130l. At the close of the polling-stations on polling day, the officer presiding at the advance polling-station shall count the votes with the assistance of the poll-clerk and in the presence of the candidates or their agents. The counting is effected pursuant to sections 107 to 111, *mutatis mutandis*.

The presiding officer and the clerk at that advance polling-station may be other persons than those appointed to act in the advance poll.”

158. Schedule B to the said Charter, replaced by section 10 of chapter 72 of the statutes of 1949 and by section 96 of chapter 81 of the statutes of 1965 is amended by replacing the words “Ballot-papers prepared with assistance of returning-officer” by the following words: “Ballot-papers prepared with the assistance of the returning-officer or an elector”.

159. Schedules D and E to the said Charter are replaced by the following schedules:

"SCHEDULE D

(Section 86)

Ballot-paper

OBVERSE

Claude EMOND

political affiliation

Michèle FORTIN

political affiliation

Georges LEFAIVRE

independent

REVERSE

001

001

Returning
officer's
initials

City of Québec

Electoral district

or Mayor

Councillor

16 November 1981

Lucien Lamothe, Printer
117, rue Notre-Dame est
Montréal

“SCHEDULE E

(Section 101)

*Oath of an elector who is unable to mark
his own ballot-paper*

You swear (*or* solemnly affirm) that you are unable to mark your ballot-paper owing to an infirmity or because you cannot read.

So help you God.

“SCHEDULE E-1

(Section 101)

*Oath of an elector
who assists another elector*

You swear (*or* solemnly affirm) that you are an elector, that you have not already assisted another elector during the polling and that you will not disclose the name of the candidate for whom the elector voted in your presence.

So help you God.

“SCHEDULE F

*(Section 102a)**Template for visually handicapped persons***SCHEDULE F**
(section 102a)

This template, valid for a maximum of 10 candidates, enables visually handicapped electors to mark their ballot-papers without help.

General instructions to returning officer

- Visually handicapped electors ARE NOT required to take the oath of an elector unable to vote without help if they use this template.

Procedure for handling ballot-paper

- Remove a ballot-paper from the pad and fold it in the prescribed manner.
- Unfold it and place it in the template so that the first circle on the ballot-paper is directly underneath the first circle on the template.
- Indicate to the elector the order in which the candidates appear on the ballot-paper and the indication entered under their names.
- Ask the elector to refold his ballot-paper after marking it, along the folds that you made when you folded it.”

.....
Presiding officer

CHAPTER IV

CHARTER OF THE CITY OF MONTRÉAL

161. Article 283 of the Charter of the city of Montréal (1959-1960, chapter 102) is replaced by the following article:

“283. The ballot-paper must permit each candidate to be clearly identified.

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

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

162. Article 286 of the said Charter, replaced by section 25 of chapter 70 of the statutes of 1970 and section 36 of chapter 77 of the statutes of 1973, is again replaced by the following article:

“286. The ballot-paper shall be provided with a counterfoil and a stub both bearing the same number on the reverse. The ballot-papers shall be numbered consecutively, the whole according to Form 19.”

163. The said Charter is amended by inserting, after article 287, the following division:

“DIVISION 5 A

“ADVANCE POLLING

“287 a. The returning-officer shall establish, in each electoral district, as many advance polls as he considers necessary and determine which polling subdivisions are attached to each; he shall immediately inform each candidate and each authorized party.

He shall indicate in the notice provided for in article 279, at what place, date and hours those polls are open.

“287 b. Except as otherwise provided, the provisions of Division 6 apply to advance polling, *mutatis mutandis*.

“287c. The advance poll shall be open from two o’clock in the afternoon until ten o’clock in the evening, on Sunday and Monday of the week preceding polling day.

“287d. Deputy returning-officers, poll-clerks, special officers, special constables, handicapped persons or any person who has reason to believe that he will be absent from the city or unable to vote on polling day may vote in the advance poll.

“287e. A person having reason to believe he will be absent from the city or unable to vote on polling day and wishing to vote in the advance poll must, before he receives a ballot-paper, sign an affidavit to that effect, indicating his surname, address and occupation, and take the oath in accordance with Form 19a.

“287f. Once an elector has voted, the poll-clerk shall so indicate on the electoral list.

“287g. The poll-clerk shall, after the closing of the advance poll on the first day, enter in the poll-book that the poll is closed.

The deputy returning-officer shall place in separate envelopes the ballot-papers that are in the ballot-box, the spoiled or cancelled ballot-papers, the unused ballot-papers, the forms and the electoral list; he shall then seal the envelopes. These envelopes, except the envelope containing the electoral list and the poll-book, shall be deposited in the ballot-box, which the deputy returning-officer shall seal.

The deputy returning-officer, the poll-clerk and the agents who wish to do so shall affix their initials to the seals of the envelopes and of the ballot-box. The deputy returning-officer shall then remit the ballot-box to the returning-officer or any other person designated and sworn by the returning-officer, in accordance with Form 26a.

“287h. At the beginning of the second day, the deputy returning-officer, in the presence of the poll-clerk and of the agents present, shall resume possession of the poll-book and of the envelopes containing the forms, the unused ballot-papers and the electoral list.

At the close of the advance poll, the poll-clerk shall enter in the poll-book the indication that the poll is closed. The deputy returning-officer shall then proceed as in article 287g, and remit the ballot-box and the envelope containing the electoral list to the returning-officer or any person designated and sworn by him, in accordance with Form 26a.

“287i. After having drawn up the list of electors who have voted in the advance poll, the returning-officer shall immediately send a copy of it to the candidates.

“287j. If the extract of the electoral list on which the poll-clerk has indicated that an elector has voted is lost or spoiled, the returning-officer shall take possession of the poll-book contained in the ballot-box to draw up the list of the electors who voted in the advance poll.

As soon as that list is drawn up, the returning-officer shall replace the poll-book in the ballot-box, and lock and seal the ballot-box.

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

“287k. The extract of the list of electors used by the deputy returning-officer in an ordinary poll on the day of general polling must include the electors who voted in the advance poll.

“287l. From seven o’clock in the evening on the day of general polling, the deputy returning-officer shall proceed with the counting of the votes, assisted by the poll-clerk, and in the presence of those agents who wish to attend. The counting shall be effected in accordance with Division 7.

The deputy returning-officer and poll-clerk may be persons other than those appointed to act in the advance polling station.”

164. Article 305 of the said Charter, amended by section 40 of chapter 59 of the statutes of 1962 and section 42 of chapter 77 of the statutes of 1973, is replaced by the following articles:

“305. After receiving his ballot-paper, the elector shall enter one of the polling-booths of the poll and mark the ballot-paper in one of the circles. He shall fold the ballot-paper, leave the polling-booth, allow the initials of the deputy returning-officer to be examined by that officer, the poll-clerk and every agent of a candidate who wishes to do so; then the elector, in view of the persons present, shall detach the counterfoil and remit it to the deputy returning-officer, who shall destroy it, and the elector himself shall place the ballot-paper in the ballot-box.

“305a. The elector shall mark the ballot-paper by making a cross, an “X”, a check mark or a line thereon with a fountain pen or a ball point pen or, as the case may be, a pencil given to him by the deputy returning-officer at the same time as the ballot-paper.”

165. Articles 307, 308 and 309 of the said Charter are replaced by the following articles:

“307. An elector who declares under oath, in accordance with Form 23, that he is unable to mark his ballot-paper himself by reason of an infirmity or because he cannot read, may be assisted by either the deputy returning-officer in the presence of an authorized agent or, as the case may be, by an elector admitted to represent each candidate or by an elector who declares under oath, in accordance with Form 23*a*, that he has not already assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence; in either case, an indication of it is made in the poll-book.

“308. The deputy returning-officer must provide a visually handicapped person who so requests with a template, in accordance with Form 23*b*, to enable him to vote without assistance. The deputy returning-officer shall then indicate to him the order in which the candidates appear on the ballot-paper, and the indication entered under their names.”

166. Division 6-A of the said Charter, including articles 311 to 311*i*, enacted by section 44 of chapter 77 of the statutes of 1973 is repealed.

167. Article 329 of the said Charter, replaced by section 45 of chapter 59 of the statutes of 1962 and section 46 of chapter 77 of the statutes of 1973, is amended by adding, at the end, the following paragraph:

“However, the electors on the premises of a poll before the time appointed for the close of the poll and who have not been able to vote before that time may exercise their right to vote, and the deputy returning-officer shall declare the polling closed after they have voted.”

168. The said Charter is amended by inserting, after article 331, the following article:

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

Furthermore, no ballot-paper may be rejected for the sole reason that the mark made in one of the circles goes beyond the circle in which the elector has made his mark.”

169. Form 19 of the said Charter, amended by section 116 of chapter 59 of the statutes of 1962, is replaced by the following forms:

"19. — (*Article 283*)

Ballot-paper

OBVERSE

Claude EMOND

political affiliation

Michèle FORTIN

political affiliation

Georges LEFAIVRE

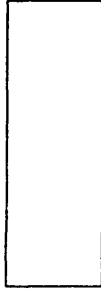
independent

REVERSE

001

001

Deputy returning-
officer's initials



City of Montréal

Electoral district of

or Mayor

Councillor

16 November 1981

Lucien Lamothe, Imprimeur
117, rue Notre-Dame est
Montréal

170. Form 21 of the said Charter, amended by section 96 of chapter 77 of the statutes of 1973, is again amended by replacing the words "Ballot papers prepared with the aid of the deputy returning-officer" by the following words: "Ballot-papers prepared with the aid of the deputy returning-officer or an elector".

171. Forms 22*a*, 23, 23*a* and 23*b* of the said Charter are replaced by the following forms:

“23. — (*Article 307*)

*Oath of an elector
who assists another elector*

You swear (*or solemnly affirm*) that you are an elector, that you have not already assisted another elector during the polling and that you will not disclose the name of the candidate for whom the elector voted in your presence.

So help you God.

“23*a* — (*Article 307*)

*Oath of an elector unable
to mark his ballot-paper*

You swear (*or solemnly affirm*) that you are unable to mark your ballot-paper owing to a disability or because you cannot read.

So help you God.

"23b — (Article 307)

*Template for visually
handicapped persons*

23b

Charter of the
city of Montréal
Article 307

This template, valid for a maximum of 10 candidates, enables visually handicapped electors to mark their ballot-papers without help.

General instructions to deputy returning-officer

- Visually handicapped electors ARE NOT required to take the oath of an elector unable to vote without help if they use this template.

Procedure for handling ballot-paper

- Remove a ballot-paper from the pad and fold it in the prescribed manner.
- Unfold it and place it in the template so that the first circle on the ballot-paper is directly underneath the first circle on the template.
- Indicate to the elector the order in which the candidates appear on the ballot-paper and the indication entered under their names.
- Ask the elector to refold his ballot-paper after marking it, along the folds that you made when you folded it."

172. Sections 116 to 171 have effect for all elections, from the general municipal elections of November 1982.

173. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (*insert here the reference to the chapter number of the Canada Act in the compilation of the Acts of the Parliament of the United Kingdom for 1982*).

174. This Act comes into force on the day of its sanction except sections 1 to 115 that will come into force on the date fixed by government proclamation, with the exception of provisions excluded by such proclamation, that will come into force on any later date fixed by government proclamation.

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