

FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 10

An Act respecting electoral representation

First reading

Second reading

Third reading



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Ministre d'Etat à la réforme électorale et parlementaire

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to establish the Commission de la représentation.

Consisting of three members, the Commission will be charged with determining, periodically, the boundaries of electoral divisions, electoral precincts and polling-subdivisions, adhering to the principle that the vote of each elector is of equal weight.

The bill provides a certain number of criteria to be used by the Commission in establishing boundaries and provides for prior consultation of the population.

The bill repeals the Act respecting the Standing Commission on Reform of the Electoral Districts and provides transitional measures for the preparation of the next electoral map.

Bill 10

An Act respecting electoral representation

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

1. A body, hereinafter called “the Commission” is constituted under the name of “Commission de la représentation”.

DIVISION I

FUNCTIONS AND POWERS OF THE COMMISSION

§ 1.—*Establishing electoral divisions*

2. The function of the Commission is to establish the boundaries of the electoral divisions of Québec, while adhering to the principle that the vote of each elector is of equal weight.

Another function of the Commission is to establish the boundaries of the electoral precincts and of the polling-subdivisions.

3. The electoral division is a group of electoral precincts forming a natural community of thirty-two thousand electors. Deviation above or below that number shall not be greater than 25%.

The Commission shall establish such a group on the basis of demographical and geographical considerations, such as the population density, the relative growth rate of the population, or the accessibility, area or shape of the region.

4. The Commission may, for exceptional reasons, depart from the rule set out in section 3, if it considers that, due to special circumstances, its application would not adequately serve

the purpose of this act. Such a decision shall be substantiated in writing in each case.

5. The Commission shall assign a name to each electoral division delimited by it, after consulting the Commission de toponymie established under the Charter of the French language (1977, chapter 5).

6. An electoral precinct is composed of not over two thousand five hundred electors.

7. The Commission, in dividing territory into electoral precincts, shall respect the socio-economic homogeneity and the natural boundaries of each locality, and the municipal boundaries.

8. The Commission, in establishing the boundaries of an electoral precinct, must indicate the place where each polling-station is located.

9. An electoral precinct must not contain more than one municipality. However, it may include a non-organized territory or a part thereof.

10. Within each electoral precinct, the Commission shall establish polling-subdivisions composed of not over three hundred electors each.

11. The Commission, using the descriptions of the electoral precincts and the polling-subdivisions, shall prepare a directory of the streets, avenues, boulevards, hills, squares, lanes, ranges or other public roads of each electoral division.

12. The Commission may alter the boundaries of an electoral precinct if

- (a) the number of electors exceeds two thousand five hundred,
- (b) the municipal boundaries have changed, or
- (c) the characteristics of the precinct have changed.

13. The boundaries of the electoral precincts of each electoral division of Québec, and the alterations made to them shall be sent to the leaders of the authorized parties; the boundaries and the alterations to the electoral precincts of an electoral division shall be sent to each authorized association, to every independent member of the Assemblée nationale and to the municipality concerned.

The same rule applies to the directory contemplated in section 11.

The description of the boundaries of the electoral precincts shall be available, on demand, to the public.

§ 2.—*Information of the public*

14. Another function of the Commission is to inform the public; for that purpose, it shall, in particular,

(a) give advice and information respecting the application of this act to any person requesting it;

(b) maintain a full-time information centre on the boundaries of the electoral divisions;

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

(d) make any advertisement necessary for the application of this act.

DIVISION II

COMPOSITION OF THE COMMISSION

15. The Commission consists of the director general for representation, who shall act as chairman, and of two other members.

The members of the Commission are chosen from among persons qualified as electors.

16. On a motion of the Prime Minister, the Assemblée nationale du Québec, by a resolution approved by two-thirds of its members, shall appoint the director general for representation and the two other members, and fix their salaries, additional salaries or allowances, as the case may be.

17. The members of the Commission shall be appointed for a term of office of five years.

At the expiry of their terms, the members of the Commission shall remain in office until they are reappointed or replaced.

18. Before taking office, the members of the Commission shall make the oath or solemn affirmation provided for in Schedule A, before the President of the Assemblée nationale du Québec.

19. The director general for representation and at least one of the two other members of the Commission shall exercise their functions on a full-time basis.

20. A member of the Commission may resign at any time by giving notice in writing to the President or to the Secretary General of the Assemblée nationale du Québec.

He shall not be dismissed except by a resolution of the Assemblée nationale approved by two-thirds of its members.

21. If the director general is temporarily unable to act, the Government may designate one of the two other members of the Commission to fulfil the function of director general for representation for a period not exceeding six months.

In the case of a vacancy, the Government may designate a substitute for a period not exceeding six months.

DIVISION III

STAFF OF THE COMMISSION

22. The Commission may appoint a secretary and retain the services of any person.

Such persons are appointed by the Commission according to the staff requirements determined by the treasury board, and are remunerated in accordance with the standards and scales established by that board.

23. The director general may also retain, on a temporary basis, the services of any person he considers necessary.

24. Before taking office, the secretary and the other members of the staff of the Commission shall make the oath or solemn affirmation provided for in Schedule A, before the director general for representation.

25. The director general has, in respect of the staff of the Commission, the powers vested in deputy-heads of departments by the Civil Service Act (1978, chapter 15).

26. No member of the Commission or of its staff may be prosecuted for any official act performed in good faith in the exercise of his functions.

27. The minutes of the sittings of the Commission, if approved by it and certified by the director general or the secretary, are authentic. The same holds true for documents or copies emanating from the Commission or filed in its records, if signed by the director general or the secretary of the Commission.

DIVISION IV

PROCEDURE FOR THE ADOPTION OF THE BOUNDARIES
OF THE ELECTORAL DIVISIONS

28. Within twelve months following the date of a general election, the Commission shall submit to the President or to the secretary general of the Assemblée nationale du Québec a report in which it shall propose the boundaries of the electoral divisions of Québec.

That report shall be made public immediately. If the Assemblée nationale is in session, it shall be tabled immediately; in the opposite case, it shall be tabled within fifteen days from resumption or from the beginning of the next session.

29. The Commission shall take the necessary steps to ensure the best possible diffusion of the proposed boundaries of the electoral divisions submitted in its report.

30. Within twelve months following the tabling of its report, the Commission shall hear the representations made by the members of the Assemblée nationale and by interested individuals and organizations.

31. The report must be submitted to the standing committee on the Assemblée nationale.

32. When the standing committee examines such a report, the Commission shall furnish it with all the required documents and information and be at its disposal to assist it in carrying out its work.

33. The Commission must hold public hearings in the various regions of Québec to examine the representations made to it by interested organizations and individuals, after giving notice of the holding of these hearings.

34. After considering the representations made to it by the members of the Assemblée nationale, and by individuals and organizations, the Commission shall decide the boundaries of the electoral divisions, electoral precincts and polling-subdivisions, report to the Assemblée nationale du Québec, and publish a notice of that report in the *Gazette officielle du Québec*.

35. The new electoral map comes into force upon the dissolution of the Assemblée nationale du Québec.

However, the preparatory measures in view of its utilization may be taken from the publication of the report in the *Gazette officielle du Québec*.

DIVISION V

TRANSITIONAL AND FINAL PROVISIONS

36. This act replaces the Act respecting the Standing Commission on Reform of the Electoral Districts (1971, chapter 7), except sections 2 to 5, which are repealed.

The Commission succeeds to that body for all intents and purposes and the staff employed by it at the time of the coming into force of this act is attached to the Commission without other formality.

37. Notwithstanding sections 28, 29 and 30, after hearing the representations of the members of the Assemblée nationale and of interested individuals and organizations, the Commission shall not later than 31 March 1980 adopt a new electoral map based on the work of the Standing Commission on Reform of the Electoral Districts as of the date of the coming into force of this act.

[[**38.** The sums required for the carrying out of this act are taken out of the consolidated revenue fund.]]

39. This act will come into force on the date to be fixed by proclamation of the Government.

SCHEDULE A

Oath or affirmation of allegiance and office

I, A. B., swear (*or solemnly affirm*) that I will be loyal and bear true allegiance to constituted authority and that I will fulfil the duties of my office of honestly and justly, and that I will not receive any sum of money or consideration for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of anything whatsoever by or with the Government, other than my salary or what may be allowed me by law or by an order of the Government.

Oath or affirmation of discretion

I, A. B., further swear (*or solemnly affirm*) that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the discharge of my duties.