

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 100

An Act to amend the Referendum Act

First reading
Second reading
Third reading

M. MARC-ANDRÉ BÉDARD
Ministre d'État à la réforme électorale

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to amend the Referendum Act to make the same provisions as are contained in the new Election Act applicable to referendums, in respect of

(1) persons, with the exception of inmates, who may vote in an advance poll, and the taking of a simple oath in order to vote, and

(2) the manner of marking the ballot-paper.

Furthermore, the bill specifies which penalties provided in the Act respecting the financing of political parties apply in the case of a referendum.

Bill 100

An Act to amend the Referendum Act

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

1. Section 214 of Division 1 of Appendix 2 of the Referendum Act (1978, c. 6) is replaced by the following section:

“214 Replace the section by the following section:

“**214.** In each polling-booth a table or desk with a hard, smooth surface shall be provided, on which the voter may mark his ballot-paper.” ”

2. Section 245 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“245 Add, after subsection 3, the following subsection:

“(4) The deputy returning-officer shall remit to the voter, at the same time as the ballot-paper, a properly sharpened black lead pencil.” ”

3. Section 247 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“247 Replace subsection 1 by the following subsection:

“(1) The voter, after examining his ballot-paper, shall show it if so required by the deputy returning-officer, the poll-clerk or an agent admitted to represent a national committee, and shall then forthwith enter one of the polling-booths of the polling-station. He shall there mark his ballot-paper, making a cross, an “X”, a check or a line, with the black lead pencil

given to him by the deputy returning-officer with his ballot-paper, within one of the spaces specially and exclusively reserved for voting; he shall then fold the ballot-paper so that the initials on the back and the number on the counterfoil can be seen without opening it, and shall return to the deputy returning-officer's table." "

4. Section 264 of Division 1 of Appendix 2 of the said act is replaced by the following section:

- "264 Replace paragraph *f* by the following paragraph:
 "(*f*) every ballot-paper on which the cross, "X", check or line has not been marked in one of the spaces showing the natural colour of the paper and specially and exclusively reserved for such purpose;"
- Strike out paragraph *g*
- Replace paragraph *i* by the following paragraph:
 "(*i*) every ballot-paper on which the cross, "X", check or line has not been marked with a black lead pencil;" "

5. Section 275 of Division 1 of Appendix 2 of the said act is replaced by the following section:

- "275 Replace the section by the following section:
- "275.** The returning-officer of each electoral district shall
- (*a*) establish as many special polling-stations as he deems necessary to enable the persons mentioned in section 283 to vote; and
- (*b*) determine the polling-subdivisions attached thereto." "

6. Section 276 of Division 1 of Appendix 2 of the said act is replaced by the following section:

- "276 Replace, in the third and fourth lines, the words "immediately after the nomination of candidates" by the words "not later than the twelfth day preceding the polling"
- Replace paragraph *a* by the following paragraph:

“(a) the place where each of the special polling-stations and the polling-subdivisions attached thereto will be located;”

Strike out paragraph c”.

7. Section 277 of Division 1 of Appendix 2 of the said act is struck out.

8. Section 283 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“283 Replace the section by the following section:

“283. Election officers, handicapped persons and persons who have reason to believe that they will be either absent from the polling-subdivision or unable to vote on polling-day are permitted to vote at a special polling-station.

Every person who presents himself to vote at a special polling-station must immediately sign a sworn declaration, in accordance with form 64, using his ordinary signature.

No person who refuses to make an oath shall be given a ballot-paper.” ”

9. Section 284 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“284 Strike out subsections 2, 3 and 4”.

10. Section 285 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“285 Replace the section by the following section:

“285. (1) As soon as an elector is admitted to vote at a special polling-station the poll-clerk shall enter on the duplicate or copy of or extract from the list of the polling subdivision of the elector, opposite the name of the elector, the words “special polling-station”.

(2) On the second day of the polling, immediately after the closing of the special polling-station or polling-stations, the returning officer or election-clerk shall forward, to the official delegate of a national committee, a list of the electors of the electoral district who have voted at the special polling-station.

He shall also inform the deputy returning-officer who is to preside at the regular election of the names of the electors in his polling-subdivision who have voted at a special polling-station. The deputy returning-officer must then enter, on the duplicate, the copy of or the extract from the electoral list that is to be used at the regular poll, the words "special polling-station", opposite the name of each of such electors, and initial each of these entries with his full initials.

11. Section 286 of Division 1 of Appendix 2 of the said act is struck out.

12. Section 287 of Division 1 of Appendix 2 of the said act is struck out.

13. Section 288 of Division 1 of Appendix 2 of the said act is replaced by the following section:

"288 Replace the section by the following section:

"288. Every elector who wishes to vote before the day fixed for the polling may do so only at a special polling-station established in the electoral district where he has his domicile and to which his polling-subdivision is attached." "

14. Section 289 of Division 1 of Appendix 2 of the said act is struck out.

15. Section 290 of Division 1 of Appendix 2 of the said act is replaced by the following section:

"290 Replace the words "one of the candidates or his agent" in the fourth and fifth lines of the first paragraph by the words "an agent"

Replace the second paragraph by the following paragraph:

"Such person may also be required to declare under oath, that he was domiciled in the electoral district where is situated the special-polling station where he intends to vote, either on the first day of the annual enumeration or the day of the issue of the writ of referendum in all other cases." "

16. Section 291 of Division 1 of Appendix 2 of the said act is struck out.

17. Section 293 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“293 Replace paragraph *d* of subsection 1 by the following paragraph:

“(d) count the declarations received pursuant to the second paragraph of section 283, place them in an envelope, endorse on the envelope the word “Declarations” and the number of such declarations and seal it;”

Replace the word “candidates” in the fourth line of paragraph *e* of subsection 1 by the word “option”

Strike out the words “candidate or” in the first line of subsection 2

Replace subsection 3 by the following subsection:

“(3) The deputy-returning officer shall then place these four envelopes and the lists from the special polling-station and the poll-book in the ballot-box and lock and seal it in such a manner that it is impossible, without breaking the gummed paper bands, to open it or to put anything in it or remove anything from it.”

Strike out the words “candidate or” in the first line of subsection 4”.

18. Section 294 of Division 1 of Appendix 2 of the said act is replaced by the following section:

“294 Replace the section by the following section:

“294. At the reopening of the poll on the second day, the deputy returning-officer, in the presence of the poll-clerk and of any other person entitled to be present and who is in the poll, shall open the ballot-box and take out the poll-book, the lists contemplated in subsection 3 of section 293 and the envelope containing the ballot-papers not used on the first day, open the envelope, remove the ballot-papers from it and lock the ballot-box.

At the closing of the poll, the deputy returning-officer, after completing the formalities prescribed

in section 293, shall place the lists in an envelope, write the word "List" on the envelope, and remit the envelope to the returning officer or the person designated by him." "

19. Section 120 of Division 2 of Appendix 2 of the said act is replaced by the following section:

"120 Insert, after the figure "119", the following: "and any infringement of sections 33, 34 and 36 to 39 of the Referendum Act (1978, c. 6)".

20. This act comes into force on the day of its sanction.