

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 3

An Act respecting the register of electors

First reading

Second reading

Third reading

M. ROBERT BURNS

Ministre d'État à la réforme électorale et parlementaire

EXPLANATORY NOTES

The main object of this bill is to give the director general of elections responsibility for establishing a register of electors in view of preparing the electoral lists to be used at elections or referenda.

The register will contain the following information on each elector: his family name, given name, sex, address, date of birth and health insurance card number. However, the electoral lists sent out to households will give only the surname, given name, sex and address of each elector.

The register will be drawn up on the basis of an enumeration of electors carried out in conformity with the Election Act. In making it, the enumerators will verify whether corrections are necessary, and, if so, will make them, to a provisional list of persons residing in each polling-subdivision, drawn up by the director general of elections on the basis of information supplied to him by government departments or agencies or other persons, under agreements that the bill would authorize him to make.

The bill provides that the register is to be kept continually up to date. For that purpose, it authorizes the director general of elections to amend the register either at the request of the elector concerned or on the basis of information supplied to him by the government departments or agencies or persons with whom he has made agreements.

The director general of elections is also authorized, if he considers it advisable, to verify the whole or a part of the register by enumeration or revision carried out in conformity with the Election Act. In an election period or referendum period, verification of the lists, in view of the polling, will be obligatory.

The bill allows any elector to object to his name's being entered on an electoral list. Furthermore, it provides that a married woman or a widow may, at her option, be entered on

an electoral list in one of the three following ways: by her given name and surname, by her given name and surname together with her husband's surname, or by her given name and her husband's surname.

. This bill strikes out the provisions regarding the annual enumeration and rural polling-subdivisions from the Election Act. In addition, it makes amendments, to that act as well as to other legislation, the main purpose of which is to ensure concordance with the new provisions proposed.

Bill 3

An Act respecting the register of electors

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

CHAPTER I

INTERPRETATION

Interpre-
tation:

“writ of
election”,
etc.;

1. In this act, unless the context indicates otherwise,
(a) “writ of election”, “director general of elections”, “electoral district”, “elector”, “election”, “electoral list”, “election period”, “returning-officer”, “enumeration”, “revision” and “polling-subdivision” have the same meaning as in the Election Act (Revised Statutes, 1964, chapter 7);

“writ of
referen-
dum”, etc.;

(b) “writ of referendum”, “referendum” and “referendum period” have the same meaning as in the Referendum Act (1978, chapter 6);

“autho-
rized
party”.

(c) “authorized party” has the same meaning as in the Act to govern the financing of political parties (1977, chapter 11).

CHAPTER II

THE REGISTER OF ELECTORS

DIVISION I

PREPARATION OF THE REGISTER

Register
of electors.

2. The director general of elections shall establish a register of electors with a view to the preparation of the electoral lists to be used for an election or a referendum.

Information from gov't bodies.

3. The director general of elections may enter into an agreement with any person to obtain information pertinent to the preparation of the register in respect of a natural person; he may also require such information from a government department or agency, and that department or agency must supply him with that information.

Exception.

The director general of elections shall not, however, require such information from the Ministère du revenu, Sûreté du Québec or Ministère de la justice except, in this last case, what is necessary to ensure the right to vote of prisoners.

Content.

4. The register shall contain, for each elector, the following information: his surname, given name, address, sex and date of birth, and the number inscribed on the card issued to him pursuant to section 8 of the Health Insurance Act (1970, chapter 37).

Widow, married woman.

In the case of a widow or of a married woman, the register may also contain her husband's surname.

Method.

5. The register shall be so established as to allow the electoral list for each electoral district to be drawn up according to the boundaries of the polling-subdivisions and according to the order of the street numbers where they exist and, elsewhere, according to the method determined by the director general of elections.

Oath.

6. The director general of elections and his personnel shall make the oath or solemn affirmation not to disclose otherwise than to the extent provided by law any information received by them in connection with the register.

Enumeration.

7. To establish the register, the director general of elections shall carry out an enumeration of electors in accordance with the Election Act to the extent that it is consistent with this division.

Enumeration period.

8. The director general of elections shall fix the period during which the enumeration is to take place. He shall immediately give notice of it to the authorized parties and independent members.

End of enumeration period.

The director general of elections shall take such measures as are necessary to see that the enumeration period ends not later than 30 September 1979.

Issue of writs.

The issue of a writ of referendum terminates this enumeration; the same holds true for the issue of writs of election in the case of general elections.

Provisional list.

9. The director general of elections shall, in view of the preparation of the register, draw up, for each polling-subdivision, a provisional list of electors on the basis of the information supplied to him under section 3.

List to returning-officer.

10. For the purposes of the enumeration, the director general of elections shall furnish each returning-officer with the provisional list of the electors residing in the polling-subdivisions of his electoral district.

Copy to enumerators.

The returning-officer shall give the enumerators a copy of the provisional list of the electors residing in the polling-subdivisions assigned to each of them, respectively.

Enumeration.

11. The enumerators shall carry out the enumeration on the basis of the provisional list.

Preparation of lists.

12. Next, the electoral lists shall be prepared in conformity with the Election Act.

Lists sent to director general.

13. The electoral lists thus prepared shall be sent to the director general of elections, and they constitute, together with the information supplied to him under section 3, the register of electors.

Custody.

14. The director general of elections has the custody of the register of electors, which register shall be used only for the purposes of an election or referendum.

Municipal election.

It may be used for the purposes of a municipal election to the extent otherwise provided by law.

DIVISION II

AMENDMENTS TO THE REGISTER

§ 1.—*Updating*

Updating.

15. The director general of elections shall see to it that the register is kept up to date.

Amendments.

For that purpose, he may, at any time, amend the register by adding, striking out or correcting an entry, either on the application of the elector concerned or on the basis of the information supplied to him under section 3.

Information verified.

He may, if he considers it necessary, verify the accuracy of information before entering it in the register.

Lists entered in the register.

16. At the end of an election period or referendum period, the director general of elections shall enter the electoral lists used for the polling in the register of electors.

Citizenship.

17. The citizenship of an elector may be entered in the register at his request on presentation of his citizenship certificate or birth certificate.

Presumption.

That entry establishes for the purposes of an electoral list that the person concerned is a Canadian citizen.

Amendments transmitted.

18. The director general of elections shall send, every three months, to the persons mentioned in the first paragraph of subsection 3 of section 74 of the Election Act and, at regular intervals, to the persons, departments and agencies from whom he receives information under section 3, the amendments resulting from the updating of the register which entail changes to the electoral lists.

§ 2.—*Verification*

Verification.

19. The director general of elections, if he considers it advisable, may verify the whole or a part of the register by enumeration or revision. He shall give not less than sixty days' notice of it to the electors, authorized parties and independent members.

Effect of a writ of referendum.

20. The issue of a writ of election or writ of referendum terminates verification. Similarly, the issue of a writ of election terminates, in the electoral district concerned, a verification in process.

DIVISION III

ELECTORAL LISTS

Electoral lists.

21. Each year, between 15 September and 15 October, the director general of elections shall draw up, on the basis of the register of electors, an electoral list for each polling-subdivision.

Widow, married woman.

22. At the time of an enumeration or revision, a widow or a married woman may, at her option, request to be entered on the electoral list in one of the following ways:

(a) by her given name and surname;

(b) by her given name and surname together with her husband's surname;

(c) by her given name and her husband's surname.

Objection. **23.** An elector may, at the time of an enumeration or revision, object to having his name appear on an electoral list.

Copy to Prime Minister, etc. **24.** When the lists contemplated in section 21 have been drawn up, the director general of elections shall have a copy of them sent to the persons mentioned in subsection 3 of section 74 of the Election Act.

CHAPTER III

AMENDMENTS TO THE ELECTION ACT

R.S., c. 7, s. 2, am. **25.** Section 2 of the Election Act (Revised Statutes, 1964, chapter 7), amended by section 1 of chapter 12 of the statutes of 1965 (1st session), by section 3 of chapter 6 of the statutes of 1972, by section 1 of chapter 8 and by section 1 of chapter 9 of the statutes of 1975, by section 124 of chapter 11 of the statutes of 1977 and by section 13 of chapter 5 of the statutes of 1978, is again amended:

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

“(b) When a person leaves his domicile to work in another locality where he resides and such locality is in an electoral district, he establishes his domicile in that locality; but if he is employed in the performance of work on behalf of Her Majesty in right of the Province or of Canada, he is not deemed to have established his domicile in such other locality unless he has resided there continuously for the ninety days prior to the date of issue of the writ of election or, outside an election period, the first day of the enumeration or revision;”;

(b) by striking out subparagraph *h* of paragraph 2;

(c) by replacing paragraph 4 by the following paragraph:

“list”, etc.; (4) “list”, “electoral list” and “list of electors” means an electoral list drawn up in conformity with this act and the Act respecting the register of electors (1979, chapter *insert here the chapter number of Bill 3*);”;

(d) by replacing paragraph 5 by the following paragraph:

“surname and given name”; (5) “surname and given name” of a married woman or a widow means, in addition to her surname and given name, her given name and surname together with her husband’s surname, or her given name and her husband’s surname;”;

(e) by striking out paragraphs 8 and 9;

(f) by replacing paragraph 24 by the following paragraph:

“enumeration”; (24) “enumeration” means an enumeration made with a view to preparing or verifying the register of electors;”;

(g) by replacing paragraph 26 by the following paragraph:

“revision”;
“(26) “revision” means a revision made under Division VIII with a view to verification of the register as provided for in section 19 of the Act respecting the register of electors, or following the issue of a writ;”;

(h) by adding at the end the following paragraph:

“register of electors”;
“(28) “register of electors” or “register” means the register of electors prepared pursuant to the Act respecting the register of electors.”

R.S., c. 7,
ss. 3a, 4,
repealed. **26.** Sections 3a and 4 of the said act are repealed.

R.S., c. 7,
s. 7, am. **27.** Section 7 of the said act, amended by section 2 of chapter 12 of the statutes of 1965 (1st session) and by section 1 of chapter 5 of the statutes of 1966, is again amended by replacing subsection 1 by the following subsection:

Adminis-
tration of
oaths. **7.** (1) Unless otherwise specially provided, the director general of elections, his deputies and any election officer, judge, commissioner of oaths, notary, mayor or secretary-treasurer are authorized to administer the oaths contemplated by this act, and must do so gratuitously.”

R.S., c. 7,
s. 11, am. **28.** Section 11 of the said act, replaced by section 2 of chapter 5 of the statutes of 1966, amended by section 5 of chapter 6 of the statutes of 1972 and replaced by section 4 of chapter 8 of the statutes of 1975, is amended by replacing the second paragraph by the following paragraph:

Temporary
personnel. “However, the director general of elections may require, temporarily, the services of such persons as he deems necessary for the performance of his duties respecting the holding of an election, enumeration or revision.”

R.S., c. 7,
ss. 13a,
13b, re-
pealed. **29.** Sections 13a and 13b of the said act, enacted by section 1 of chapter 12 of the statutes of 1978, are repealed.

R.S., c. 7,
s. 14, am. **30.** Section 14 of the said act, amended by section 6 of chapter 6 of the statutes of 1972, is again amended by replacing subsection 1 by the following subsection:

Appoint-
ment of
election
officers. **14.** (1) During an election period, enumeration period or revision period, the director general of elections is vested with all the powers conferred by this act on the Lieutenant-Governor in Council, respecting the appointment of election officers or deputies.”

R.S., c. 7,
s. 15, am. **31.** Section 15 of the said act, amended by section 7 of chapter 6 of the statutes of 1972, is again amended:

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

Suspension
of election
officers. **“15.** (1) During an election period, enumeration period or revision period, the director general of elections may suspend from his duties any election officer whose appointment appertains to the Lieutenant-Governor in Council.”;

(b) by replacing subsection 6 by the following subsection:

Dismissal. **“(6)** During an election period, enumeration period or revision period, the director general of elections may dismiss for cause any election officer whose appointment does not appertain to the Lieutenant-Governor in Council.”

R.S., c. 7,
s. 24, am. **32.** Section 24 of the said act, amended by section 3 of chapter 9 of the statutes of 1975, is again amended by replacing subsection 1 by the following subsection:

Dismissal. **“24.** (1) Any election officer who refuses or neglects to accomplish any duty or formality assigned to him by this act, or who acts as canvasser for a candidate, may be removed from office by the Lieutenant-Governor in Council if such officer is a returning-officer, by the director general of elections if he is a revisor, or by the returning-officer if he is an election-clerk, an enumerator, a deputy returning-officer or a poll-clerk.”

R.S., c. 7,
s. 25, am. **33.** Section 25 of the said act, amended by section 8 of chapter 6 of the statutes of 1972, is again amended by replacing subsection 1 by the following subsection:

Division of
electoral
district. **“25.** (1) Every returning-officer, during the first two months of each year, shall divide his electoral district into polling-subdivisions in accordance with the method determined by the director general of elections, in such a way that each of them does not contain more than three hundred electors nor exceed an area of eight miles in length by eight miles in width; he shall immediately prepare a list thereof.”

R.S., c. 7,
s. 34, am. **34.** Section 34 of the said act, amended by section 11 of chapter 6 of the statutes of 1972, is again amended by replacing subsection 3 by the following subsection:

Copy to
director
general. **“(3)** Within the same delay, he shall send a certified copy of such description to the director general of elections and to the persons who recommend the enumerators under section 49.”

R.S., c. 7,
s. 40, am. **35.** Section 40 of the said act, amended by section 12 of chapter 6 of the statutes of 1972, replaced by section 7 of chapter

8 of the statutes of 1975 and amended by section 125 of chapter 11 of the statutes of 1977, is again amended:

(a) by replacing that part which precedes paragraph *a* by the following:

Documents
supplied to
returning-
officer.

“40. Before an enumeration period or revision period or immediately upon the issue of a writ of election, the director general of elections shall forward to the returning-officer a sufficient quantity.”;

(b) by replacing paragraph *b* by the following paragraph:

“(b) of extracts from the said act and from the said instructions, extracts from the Act to govern the financing of political parties and extracts of the Act respecting the register of electors, for the use of the various election officers, containing the provisions to which such officers have special need to refer in the performance of their duties;”.

R.S., c. 7,
s. 43, am.

36. Section 43 of the said act, amended by section 13 of chapter 6 of the statutes of 1972 and by section 8 of chapter 8 of the statutes of 1975, is again amended by replacing subsection 1 by the following subsection:

Election-
clerk.

“43. (1) On Monday of the third week prior to that of an enumeration or revision, or immediately after the issue of a writ, the returning-officer, by commission under his hand in form 3, shall appoint an election-clerk.”

R.S., c. 7,
s. 45, re-
placed.

37. Section 45 of the said act, amended by section 15 of chapter 6 of the statutes of 1972 and replaced by section 9 of chapter 8 of the statutes of 1975, is again replaced by the following section:

Office
hours.

“45. Subject to section 80, during an election period, enumeration period or revision period, the office of the returning-officer must remain open from nine o'clock in the morning until nine o'clock in the evening. On polling-day, the returning-officer or the election-clerk must stay at such office from eight o'clock in the morning until ten o'clock in the evening.”

R.S., c. 7,
s. 47, am.

38. Section 47 of the said act, amended by section 17 of chapter 6 of the statutes of 1972, replaced by section 10 of chapter 8 of the statutes of 1975 and amended by section 5 of chapter 9 of the statutes of 1975, is again amended:

(a) by replacing that part which precedes paragraph 1 of the first paragraph by the following:

Qualifica-
tions of
elector.

47. Every natural person is qualified as an elector and may be entered on an electoral list who fulfils the following conditions:";

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

"(1) He has been domiciled in the Province for at least one year on the last day of the enumeration or revision if the latter is made outside an election period, or for at least one year on the date of issue of the writ of election; however, after establishing his domicile outside the Province for the discharge of duties on behalf of Her Majesty in right of the Province or of Canada, he may be entered on the list if, at the time the request for entering his name is made, he is again domiciled in the Province;"

(c) by replacing paragraph 2 of the first paragraph by the following paragraph:

"(2) He is domiciled in a polling-subdivision on the day of issue of the writ of election or, in the case of an enumeration or revision effected pursuant to section 19 of the Act respecting the register of electors, he is domiciled in a polling-subdivision on the first day fixed for the enumeration or revision;"

(d) by replacing paragraph 3 of the first paragraph by the following paragraph:

"(3) He is of the full age of eighteen years not later than the last day of the enumeration or revision or on general polling-day;"

R.S., c. 7,
s. 48, am.

39. Section 48 of the said act, amended by section 4 of chapter 12 of the statutes of 1965 (1st session), by section 4 of chapter 5 of the statutes of 1966, by section 38 of chapter 11 of the statutes of 1968, by section 1 of chapter 13 of the statutes of 1969 and by section 18 of chapter 6 of the statutes of 1972, replaced by section 11 of chapter 8 of the statutes of 1975, amended by section 6 of chapter 9 of the statutes of 1975, by section 126 of chapter 11 of the statutes of 1977, and by section 49 of chapter 6 and section 86 of chapter 7 of the statutes of 1978, is again amended by replacing paragraph *a* by the following paragraph:

"(a) the director general of elections, the acting director general, his assistants, the director general of financing of political parties, his assistants, the returning-officer except when there is a tie-vote and he has to give a casting vote, the election-clerk and any assistant election-clerk;"

R.S., c. 7,
s. 48a,
added.

40. The said act is amended by inserting, immediately after the heading of Division VIII, the following section:

Contents
of the list.

“48a. An electoral list shall contain the surname, given name, sex, address and date of birth of each elector.

Proof of
citizenship.

In the case of a person contemplated in section 17 of the Act respecting the register of electors or of a person who has proved his citizenship to the satisfaction of a board of revision, the list shall also indicate that proof of his citizenship has been established.”

R.S., c. 7,
s. 49, am.

41. Section 49 of the said act, amended by section 5 of chapter 12 of the statutes of 1965 (1st session) and by section 19 of chapter 6 of the statutes of 1972, replaced by section 12 of chapter 8 of the statutes of 1975 and amended by section 7 of chapter 9 of the statutes of 1975, is again amended:

(a) by replacing the first paragraph of subsection 1 by the following paragraph:

Appoint-
ment of
enumera-
tors.

“49. (1) On Thursday of the third week preceding that of an enumeration, the returning-officer shall appoint, in form 5, two enumerators to draw up the list of electors for each polling-subdivision, one upon the written recommendation of the Prime Minister or of a person designated for such purpose by him in each electoral district and the other upon the written recommendation of the Leader of the Official Opposition or of the person designated for such purpose by him in each electoral district.”;

(b) by replacing the fourth paragraph of subsection 1 by the following paragraph:

Notice.

“The director general of elections shall give to the persons charged with recommending names of enumerators notice of not less than thirty days of the date on which the recommendations are to be remitted to the returning-officer.”;

(c) by striking out subsections 2 and 4.

R.S., c. 7,
s. 50, re-
placed.

42. Section 50 of the said act is replaced by the following section:

Domicile.

“50. Every enumerator must be domiciled in the electoral district for which he is appointed or in an adjacent electoral district.”

R.S., c. 7,
s. 51, re-
placed.

43. Section 51 of the said act is replaced by the following section:

Notice of
appoint-
ment.

“51. Every returning-officer, when appointing an enumerator, shall advise him in writing of his appointment and of the name and address of the other enumerator with whom he is to make the enumeration.”

R.S., c. 7,
s. 52, re-
placed.

44. Section 52 of the said act is replaced by the following section:

Oath.

52. Every enumerator, before entering upon his duties, must make oath in form 6 and forward a duplicate of such oath to the returning-officer."

R.S., c. 7,
s. 52a,
added.

45. The said act is amended by inserting, after section 52, the following section:

Provisional
list
furnished
to re-
turning-
officer.

52a. The director general of elections shall furnish each returning-officer with a provisional list of the persons qualified as electors residing in the polling-subdivisions of his electoral district, drawn up on the basis of the register of electors or, if that is impossible, on the basis of the last electoral lists drawn up under sections 7 to 12 of the Act respecting the register of electors or under section 21 of that act."

R.S., c. 7,
s. 53, am.

46. Section 53 of the said act is amended by replacing paragraph *b* by the following paragraph:

"(b) a provisional list of the electors residing in the polling-subdivision assigned to him."

R.S., c. 7,
heading re-
placed.

47. The heading preceding section 57 of the said act is replaced by the following heading:

"§ 2.—*Enumeration*".

R.S., c. 7,
s. 57, re-
placed.

48. Section 57 of the said act is replaced by the following section:

Enumera-
tors to
work to-
gether.

57. The enumerators of each polling-subdivision shall work together; they must never work separately. In the event of disagreement between them, the matter must be submitted to the returning-officer, who shall decide it forthwith, and the enumerators are bound by such decision."

R.S., c. 7,
s. 58, re-
placed.

49. Section 58 of the said act, replaced by section 21 of chapter 6 of the statutes of 1972 and by section 13 of chapter 8 of the statutes of 1975, and amended by section 8 of chapter 9 of the statutes of 1975, is replaced by the following section:

Enumera-
tion
period.

58. The director general of elections shall fix the period during which enumeration is to take place."

R.S., c. 7,
s. 59, re-
placed.

50. Section 59 of the said act, amended by section 22 of chapter 6 of the statutes of 1972, is replaced by the following section:

Informa-
tion.

50. At the time of the enumeration, the enumerators, being duly sworn, shall, by a house-to-house visit together in the polling-subdivision assigned to them, inform the citizens of the conditions required to qualify as an elector and gather the information provided for in section 4 of the Act respecting the register of electors concerning the persons who qualify as electors under section 47 of this act who wish to be entered on the electoral list, omitting the persons mentioned in section 48. The enumerators shall then verify the list and, if necessary, correct it.

Restric-
tion.

Only the information concerning the persons domiciled in the dwelling visited may be entered on the list and the entry must be made in the dwelling itself. Only the names of the persons respecting whom the information contemplated in the said section 4 is available may be entered on the list. However, where it is impossible to furnish the date of birth and the number inscribed on the card issued under section 8 of the Health Insurance Act (1970, chapter 37), either of these two items is sufficient."

R.S., c. 7,
s. 62, re-
placed.

51. Section 62 of the said act is replaced by the following section:

Doubtful
case.

62. If, after entering the name of a person on the list, one of the two enumerators seriously doubts his right to be entered thereon, he may make a report of the reasons for his doubts, in form 7, and send it to the returning-officer in a closed and sealed envelope.

Reports.

When a revision is about to be carried out, the returning-officer shall send to the revisors the reports he has received under this section."

R.S., c. 7,
s. 64, am.

52. Section 64 of the said act is amended by replacing subsection 1 by the following subsection:

Elector
domiciled
in hotel,
etc.

64. (1) The enumerators shall not enter the name of an elector domiciled in a hotel or a lodging-house unless the entry is applied for, at the domicile of the elector, by the elector himself or, if he is prevented from making such application by reason of absence or illness, by an elector who is a member of his family living with him; however, in the absence of the elector and failing a member of his family living with him, the application for entry may be validly made, in writing and under the oath provided in form 9, by the owner, operator or manager of the hotel or lodging-house."

R.S., c. 7,
s. 64a,
added.

53. The said act is amended by inserting after section 64 the following section:

Special mode of enumeration.

“64 a. In the electoral districts of Abitibi-Est, Abitibi-Ouest, Duplessis and Saguenay, the director general of elections may prescribe a special mode of enumeration.”

R.S., c. 7, ss. 65-68, repealed.

54. The heading preceding section 65 and sections 65 to 68 of the said act are repealed.

R.S., c. 7, heading replaced.

55. The heading preceding section 69 of the said act is replaced by the following heading:

“§ 3.—Preparation of the electoral lists”.

R.S., c. 7, s. 69, replaced.

56. Section 69 of the said act is replaced by the following section:

Separate list.

“69. A separate electoral list is drawn up for each polling-subdivision.”

R.S., c. 7, s. 70, repealed.

57. Section 70 of the said act is repealed.

R.S., c. 7, s. 73, replaced.

58. Section 73 of the said act, amended by section 15 of chapter 8 of the statutes of 1975, is replaced by the following section:

Method.

“73. The electoral list in a polling-subdivision must be drawn up, in form 11, according to the order of the street numbers where they exist, and, in other cases, according to the method determined by the director general of elections.”

R.S., c. 7, s. 74, am.

59. Section 74 of the said act, amended by section 24 of chapter 6 of the statutes of 1972, replaced by section 16 of chapter 8 of the statutes of 1975 and amended by section 9 of chapter 9 of the statutes of 1975, is again amended:

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

Provisional list re-mitted to returning-officer.

“74. (1) At the end of the period fixed by the director general, the enumerators must remit the provisional list to the returning-officer, with the changes they have made to it. The returning-officer shall transmit to the director general all the lists for his electoral district with the changes made to them; the director general shall enter them in the register.”;

(b) by striking out subsection 2;

(c) by replacing subsections 3 and 4 by the following subsections:

Copy to
Prime Min-
ister, etc.

“(3) After an enumeration, the director general shall, immediately and at the same time, transmit a certified true copy of the lists amended as a result of that enumeration to the Prime Minister or the person the latter has indicated to him in writing, to the Leader of the Official Opposition or the person the latter has indicated to him in writing, and to every member, other than the Leader of the Official Opposition, who leads in the Assemblée nationale an opposition party mentioned in section 98a of the Legislature Act, or the person the latter has indicated to him in writing. Every independent member sitting in the Assemblée nationale is also entitled to receive a certified true copy of the electoral list for the electoral district which he represents.

Copy to
municipal-
ities, etc.

The director general of elections must also send free of charge to every municipality and school board such a copy of the list of each polling-subdivision comprised in the territory of either one.

Dismissal.

“(4) An enumerator who refuses or neglects to comply with the provisions of this section must be dismissed and replaced immediately by the returning-officer. Before being transmitted to the returning-officer, the list shall be certified by a joint oath drawn up in form 12; thereupon, the electoral list, so certified, has the same legal value as if the work had been entirely done by the new enumerator jointly with the other enumerator.”

R.S., c. 7,
heading
added.

60. The said act is amended by inserting, after section 74, the following heading:

“§ 4.—*Revision of electoral lists*”.

R.S., c. 7,
s. 75, am.

61. Section 75 of the said act, replaced by section 25 of chapter 6 of the statutes of 1972 and by section 17 of chapter 8 of the statutes of 1975, is amended by replacing subsection 1 by the following subsection:

Provisional
list.

75. (1) At the time of a revision or upon the issue of a writ, the director general of elections shall draw up, for each polling-subdivision, a provisional list on the basis of the register of electors or, if that is impossible, on the basis of the last electoral lists drawn up under sections 7 to 12 of the Act respecting the register of electors or under section 21 of that act.

Lists sent
to re-
turning-
officer.

The director general shall send to every returning-officer the lists of the polling-subdivisions in his electoral district. The returning-officer shall have these lists printed by a printer designated by the director general.

List sent
to electors.

As soon as these lists have been printed, the returning-officer must send, in the manner indicated by the director general, to

each dwelling situated in his electoral district and, where such is the case, to each elector whose surname is different from the surname of the other residents of the dwelling, a copy of the list of the polling-subdivision in which the dwelling is situated.

Contents. That copy must indicate only the surname, given name, sex and address of each elector.”

R.S., c. 7,
s. 75a, re-
pealed.

62. Section 75a of the said act is repealed.

R.S., c. 7,
s. 75b, am.

63. Section 75b of the said act, enacted by section 25 of chapter 6 of the statutes of 1972, and replaced by section 18 of chapter 8 of the statutes of 1975 and by section 51 of chapter 9 of the statutes of 1976, is amended by replacing the first paragraph by the following paragraph:

Copies
sent to mu-
nicipalities
and school
boards.

75b. The returning-officer shall, within fifteen days after the lists are printed, have sent free of charge to every municipality and school board applying therefor, a copy of the list so printed of each polling-subdivision comprised in the territory of each one.”

R.S., c. 7,
s. 75c, re-
placed.

64. Section 75c of the said act, enacted by section 18 of chapter 8 of the statutes of 1975, is replaced by the following section:

Receipt.

75c. Every person or body contemplated in subsection 3 of section 74 or in section 75b receiving a duplicate or copy of the electoral list from the returning-officer must send him a receipt duly dated and signed, or have one sent.”

R.S., c. 7,
s. 76, re-
pealed.

65. Section 76 of the said act is repealed.

R.S., c. 7,
s. 77, am.

66. Section 77 of the said act, amended by section 27 of chapter 6 of the statutes of 1972 and replaced by section 20 of chapter 8 of the statutes of 1975, is amended by striking out subsection 2.

R.S., c. 7,
s. 78, re-
placed.

67. Section 78 of the said act, replaced by section 28 of chapter 6 of the statutes of 1972 and by section 21 of chapter 8 of the statutes of 1975, is again replaced by the following section:

Copy avail-
able to the
public.

78. The returning-officer shall keep a copy of the printed lists and make it available to the public for examination at his office.”

R.S., c. 7,
heading,
s. 79, re-
pealed.

68. The heading preceding section 79 and section 79 of the said act are repealed.

R.S., c. 7,
heading re-
pealed. **69.** The heading preceding section 80 of the said act is repealed.

R.S., c. 7,
s. 80, am. **70.** Section 80 of the said act, amended by section 7 of chapter 12 of the statutes of 1965 (1st session), by section 29 of chapter 6 of the statutes of 1972 and by section 22 of chapter 8 and by section 11 of chapter 9 of the statutes of 1975, is again amended by replacing subsections 1 and 2 by the following subsections:

Applica-
tions for
entry, cor-
rections,
etc. **“80.** (1) Outside an election period, the director general of elections shall fix the period during which the offices of returning-officers must be open to receive applications for the entry and striking off of names and for corrections to the electoral list; if the board of revisors sits in a locality other than that where that office is situated, the returning-officer, during the same period, must keep another office open, where such applications may likewise be filed, in the locality where the board sits. In that latter office, the returning-officer shall make available to the electors a duplicate or a certified copy of the electoral lists for the polling-subdivisions of the locality for which such office is open.

Office
hours. During an election period, the offices mentioned in the first paragraph of subsection 1 remain open from eight o'clock in the morning until ten o'clock in the evening from Monday to Saturday of the third week prior to that of the polling.

Additional
offices. **“(2)** In each electoral district which contains thirty or more polling-subdivisions comprised in whole or in part within the same municipality of over twenty thousand souls at the last general census, there shall be opened, besides any office opened under subsection 1, to receive applications for the entry and striking off of names and for corrections to the electoral list, one additional office for each thirty or fraction of thirty additional polling-subdivisions in such municipality. If the director general of elections considers that the number of offices open under this section is not sufficient, he may authorize the returning-officer to open others. Therein the returning-officer must make available to the electors a duplicate or a certified copy of the electoral lists of the polling-subdivisions situated near each of such offices.”

R.S., c. 7,
s. 81, am. **71.** Section 81 of the said act, amended by section 23 of chapter 8 and by section 12 of chapter 9 of the statutes of 1975, is again amended by replacing subsection 1 by the following subsection:

Board of
revisors.

“81. (1) The lists of the polling-subdivisions of each electoral district shall be revised by a board composed of three members appointed in accordance with section 82, in each electoral district.”

R.S., c. 7,
s. 82, am.

72. Section 82 of the said act, amended by section 8 of chapter 12 of the statutes of 1965 (1st session), by section 30 of chapter 6 of the statutes of 1972 and by section 24 of chapter 8 and section 13 of chapter 9 of the statutes of 1975, is again amended:

(a) by replacing the first and second paragraphs of subsection 1 by the following paragraphs:

Recom-
mendations
of names of
revisors.

“82. (1) Outside an election period, the director general of elections must forward to the Prime Minister, to the Leader of the Official Opposition and to every member who, other than the Leader of the Official Opposition, is the leader in the Assemblée nationale of an opposition party mentioned in section 98a of the Legislature Act, not later than thirty days before the date on which the recommendations must be remitted to the returning-officer, a complete list of the places where boards of revisors are to be established, indicating the electoral district where each board is to sit. The Prime Minister or the person appointed in writing by him for each electoral district and the Leader of the Official Opposition or the person appointed in writing by him for each electoral district may each, not later than the fourteenth day preceding that of the revision, recommend in writing to the returning-officer a person to act as a member of each board of revisors. However, every member who is a member of an opposition party other than the official Opposition party or who, having been elected as such, sits as an independent member in the Assemblée nationale, or any delegate he designates in writing to the returning-officer, may recommend in writing to the latter a person to act as a member of each board of revisors, in the electoral district that he represents, in the place and stead of the Leader of the Official Opposition or his delegate.

Id., during
election
period.

During an election period, the director general of elections must forward to the Prime Minister, to the Leader of the Official Opposition and to every member who, other than the Leader of the Official Opposition, is the leader in the Assemblée nationale of an opposition party mentioned in section 98a of the Legislature Act, not later than the third day following that of the issue of a writ, a complete list of the places where boards of revisors are to be established, indicating the electoral district where each board is to sit. The Prime Minister or the person appointed in writing by him for each electoral district and the Leader of the Official Opposition or the person appointed in writing by him for each electoral district may each, not later than

the eighth day following that of the issue of a writ, recommend in writing to the returning-officer a person to act as a member of each board of revisors. However, every candidate who was a member of an opposition party other than the Official Opposition party or who, having been elected as such, was sitting as an independent member at the dissolution of the Assemblée nationale, or any delegate designated in writing by him to the returning-officer, may recommend in writing to the latter a person to act as a member of each board of revisors, in the electoral district where he is a candidate, in the place and stead of the Leader of the Official Opposition or his delegate.”;

(b) by striking out the fourth and sixth paragraphs of subsection 1.

R.S., c. 7,
s. 91, re-
placed.

73. Section 91 of the said act is replaced by the following section:

Access to
municipal
rolls.

91. The clerk, the secretary-treasurer, the chairman of the board of assessors and any person having the custody of the valuation and collection rolls of a municipality must give the board of revisors, any revisor and any person specially authorized by the board for such purpose, free access to the valuation and collection rolls in force.”

R.S., c. 7,
s. 92, re-
placed.

74. Section 92 of the said act is replaced by the following section:

Examina-
tion and
correction
of list.

92. The board of revisors must examine and correct the electoral list of every polling-subdivision comprised in the electoral district or in the territory for which it is appointed.

Required
inscrip-
tions.

It shall cause to be entered at the head of each list the number and a sufficient description of each polling-subdivision and the name of the electoral district.”

R.S., c. 7,
s. 93, am.

75. Section 93 of the said act, amended by section 32 of chapter 6 of the statutes of 1972, replaced by section 25 of chapter 8 of the statutes of 1975 and amended by section 15 of chapter 9 of the statutes of 1975, is again amended:

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

Period of
revision.

93. (1) Outside an election period, the director general of elections shall fix the period during which the revision is to take place.”;

(b) by striking out subsection 2;

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

Office
hours.

“(3) During an election period, the revision takes place from ten o’clock in the morning to half-past twelve, from half-past two to half-past five in the afternoon and from half-past seven to ten o’clock in the evening, from Thursday of the third week to Saturday of the second week prior to the polling.”

R.S., c. 7,
s. 94, am.

76. Section 94 of the said act, amended by section 33 of chapter 6 of the statutes of 1972 and by section 26 of chapter 8 of the statutes of 1975, is again amended:

(a) by replacing the second paragraph of subsection 1 by the following paragraph:

Application
to have
name
entered.

“However, when a person has changed his domicile and he is qualified as an elector, he may file, during a revision, in form 16a, in writing and under oath, an application to have his name entered on the electoral list of the polling-subdivision where he is now domiciled, if he declares in such form that he has filed an application in form 17 to have his name struck off the list of the polling-subdivision in which he had been entered and if such application to be struck off is attached to his application to be entered. During an election period, this paragraph does not apply in the case of a change of domicile occurring after the issue of the writ of election.”;

(b) by replacing subsections 2, 3, 4 and 5 by the following subsections:

Application
by third
party.

“(2) Any elector entered on an electoral list who finds that the name of a person has been entered on the list for such subdivision, although such person is not qualified as an elector, may file an application in writing and under oath, in form 18, declaring that to his personal knowledge the name which he seeks to have struck off is that of a person not entitled to vote.

Application
by a
relative.

“(3) Any elector entered or entitled to be entered on an electoral list who finds that the name of a relative is not entered on such list or on that of another polling-subdivision of the same electoral district, when such relative is qualified to be entered either on one or on the other, may file an application in writing and under oath, in form 19, declaring that such relative is qualified as an elector; furthermore, if he finds that the name of a relative is entered on any list of a polling-subdivision of the same electoral district, when such relative to his personal knowledge is not qualified as an elector, he may file an application, in form 20, to have the name struck off, declaring, in writing and under oath, that such relative is not entitled to vote.

Application
to have
name of re-
lative
entered.

However, when an elector entered or entitled to be entered on the electoral list finds that the name of a relative is not entered on such list or that of another polling-subdivision of the same elec-

toral district because that relative has changed domicile, that elector may, if the relative is qualified to be entered, file an application in writing and under oath, in form 19a, declaring that such relative is qualified as an elector, if that elector declares in that form that he has filed, in form 20, an application to have the name of his relative struck off the list of the polling-subdivision in which he was entered and that application for striking off is attached to the application to have the name entered. During an election period, this paragraph does not apply in the case of a change of domicile occurring after the issue of the writ of election.

Delay for filing.

“(4) During an election period, applications for the entry or striking off of names must be filed in the office of the returning-officer or in any other office opened under section 80, not later than Saturday of the third week prior to that of the polling, and forwarded immediately to the board of revisors.

Application for striking off a name.

“(5) Every application for the striking off of any name filed in one of the offices mentioned in section 80, respecting the striking off of the name of an elector at a revision,

(a) in another electoral district following a change of domicile, must be sent on the same day to the returning-officer; the latter must immediately send the application to the returning-officer of that other electoral district, who must take the necessary steps to send it forthwith to the revisors appointed to revise the electoral lists of the municipality or part of the municipality where that elector was domiciled;

(b) in the same electoral district, but in another municipality or part of a municipality following a change of domicile, must be sent immediately to the returning-officer; the latter must send the application forthwith to the revisors appointed to revise the electoral lists of the municipality or part of the municipality where that elector was domiciled.”

R.S., c. 7, s. 97, am.

77. Section 97 of the said act, amended by section 34 of chapter 6 of the statutes of 1972 and by section 27 of chapter 8 of the statutes of 1975, is again amended by replacing subsections 2 and 3 by the following subsections:

Application by a relative.

“(2) Any elector entered or entitled to be entered on the list for a polling-subdivision of an electoral district may make a similar application in writing and under oath, in form 23, for the correction of the name or designation of a relative whose name is already entered on the list of any other subdivision in the same district.

Delay for filing.

“(3) During an election period, every application for the correction of a name or designation under subsection 1 or 2 must

be filed in the office of the returning-officer or in any other office opened under section 80, not later than Saturday of the third week prior to that of the polling, and forwarded immediately to the board of revisors.”

R.S., c. 7,
s. 98, am. **78.** Section 98 of the said act, amended by section 35 of chapter 6 of the statutes of 1972 and by section 28 of chapter 8 and section 16 of chapter 9 of the statutes of 1975, is again amended:

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

Contents
of the
applica-
tion.

“**98.** (1) Every application made under section 94 or section 97 must indicate the surname, given name, sex and address of the person who makes it and of the person in respect of whom it is made, and their dates of birth or the numbers entered on the cards issued to them under section 8 of the Health Insurance Act (1970, chapter 37). However, in the case of an application to have a name struck off, the information respecting the person in respect of whom the application is made may include only his surname, given name, sex and address.”;

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

Copy and
required
inscrip-
tions.

“(3) Every person in charge of receiving these applications must receive every application regularly made by an elector of the district concerned and give to every person who files such an application a copy indicating the date and time of the filing of the application.”

R.S., c. 7,
s. 101, re-
placed.

79. Section 101 of the said act is replaced by the following section:

Burden of
proof.

“**101.** When the board of revisors must decide if a person is of Canadian citizenship, the burden of proof is upon such person, unless proof of his Canadian citizenship has already been established in accordance with section 17 of the Act respecting the register of electors or he has already proven that he is a Canadian citizen to the satisfaction of the board of revisors.”

R.S., c. 7,
s. 102, am.

80. Section 102 of the said act, replaced by section 29 of chapter 8 of the statutes of 1975 and amended by section 17 of chapter 9 of the statutes of 1975, is again amended:

(a) by replacing the second paragraph of subsection 1 by the following paragraph:

Abstract of
changes
sent to re-
turning-
officer.

“In addition, the board of revisors, likewise upon completing its work, shall prepare in five copies for each of the persons mentioned in subsection 3 of section 74 an abstract of each entry, striking off and correction made to the list of each polling-

subdivision and send such copies to the returning-officer not later than Tuesday of the week following the end of the period of revision.”;

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

Copies to
Prime Minister,
etc.

“(3) The returning-officer must forward immediately, by registered letter or messenger, to the persons mentioned in subsection 3 of section 74, and, at an election, to each candidate, five copies of each of the abstracts he has received from the board of revisors.

Copy to
municipality,
etc.

After the revision, the returning-officer must prepare a copy of such abstracts and send it free of charge, within fifteen days of receiving them, to every municipality or school board comprised in whole or in part in his electoral district.”

R.S., c. 7,
s. 103, re-
placed.

81. Section 103 of the said act, replaced by section 9 of chapter 12 of the statutes of 1965 (1st session) and by section 30 of chapter 8 of the statutes of 1975, is again replaced by the following section:

Official
lists.

“**103.** The abstract of the changes made by the board constitutes, together with the provisional lists drawn up by the director general, the only official lists and the only lists that may be used for an election.

Coming
into force.

These lists come into force immediately after the revision.”

R.S., c. 7,
heading,
s. 104, re-
pealed.

82. The heading preceding section 104 and section 104 of the said act are repealed.

R.S., c. 7,
headings,
ss. 105-
125, re-
pealed.

83. The headings preceding sections 105, 107, 118 and 125 and sections 105 to 125 of the said act are repealed.

R.S., c. 7,
s. 133, am.

84. Section 133 of the said act, replaced by section 46 of chapter 8 of the statutes of 1975 and amended by section 25 of chapter 9 of the statutes of 1975, is again amended by replacing paragraph *b* by the following paragraph:

“(b) he is of the full age of eighteen years on the day of the general polling;”.

R.S., c. 7,
s. 135, am.

85. Section 135 of the said act, amended by section 50 of chapter 6 of the statutes of 1972, is again amended by replacing subsection 2 by the following subsection:

Fraudulent
act.

“(2) No person may vote at an election who during the last period of enumeration or period of revision or since the date fixed for the issuing of the writ for such election, has committed or participated in any fraudulent act.”

R.S., c. 7,
s. 139, am. **86.** Section 139 of the said act, replaced by section 52 of chapter 6 of the statutes of 1972 and by section 47 of chapter 8 of the statutes of 1975 and amended by section 26 of chapter 9 of the statutes of 1975, is again amended:

(a) by striking out subsections 1 to 3;

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

Date of no-
mination.

“(4) At an election, the nomination of candidates shall not take place before the third week following that of the issue of the writs, if issued before Friday, or before the fourth week, if issued later.”;

(c) by striking out subsection 5.

R.S., c. 7,
s. 167, am. **87.** Section 167 of the said act, amended by section 19 of chapter 12 of the statutes of 1965 (1st session) and replaced by section 48 of chapter 8 of the statutes of 1975, is amended by striking out subsection 2.

R.S., c. 7,
s. 236, am. **88.** Section 236 of the said act, amended by section 54 of chapter 6 of the statutes of 1972 and by section 49 of chapter 8 of the statutes of 1975, is again amended by replacing subsection 2 by the following subsection:

Voting.

“(2) An elector shall not cast more than one vote. He must cast his vote in the polling-subdivision in which he had his domicile on the day of the issue of the writ of election.”

R.S., c. 7,
s. 239, am. **89.** Section 239 of the said act, amended by section 24 of chapter 12 of the statutes of 1965 (1st session) and by section 50 of chapter 8 of the statutes of 1975, is again amended by replacing subsection 1 by the following subsection:

Oath may
be re-
quired
from voter.

“**239.** (1) Before receiving his ballot-paper, any person presenting himself to vote shall, if so required by the deputy returning-officer, the poll-clerk, one of the candidates or his agent, make oath in form 51, and answer in the affirmative to questions 1, 2, 4, 5 and 6 and in the negative to questions 3, 7, 8, 9, 10 and 11 of the said form. Every person employed in the performance of work on behalf of Her Majesty in right of the Province or of Canada may further be required to declare under oath that he resided continuously in the locality where he works for the ninety days preceding the day of issue of the writ of election.”

R.S., c. 7,
s. 257, am. **90.** Section 257 of the said act, amended by section 55 of chapter 6 of the statutes of 1972 and by section 51 of chapter 8 and section 28 of chapter 9 of the statutes of 1975, is again

amended by replacing paragraph *t* of subsection 1 by the following paragraph:

“(t) votes in a polling-subdivision other than that in which he was domiciled on the day of the issue of the writ of election;”.

R.S., c. 7,
s. 273, am. **91.** Section 273 of the said act is amended by replacing subsection 3 by the following subsection:

Mailing. “(3) If it is absolutely impossible to deliver the ballot-box or to have it delivered by hand, but in such case only, the deputy returning-officer, having packed and sealed it under his signature, shall forward it by mail as a registered parcel.”

R.S., c. 7,
s. 290, am. **92.** Section 290 of the said act, amended by section 33 of chapter 12 of the statutes of 1965 (1st session), section 6 of chapter 13 of the statutes of 1969, section 56 of chapter 6 of the statutes of 1972 and by section 52 of chapter 8 of the statutes of 1975, is again amended by replacing the second paragraph by the following paragraph:

Oath concerning domicile. “Such person may also be required to declare under oath, that he was domiciled in the electoral district where the special polling-station mentioned in the attestation obtained under section 284 is situated, on the day of the issue of the writ of election and, in the case of a person employed in the performance of work on behalf of Her Majesty in right of the Province or of Canada, that he resided continuously in such electoral district for the ninety days preceding the day of issue of the writ of election.”

R.S., c. 7,
s. 424, re-
placed. **93.** Section 424 of the said act, amended by section 57 of chapter 6 of the statutes of 1972, is replaced by the following section:

Tariff increased by director general. **424.** The director general of elections, when he deems it necessary during an enumeration period, a revision period or an election period, may increase the sums fixed by the tariff adopted under section 422 and authorize expenses not provided for therein. Such increases and expenses shall not exceed a total of fifty thousand dollars.”

R.S., c. 7,
s. 429a,
added. **94.** The said act is amended by inserting, after section 429, the following section:

Solemn affirmation. **429a.** In every case where an oath is required, it may be replaced by a solemn affirmation, if the person required to make oath refuses to do so on the ground that he has no religious belief or that his religious belief forbids it.”

R.S., c. 7,
s. 434, re-
placed.

95. Section 434 of the said act is replaced by the following section:

Late
operations
valid.

“434. If the appointment of the enumerators or revisors, the enumeration, the revision, the preparation of the electoral lists, or any operation relating thereto, has not been done at the specified time, it must be done as soon as possible afterwards if it can be done in time to be effective, without prejudice to any penalty incurred by reason of the delay or omission.”

CHAPTER IV

MISCELLANEOUS LEGISLATIVE AMENDMENTS

1972, c. 6,
ss. 1, 2, re-
pealed.

96. Sections 1 and 2 of the Act respecting the preparation of permanent electoral lists and amending various legislative provisions (1972, chapter 6) are repealed.

1977, c. 11,
s. 56, re-
placed.

97. Section 56 of the Act to govern the financing of political parties (1977, chapter 11) is replaced by the following section:

Computa-
tion of
allowance.

“56. The allowance contemplated in section 55 shall be computed by dividing between such parties, proportionately to the percentage of the valid votes obtained by them at the last general election, a sum equal to the product obtained by multiplying the amount of 25 cents by the number of electors entered on the register of electors established under the Act respecting the register of electors (1979, chapter *insert here the chapter number of Bill 3*).”

1977, c. 11,
s. 100, am.

98. Section 100 of the said act is amended by replacing paragraph *b* by the following paragraph:

“writ of
election”,
etc.;

“(b) “writ of election”, “recognized leader”, “elector”, “listed elector”, “election”, “electoral district”, “general elections”, “by-elections”, “other elections”, “list”, “official candidate”, “recognized party”, “election period”, “returning-officer”, “election officer”, “polling”, “clerk”, “official addition of votes”, “enumeration”, “enumerator” and “revision” have the same meaning as in the Election Act;”.

1977, c. 11,
s. 111, re-
placed.

99. Section 111 of the said act is replaced by the following section:

Number of
electors.

“111. For the purposes of sections 109 and 110, the number of electors shall be:

(a) in the case of a party, the number of electors entered on the register of electors established under the Act respecting the register of electors, at the time of issue of the writ; and

(b) in the case of a candidate, the number of electors in his electoral district entered on the register of electors at the time of issue of the writ.

Number of electors communicated to the director general.

Upon the issue of the writ, the director general of financing of political parties shall require of the director general of elections, who shall furnish it to him, a certificate indicating the number of electors entered in each electoral district at the time of issue of the writ. The director general of financing of political parties shall publish that certificate in the *Gazette officielle du Québec* and send a copy thereof to each returning-officer and to each leader of a recognized party.

Number of electors sent to each candidate.

Each returning-officer shall, during an election, send to each candidate the number of electors entered in the electoral district at the time of issue of the writ."

1978, c. 6, s. 1, am.

100. Section 1 of the Referendum Act (1978, chapter 6) is amended:

(a) by replacing paragraph *i* by the following paragraph:

"elector", etc.;

"(i) "elector", "polling-subdivision", "list", "electoral list", "revision", "revisors", "period of enumeration", "official delegate", "electoral district", "election", "general elections", "domicile", "to be domiciled", "polling", "director general of elections", "returning-officer", "election-clerk", "assistant election clerk" and "election officer" have the same meaning as in the Election Act (Revised Statutes, 1964, chapter 7) as it applies to a referendum;"

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

"register of electors".

"(k) "register of electors" means the register of electors established under the Act respecting the register of electors (1979, chapter *insert here the chapter number of Bill 3*)."

1978, c. 6, s. 9-1, added.

101. The said act is amended by inserting, after section 9, the following section:

Interpretation of ss. 8, 9.

9-1 Notwithstanding sections 3, 4 and 5, only the President of the Assemblée nationale may interpret sections 8 and 9 in respect of the procedure to be followed in the Assemblée nationale. His decision is final."

1978, c. 6, s. 14, am.

102. Section 14 of the said act is amended:

(a) by striking out the second, third and fifth paragraphs;

(b) by replacing the fourth paragraph by the following paragraph:

Date of the
polling.

“The polling shall not be held before the fifth week following that of the issue of a writ where the latter is issued before Friday; otherwise, it shall not be held before the sixth week.”

1978, c. 6,
s. 16, re-
placed.

103. Section 16 of the said act is replaced by the following section:

Electoral
lists used
for a
referen-
dum.

“**16.** The electoral lists of polling-subdivisions, prepared and revised in accordance with the Election Act, and, where required, in accordance with the relevant provisions of Appendix 2, are the only lists that may be used for a referendum.”

1978, c. 6,
s. 17, am.

104. Section 17 of the said act is amended by replacing the second paragraph by the following paragraph:

List sent
to the offi-
cial dele-
gate of
each na-
tional com-
mittee.

“Such list constitutes an electoral list for the purposes of this act and the returning-officer must forward a copy of it to the official delegate of each national committee as soon as possible. Such list must be revised in accordance with the provisions of Appendix 2 that apply to the revision of the electoral lists and the returning-officer shall open, in such establishment, an office to receive applications for the entry and striking off of names and for corrections to the list. Such office must be open from Monday to Saturday of the third week prior to that of the polling, during the hours and in the manner proper to the nature of the establishment.”

1978, c. 6,
s. 18, re-
placed.

105. Section 18 of the said act is replaced by the following section:

List of
electoral
districts as
amended.

“**18.** Where, following the adoption of an act amending the limits of electoral districts for the following general elections, the entry of electors in the register of electors has been made again, taking into account the limits so amended, the holding of a referendum must be made in accordance with the limits as so amended and the returning-officers appointed by anticipation are competent to act as such for the purposes of the referendum; similarly, the polling-subdivisions which have been defined by anticipation are those that are to be used for the purposes of the referendum.”

1978, c. 6,
s. 35, re-
placed.

106. Section 35 of the said act is replaced by the following section:

Number of
electors.

“**35.** For the purposes of the first paragraph of section 34, the number of electors is the total number of electors entered in the register of electors at the time of issue of the writ.

Number of electors communicated to the director general.

Such number is determined by the director general of elections who shall prepare a certificate of the number and forward it to the director general of financing of political parties as soon as possible. As soon as the latter receives such certificate, he shall forward a copy of it to the returning-officer and to the official agent of each national committee.”

1978, c. 6, Appendix 2, Part 1, am.

107. Part 1 of Appendix 2 to the said act, respecting the provisions of the Election Act applicable to the holding of a referendum, is amended:

(a) by replacing the amendment to paragraph 2 of section 2 by the following:

“Replace paragraph *b* by the following paragraph:

“(b) When a person leaves his domicile to work in another locality where he resides and such locality is in an electoral district, he establishes his domicile in that locality; but if he is employed in the performance of work on behalf of Her Majesty in right of the Province or of Canada, he is not deemed to have established his domicile in such other locality unless he has resided there continuously for the ninety days preceding the day of issue of the writ of referendum;”

“Replace paragraph *f* by the following paragraph:

“(f) A child who is absent from his father’s or his mother’s abode, with his or her consent, to attend a course of study or apprenticeship, retains his domicile with his father or mother, as the case may be; but at a referendum, his residence may at his option be considered his domicile; he is deemed to have exercised this option if he has applied to be entered on the list of the polling-subdivision where he resides or has not applied to be struck from such list;”;

(b) by striking out the references to paragraphs 8 and 9 of section 2;

(c) by inserting, after the reference to paragraph 26 of section 2, a reference to paragraph 28;

(d) by replacing the numbers “(27)”, “(28)” and “(29)” of the amendment following paragraph (28) by the numbers “(28)”, “(29)” and “(30)”;

(e) by striking out the reference to section 3a;

(f) by replacing the amendment to section 11 by the following:

“Replace the second paragraph by the following paragraph:

“However, the director general of elections may require, temporarily, the services of such persons as he deems necessary

for the performance of his duties respecting the holding of a referendum.”;

(g) by replacing the amendment to section 14 by the following:

“Replace the section by the following section:

“**14.** (1) During a referendum period, the director general of elections shall be vested with all the powers conferred by this act or by the Election Act on the Lieutenant-Governor in Council, respecting the appointment of election officers or deputies.

(2) No provision of this section or of this division shall deprive the Lieutenant-Governor in Council or any election officer of the right conferred upon him by this act or the Election Act respecting the appointment of an election officer.”;

(h) by replacing the amendment to section 15 by the following:

“Replace subsections 1 and 6 by the following subsections:

“(1) During a referendum period, the director general of elections may suspend from his duties any election officer whose appointment appertains to the Lieutenant-Governor in Council.

“(6) During a referendum period, the director general of elections may dismiss for cause any election officer whose appointment does not appertain to the Lieutenant-Governor in Council.”;

(i) by replacing the amendment to section 24 by the following:

“Replace subsection 1 by the following subsection:

“(1) Any election officer who refuses or neglects to accomplish any duty or formality assigned to him by this act, or who acts as canvasser, may be removed from office by the Lieutenant-Governor in Council if such officer is a returning-officer, by the director general of elections if he is a revisor, or by the returning-officer if he is an election-clerk, a deputy returning-officer or a poll-clerk.”;

(j) by replacing the amendment to section 34 by the following:

“Replace subsections 1 and 3 by the following subsections:

“(1) If the superior of a community or his representative informs the returning-officer in writing, on or before Monday of the week following that during which a writ of referendum is issued, that more than two-fifths of the electors in a polling-subdivision are members of such community, the returning-officer

shall change the description of the polling-subdivisions in accordance with subsection 2 of section 25.

“(3) Within the same delay, he shall transmit a certified copy of such description to the director general of elections and to the official delegate of each national committee.”;

(*k*) by replacing paragraph *b* of the amendment to section 40 by the following paragraph:

“(b) of extracts from the Referendum Act, of extracts from the said special versions and of extracts from the Act respecting the register of electors, for the use of the various election officers, containing the provisions to which such officers have special need to refer in the performance of their duties;”;

(*l*) by replacing the amendment to section 45 by the following:

“Replace the section by the following section:

“**45.** Subject to section 80, during a referendum period, the office of the returning-officer must remain open from nine o’clock in the morning until nine o’clock in the evening. On polling-day, the returning-officer or the election-clerk must stay at such office from eight o’clock in the morning until ten o’clock in the evening.”;

(*m*) by replacing the amendment to section 47 by the following:

“Replace the part preceding paragraph 1 of the first paragraph by the following:

“**47.** Every natural person is qualified as an elector and may be entered on an electoral list who fulfils the following conditions:”

Replace paragraph 1 of the first paragraph by the following paragraph:

“(1) He has been domiciled in the Province for at least one year on the date of issue of the writ of referendum; however, after establishing his domicile outside the Province for the discharge of duties on behalf of Her Majesty in right of the Province or of Canada, he may be entered on the list if, at the time the request for entering his name is made, he is again domiciled in the Province;”

Replace paragraph 2 of the first paragraph by the following paragraph:

“(2) He is domiciled in a polling-subdivision on the day of issue of the writ of referendum;”

Replace paragraph 3 of the first paragraph by the following paragraph:

“(3) He is of the full age of eighteen years on general polling-day;”

(*n*) by replacing the amendment to section 48 by the following:

“Replace paragraph *a* by the following paragraph:

“(a) the director general of elections, the acting director general, his assistants, the director general of financing of political parties, his assistants, the members of the Conseil du référendum, the returning-officer, the election-clerk and any assistant election-clerk;”

Strike out paragraph *d*”;

(*o*) by inserting, after the reference to section 48, a reference to section 48*a*;

(*p*) by replacing the amendment to section 75 by the following:

“Replace the first paragraph of subsection 1 by the following paragraph:

“(1) As soon as the writ is issued, the director general of elections shall draw up, for each polling-subdivision, a provisional list on the basis of the register of electors or, if that is impossible, on the basis of the last electoral lists drawn up under sections 7 to 12 of the Act respecting the register of electors or under section 21 of that act.”;

(*q*) by replacing the amendment to section 77 by the following:

“Replace the section by the following section:

“**77.** Immediately after the printing of the list for each polling-subdivision, the returning-officer shall furnish twenty copies thereof to the official delegate of each national committee.”;

(*r*) by replacing the amendment to section 80 by the following:

“Replace subsection 1 by the following subsection:

“(1) During a referendum period, the office of the returning-officer shall remain open from eight o’clock in the morning until ten o’clock in the evening from Monday to Saturday of the third week preceding that of the polling to receive applications for the entry and striking off of names and for corrections to the electoral list; if the board of revisors sits in a locality other than that

where such office is situated, the returning-officer, during the same period, must keep another office open, where such applications may likewise be filed, in the locality where the board sits. In such latter office, the returning-officer shall make available to the electors a duplicate or a certified copy of the electoral lists for the polling-subdivisions of the locality for which such office is opened.”;

(s) by replacing the amendment to section 82 by the following:

“Replace subsection 1 by the following subsection:

“(1) During a referendum period, the director general of elections shall forward to the president of each national committee, on or before the third day following that of the issue of a writ, a complete list of the places where boards of revisors are to be established, indicating the electoral district where each board is to sit. The president of each national committee, or the official delegate appointed in writing by him for each electoral district, may on or before the eighth day following that of the issue of a writ, recommend in writing to the returning-officer a person to act as a member of each board of revisors.

In the electoral districts of Abitibi-Est, Abitibi-Ouest, Duplessis and Saguenay, more than one official delegate may be designated in writing to the returning-officer, provided that the territory assigned to each of them is clearly defined.

The returning-officer shall then appoint as members of each board of revisors the two persons so recommended; if he has received no written recommendation, he shall choose the two revisors himself; if he has received only one recommendation, he shall choose the other revisor himself. As soon as such appointments are made, the returning-officer shall so inform the director general of elections in writing.”;

(t) by replacing the amendment to section 93 by the following:

“Replace subsection 1 by the following subsection:

“(1) During a referendum period, the revision shall take place from ten o’clock in the morning to half-past twelve, from half-past two to half-past five o’clock in the afternoon and from half-past seven to ten o’clock in the evening, from Thursday of the third week to Saturday of the second week preceding that of the polling.”

Strike out subsection 3”;

(u) by replacing the amendment to section 94 by the following:

“Replace the second paragraph of subsection 1 by the following paragraph:

“However, when a person has changed his domicile and he is qualified as an elector, he may file, during a revision, in form 16a, in writing and under oath, an application to have his name entered on the electoral list of the polling-subdivision where he is now domiciled, if he declares in such form that he has filed an application in form 17 to have his name struck off the list of the polling-subdivision in which he has been entered and if such application to be struck off is attached to his application to be entered. During a referendum period, this paragraph does not apply in the case of a change of domicile occurring after the issue of the writ of referendum.”

Replace the second paragraph of subsection 3 by the following paragraph:

“However, when an elector entered or entitled to be entered on the electoral list finds that the name of a relative is not entered on such list or that of another polling-subdivision of the same electoral district because that relative has changed domicile, that elector may, if the relative is qualified to be entered, file an application in writing and under oath, in form 19a, declaring that such relative is qualified as an elector, if that elector declares in that form that he has filed, in form 20, an application to have the name of his relative struck off the list of the polling-subdivision in which he has been entered and that application for striking off is attached to the application to have the name entered. During a referendum period, this paragraph does not apply in the case of a change of domicile occurring after the issue of the writ of referendum.”

Replace subsection 4 by the following subsection:

“(4) During a referendum period, applications for the entry or striking off of names must be filed in the office of the returning-officer or in any other office opened under section 80, not later than Saturday of the third week prior to that of the polling, and shall be forwarded immediately to the board of revisors.”;

(v) by replacing the amendment to section 97 by the following:

“Replace subsection 3 by the following subsection:

“(3) During a referendum period, every application for the correction of a name or designation under subsection 1 or 2 must be filed in the office of the returning-officer or in any other office opened under section 80, not later than Saturday of the third week prior to that of the polling and shall be forwarded immediately to the board of revisors.”;

(*w*) by replacing the amendment to section 102 by the following:

“Replace the second paragraph of subsection 1 by the following paragraph:

“In addition, the board of revisors, likewise upon completing its work, shall prepare in five copies for each official delegate of a national committee, an abstract of each entry, striking off and correction made to the list of each polling-subdivision and send such copies to the returning-officer not later than Tuesday of the week following the end of the revision period.”

Replace subsection 3 by the following subsection:

“(3) The returning-officer shall forward immediately, to each official delegate of a national committee, by registered mail or by messenger, five copies of each abstract he has received from the board of revisors.”;

(*x*) by replacing the amendment to section 103 by the following:

“Replace the section by the following section:

“**103.** The abstract of the changes made by the board constitutes, together with the provisional lists prepared by the director general, the only official lists and the only lists that may be used for a referendum.

Such lists come into force immediately after the revision.”;

(*y*) by striking out the reference to section 104 and the amendment made to that section;

(*z*) by striking out the references to sections 113*a* to 125 and the amendments made to those sections;

(*aa*) by replacing the last paragraph of the amendment to section 135 by the following paragraph:

“No person may vote at a referendum who during the last period of enumeration or revision or since the date fixed for the issuing of the writ, has committed or participated in any fraudulent act.”;

(*bb*) by replacing the amendment to section 236 by the following:

“Replace subsection 2 by the following subsection:

“(2) An elector shall not cast more than one vote. He must cast his vote in the polling-subdivision in which his domicile was on the day of the issue of the writ of referendum.”;

(cc) by replacing the amendment to section 239 by the following:

“Replace subsection 1 by the following subsection:

“(1) Before receiving his ballot-paper, any person presenting himself to vote shall, if so required by the deputy returning-officer, the poll-clerk, or an agent, make oath in form 51, and answer in the affirmative to questions 1, 2, 4, 5 and 6, and in the negative to questions 3, 7, 8, 9, 10 and 11 of the said form. Every person employed in the performance of work on behalf of Her Majesty in right of the Province or of Canada may further be required to declare under oath that he has resided continuously in the locality where he works during the ninety days preceding the day of issue of the writ of referendum.”

“Replace subsection 3 by the following subsection:

“(3) Whenever he knows or has reason to believe that any person presenting himself to vote has already voted at the referendum, presents himself to vote under a false name or designation, or falsely represents himself as entered on the electoral list, or that the name of such person is entered on the list of another polling-subdivision of the same or another electoral district in which he was domiciled when the list was made, any agent or election officer present in the polling-station shall require such person to take the oath prescribed by subsection 1.”;

(dd) by replacing the amendment to section 257 by the following:

“Replace paragraph *f* of subsection 1 by the following paragraph:

“(f) without due authority destroys, takes, opens, damages or handles in any manner a ballot-box or a ballot-paper previously used or intended for use for the purposes of the referendum;”

Replace paragraph *g* of subsection 1 by the following paragraph:

“(g) fraudulently puts, otherwise than as authorized by section 245, the initials of his surname and given name or those of a deputy returning-officer on the back of any paper purporting to be or capable of being used as a ballot-paper at a referendum;”

Replace paragraph *h* of subsection 1 by the following paragraph:

“(h) with fraudulent intent, prints any ballot-paper or what purports to be or is capable of being used as a ballot-paper at a referendum;”

Replace paragraph *i* of subsection 1 by the following paragraph:

“(i) being authorized by the returning-officer to print the ballot-papers for a referendum, prints with fraudulent intent more than the quantity authorized;”

Replace paragraph *q* of subsection 1 by the following paragraph:

“(q) being a deputy returning-officer or poll-clerk, issues for fraudulent use the authorizations signed by the official delegate of a national committee and delivered to him by the agents;”

Replace paragraph *r* of subsection 1 by the following paragraph:

“(r) being a deputy returning-officer, does not arrange the polling-booths in conformity with section 213; or being a poll-clerk, or agent, permits the deputy returning-officer to arrange a polling-booth otherwise than in conformity with section 213;”

Replace paragraph *s* of subsection 1 by the following paragraph:

“(s) with fraudulent intent makes, prints, lends, gives, sells, takes, destroys, tears, maculates, forges or alters authorizations for the use of agents;”

Replace paragraph *t* of subsection 1 by the following paragraph:

“(t) votes in a polling-subdivision other than that in which he was domiciled on the day of the issue of the writ of referendum.”;

(*ee*) by replacing the amendment to section 290 by the following:

“Replace the section by the following section:

“**290.** Before receiving a ballot-paper, every person applying to vote, if so required by the deputy returning-officer or the poll-clerk or an agent, shall also take the oath in form 51, save as to questions 1 and 5.

Such person may also be required to declare under oath, that he was domiciled in the electoral district where the special polling-station mentioned in the attestation obtained under section 284 is situated, on the day of the issue of the writ of referendum and, in the case of a person employed in the performance of work on behalf of Her Majesty in right of the Province or of Canada, that he resided continuously in such electoral district for the ninety days preceding the day of the issue of the writ of referendum.”;

(*ff*) by replacing the amendment to section 424 by the following:

“Replace the section by the following section:

424. The director general of elections, where he deems it necessary during a referendum period, may increase the sums fixed by the tariff adopted under section 422 and authorize expenses not provided for therein. Such increases and expenses shall not exceed a total of fifty thousand dollars.”;

(*gg*) by inserting, after the reference to section 429, a reference to section 429*a*;

(*hh*) by replacing the amendment to section 434 by the following:

“Replace the section by the following section:

434. If the appointment of the revisors, the revision, the preparation of the electoral lists, or any operation relating thereto, has not been done at the specified time, it must be done as soon as possible afterwards if it can be done in time to be effective, without prejudice to any penalty incurred by reason of the delay or omission.”

CHAPTER V

MISCELLANEOUS PROVISIONS

Amend-
ment of
forms.

108. For the purposes of the enumeration contemplated in section 7 or of a revision, the director general of elections may amend, to the extent he considers necessary, the forms contained in Schedule One to the Election Act; the same holds true, for the purposes of polling, in respect of form 51.

Delay.

He shall, not later than 10 July 1979, send the amended forms to the persons mentioned in the first paragraph of subsection 3 of section 74 of the Election Act and, within the fifteen following days, publish them in the *Gazette officielle du Québec*.

Validity of
the elec-
toral lists
prepared
under
1972, c. 6.

109. The electoral lists prepared under the Act respecting the preparation of permanent electoral lists and amending various legislative provisions (1972, chapter 6) remain in force until they are replaced under this act and they have, until they are replaced, the same effect as if they had been drawn up under this act.

Sums re-
quired.

[[**110.** The sums required for the application of this act shall be taken out of the consolidated revenue fund.]]

Coming
into force.

111. This act comes into force on the day of its sanction, except sections 19, 20 and 21, which will come into force on 1 January 1980.