

1995, chapter 23

**AN ACT TO ESTABLISH THE PERMANENT LIST OF
ELECTORS AND AMENDING THE ELECTION ACT
AND OTHER LEGISLATIVE PROVISIONS**

Bill 40

Introduced by Mr Guy Chevrette, Minister responsible for Electoral Reform

Introduced 5 December 1994

Passage in principle 16 December 1994

Passage 15 June 1995

Assented to 16 June 1995

Coming into force: 16 June 1995, with the exception of section 12 where it enacts sections 40.1 to 40.12 and 40.39 to 40.42, and sections 51 and 57 to 91 and the amendment in the schedule affecting section 570, which come into force on the date or dates to be fixed by the Government; however, sections 57 to 83 cannot come into force before the first of June following the date of coming into force of section 40.1 of the Election Act

Legislation amended:

Health Insurance Act (R.S.Q., chapter A-29)

Referendum Act (R.S.Q., chapter C-64.1)

Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)

Act respecting school elections (R.S.Q., chapter E-2.3)

Election Act (R.S.Q., chapter E-3.3)

Jurors Act (R.S.Q., chapter J-2)



CHAPTER 23

An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions

[Assented to 16 June 1995]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT OF THE PERMANENT LIST OF ELECTORS

Establishment

1. The chief electoral officer is entrusted with establishing the permanent list of electors described in Chapter I of Title II.1 of the Election Act (R.S.Q., chapter E-3.3) by constituting a register of electors and a register of territories.

Confidentiality

The chief electoral officer must ensure the confidentiality of the nominative information necessary to establish the permanent list of electors.

DIVISION I

CONSTITUTION OF THE REGISTER OF ELECTORS

Register of electors

2. The register of electors is established on the basis of the information collected during an enumeration and revision and on the basis of the information contained in the registry of electors outside Québec.

Enumeration and revision

The enumeration shall take place from 5 September to 10 September 1995, and the revision shall take place on the date fixed by order of the Government.

Rules

The enumeration and revision shall be carried out in accordance with the rules provided in the Election Act, adapted as required.

However, sections 227 to 231.3 of the Election Act do not apply to the revision.

Qualifica-
tion and
residence
require-
ment

For the purposes of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the qualification of an elector and the twelve-month residence requirement shall be assessed as of 1 September 1995.

DIVISION II

CONSTITUTION OF THE REGISTER OF TERRITORIES

Contents

3. The chief electoral officer shall enter in the register of territories the description of electoral divisions, electoral precincts and polling subdivisions.

Municipali-
ties and
school
boards

4. Municipalities to which Title I of the Act respecting elections and referendums in municipalities applies and school boards shall transmit the description of their respective electoral territories, as specified in paragraphs 2 and 3 of section 40.3 of the Election Act, to the chief electoral officer according to the parameters he determines.

Time limit

The descriptions must be transmitted not later than 15 June of the year of the first regular election of the municipality or the first general election of the school board, as the case may be, to be held after the first of June following (*insert here the date of coming into force of section 40.1 of the Election Act*).

Time limit

The chief electoral officer shall enter these data in the register of territories not later than 1 August of the same year.

CHAPTER II

AMENDING PROVISIONS

ELECTION ACT

c. E-3.3,
s. 1, am.

5. Section 1 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by inserting, after the first paragraph, the following paragraph:

Domicile

“The domicile of a person is the domicile established under the Civil Code.”;

(2) by replacing the words “registered in the registry of electors” in the first line of the second paragraph by the words “entitled to exercise his right to vote”.

c. E-3.3,
s. 2,
replaced
Right to
vote

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

“2. To exercise his right to vote, a person must be a qualified elector on polling day and his name must be entered on the list of electors of the polling subdivision in which his domicile is situated on Tuesday of the second week preceding that of the poll.”

c. E-3.3,
s. 3, am.

7. Section 3 of the said Act is amended by replacing the words “revision of the list of electors” in the second and third lines of the third paragraph by the words “the revision of the list of electors carried out during an election period”.

c. E-3.3,
Title I,
Chap. II,
repealed
c. E-3.3,
s. 16, am.

8. Chapter II of Title I of the said Act is repealed.

9. Section 16 of the said Act is amended by replacing the words “in force” in the third line by the word “used”.

c. E-3.3,
s. 35, am.

10. Section 35 of the said Act is amended by replacing the figure “300” in paragraph 1 by the figure “350”.

c. E-3.3,
Title II,
Chap. III,
repealed
c. E-3.3,
ss. 40.1-
40.42,
added

11. Chapter III of Title II of the said Act is repealed.

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

“TITLE II.1

“PERMANENT LIST OF ELECTORS

“CHAPTER I

“DESCRIPTION

Contents

“40.1 The permanent list of electors consists of the information contained in the register of electors and the register of territories.

Register of
electors

“40.2 The information contained in the register of electors shall include the name, domiciliary address, sex and date of birth of each elector and, where applicable, entries relating to the exercise of his right to vote outside Québec.

Date of establishment of domicile

The information shall also include, for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the date on which the elector established his domicile in the territory of the municipality or a statement that he has been domiciled in the municipality for at least twelve months.

Register of territories

“40.3 The information contained in the register of territories shall include

(1) for the purposes of this Act and the Referendum Act (chapter C-64.1), the description of electoral divisions, electoral precincts and polling subdivisions;

(2) for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the electoral districts or the wards of the municipalities to which Title I of that Act applies or the entire territory of any such municipality whose territory is not divided for electoral purposes;

(3) for the purposes of the Act respecting school elections (chapter E-2.3), the electoral divisions.

“CHAPTER II

“UPDATING

Information relating to electors

“40.4 The information relating to electors shall be updated on the basis of the information transmitted to the chief electoral officer by electors and on the basis of the information transmitted by the Régie de l'assurance-maladie du Québec and the Department of Citizenship and Immigration of Canada in the manner determined in an agreement entered into with the chief electoral officer, in accordance with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Information relating to electors

The information shall also be updated on the basis of the changes transmitted by returning officers or by the person responsible for a municipal poll following the revision of a list of electors or referendum list and of any verification of the permanent list of electors carried out under section 40.11.

Responsibility of elector

“40.5 Each elector is responsible for communicating to the chief electoral officer any change in the information entered in his respect on the permanent list of electors.

- Corrections** “**40.6** An elector may, at any time, request that his name be entered on or struck off the permanent list of electors, or that any information entered in his respect be corrected.
- Documents** Two documents of the type determined by the chief electoral officer must be joined to the request in support of the information communicated.
- Régie de l'assurance-maladie du Québec** “**40.7** The chief electoral officer shall obtain from the Régie de l'assurance-maladie du Québec notice of any change in the name, address, date of birth or sex of a person whose name is entered on the permanent list of electors established under section 40.1, and of the date of the person's death, where applicable. The chief electoral officer shall also obtain from the Régie the name, address, date of birth and sex of each person who has reached the age of 18, and of each person of full age who has informed the Régie that he has acquired Canadian citizenship or has stated, on registering for the first time with the Régie, that he holds Canadian citizenship.
- Verification of information** Where the Régie de l'assurance-maladie du Québec has been unable to identify an elector whose name is entered on the list of electors in its own file of beneficiaries, the chief electoral officer may communicate with the elector concerned to verify the accuracy of the information concerning the elector and may request that the elector correct or complete the information where necessary.
- Department of Citizenship and Immigration of Canada** “**40.8** The chief electoral officer shall obtain from the Department of Citizenship and Immigration of Canada the name, address, date of birth and sex of any person of full age domiciled in Québec who acquires Canadian citizenship.
- Entry of name of new elector** “**40.9** Before entering the name of a new elector, otherwise than at the request of the elector or following an enumeration, revision or other verification under this Act or the Referendum Act (chapter C-64.1), the chief electoral officer shall inquire, in writing, whether the elector wishes to have his name entered.
- Confirmation** Every elector who wishes to have his name entered must confirm, correct or complete the information concerning him and join two documents of the type determined by the chief electoral officer in support of the information he transmits.
- Confirmation** “**40.10** Before incorporating into the permanent list of electors any change made to a municipal list of electors or referendum list following its revision, the chief electoral officer may contact the elector concerned for confirmation of the change he intends to incorporate.

Enumera-
tion or
revision

“40.11 An enumeration or revision, or the implementation of any other measure allowing a total or partial verification of the permanent list of electors, may be ordered by the Government on the recommendation of the parliamentary committee having examined the report of the chief electoral officer pursuant to section 542.1.

Election
order or
referendum
writ

The issue of an order or writ instituting an election or referendum ends any verification in progress in the electoral division concerned, except in the case of an enumeration. In that case, the enumeration shall continue and the name of every person who is a qualified elector on polling day may be entered on the list of electors for the polling subdivision in which the person is domiciled.

Information
relating to
territories

“40.12 The information relating to territories shall be updated on the basis of the changes made to the descriptions of electoral divisions, electoral precincts and polling subdivisions.

Information
relating to
territories

The information shall also be updated on the basis of the changes made to the descriptions of the electoral territories of municipalities and school boards and transmitted to the chief electoral officer by the municipalities and school boards on the conditions he determines.

“CHAPTER III

“VERIFICATION

“DIVISION I

“ENUMERATION OF ELECTORS

Qualified
electors

“40.13 Every person who is a qualified elector on the last day of an enumeration of electors may be registered during that enumeration.

Enumera-
tors

“40.14 The enumeration of electors shall be conducted in each polling subdivision by a team of two enumerators.

Two or
more teams

The returning officer may, however, assign two or more teams of two enumerators to conduct the enumeration in a polling subdivision comprising more than 350 electors.

Appoint-
ment of
enumera-
tors

“40.15 The two enumerators forming an enumeration team shall be appointed by the returning officer, one on the recommendation of the authorized party that ranked first in the last election or of the independent Member who was elected as such, and the other on the recommendation of the authorized party that ranked second in the last election.

Decision of
chief elec-
toral officer

“40.16 In a new electoral division, an electoral division the boundaries of which have changed since the last election or an electoral division in which no authorized party ranked second in the last election, the chief electoral officer shall decide, according to the criteria prescribed by regulation, which parties or independent Members are entitled to make recommendations under section 40.15.

Recommen-
dations

“40.17 The recommendations are made by the leader of the party or the independent Member, as the case may be, or by the person designated in writing by him for that purpose.

Final date
for recom-
mendations

“40.18 The recommendations must be received by the returning officer not later than Tuesday of the week preceding that of the enumeration.

Refusal

The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.

Appoint-
ment

Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.

List of enu-
merators

“40.19 The returning officer shall post, in his office, the list of enumerators appointed by him and transmit it to the authorized parties represented in the National Assembly and to the independent Member, if any. He shall inform them without delay of changes made to the list.

Directives
and
materials

“40.20 Not later than the day preceding the first day of the enumeration, the returning officer shall give enumerators the chief electoral officer’s directives concerning the procedure to be followed during the enumeration, the required materials, and a badge in the form prescribed by regulation that must be worn conspicuously by each enumerator at all times while conducting an enumeration.

Name and
address of
enumera-
tors

In addition, the returning officer shall inform each enumerator of the name and address of the other enumerator in his enumeration team.

Joint work

“40.21 The enumerators in an enumeration team shall work together; in no case may they act individually.

Disagree-
ment

In the event of disagreement, the matter shall be submitted to the returning officer, who shall decide it immediately; the enumerators are bound by the decision.

- Hours** **“40.22** The enumerators shall visit every dwelling situated in the polling subdivision assigned to them at least twice, once between 9 a.m. and 6 p.m. and once between 6 p.m. and 9 p.m. on a different day, unless they are certain of having registered, on their first visit, every person who is a qualified elector.
- Second visit** At each dwelling at which they receive no response on their first visit, the enumerators shall leave a card giving the date and time of their second visit.
- Request for entry** **“40.23** The name of an elector may not be entered by the enumerators unless the entry is requested at the elector’s domicile by the elector himself or, by reason of his absence or illness, by any person present and who is a qualified elector.
- Conditions of entry** **“40.24** Before entering a person’s name, the enumerators shall verify whether, on the last day of the enumeration, the person holds Canadian citizenship, is 18 years of age or over and has been domiciled in Québec for at least six months.
- Proof of age and citizenship** For that purpose, an enumerator may request proof of the age and citizenship of the person the entry of whose name is requested in the form of one of the following identification documents: a birth certificate, a citizenship certificate or a Canadian passport.
- Enumeration slips** **“40.25** The enumerators shall enter on an enumeration slip the name, address, sex and date of birth of every person domiciled at that address who is a qualified elector on the last day of the enumeration. They shall complete an enumeration slip for each elector.
- Date of establishment of domicile** For the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the enumerators shall enter on the enumeration slip the date on which the elector established his domicile in the territory of the municipality or, failing that, an entry indicating that the elector has been domiciled in the territory of the municipality for at least twelve months, where that is the case.
- Refusal of entry prohibited** **“40.26** The enumerators may not refuse to enter the name of an elector on the grounds that they were unable to note his date of birth or that no identification document was presented despite a request therefor made in accordance with the second paragraph of section 40.24.
- Declaration** **“40.27** Every person who requests the entry of his name or who requests the entry of the name of another person must declare, by signing the enumeration slip, that the information provided is, to his knowledge, true and accurate.

Inability to
sign

A person who is unable or who refuses to sign the enumeration slip must, before the entry can be made, declare that the information provided is, to his knowledge, true and accurate; the enumerators shall record the fact on the enumeration slip.

Copy

“40.28 The enumerators shall sign the enumeration slip and leave a copy at the domicile of the elector whose name has been entered.

Report to
the return-
ing officer

“40.29 If one of the enumerators, after entering the name of a person, has reasonable grounds to believe that the person is not entitled to have his name entered, he shall make a report to the returning officer in the prescribed manner.

List

“40.30 The enumerators shall prepare a list of the dwellings that were vacant, the places where persons refused to have their names entered, the places where not all the residents were qualified electors and the places where, after two visits, they obtained no response.

Transmis-
sion to
returning
officer

They shall give the list to the returning officer at the end of the enumeration.

Persons
lodged by
an institu-
tion

“40.31 The returning officer may establish a procedure for enumerating persons lodged by an institution referred to in section 3 with the executive director of the institution, in order to ensure that their names are entered on the list of electors.

Access

The procedure must, in particular, ensure that the enumerators have access to those persons.

Access to
multiple-
dwelling
buildings

“40.32 The owner, administrator, superintendent or caretaker of a multiple-dwelling building shall allow and facilitate access to the building by the enumerators.

Access to
institutional
facilities

The same rule applies to the executive director of an institution referred to in section 3 with regard to any facility maintained by the institution.

Return of
enumera-
tion slips

“40.33 The enumerators shall, not later than the last day of the enumeration, return all the enumeration slips they have completed and any report made pursuant to section 40.29 to the returning officer or to the person designated by the returning officer, according to the procedure determined by the returning officer.

Computer-
ization

“40.34 The returning officer shall computerize the information relating to the electors whose names have been entered by the enumerators.

Computer-
ized list to
chief elec-
toral officer

“40.35 The returning officer shall transmit the computerized list to the chief electoral officer to allow the entries, from all the electoral divisions, that relate to electors with the same name and the same date of birth to be identified.

Request for
verification

“40.36 Where the chief electoral officer identifies entries relating to two or more electors with the same name and the same date of birth, he shall transmit a request for verification of the entries to the returning officer of each of the electoral divisions concerned, unless he is certain that the entries relate to different electors.

List of elec-
tors sent to
authorized
parties

“40.37 Not later than Tuesday of the week following that of the enumeration, the returning officer shall transmit the list of the electors whose names are entered for each polling subdivision to the authorized parties represented in the National Assembly, to any other authorized party that so requests, and to the independent Member, if any.

Form
specified

The list shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.

Copy of list

The returning officer shall transmit, at the same time, a copy of the list made by the enumerators pursuant to section 40.30.

“DIVISION II

“REVISION OF THE LIST

Provisions
applicable

“40.38 The provisions relating to the production, transmission and revision of the list of electors that are applicable during an election period apply, adapted as required, for the purposes of a revision of all or part of the permanent list of electors. Sections 227 to 231.3, however, do not apply to such a revision.

“CHAPTER IV

“CONFIDENTIALITY

Confiden-
tial infor-
mation

“40.39 Information relating to electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information.

Documents

“40.40 Documents transmitted in support of information communicated to the chief electoral officer shall be retained only for the time needed for their processing, and shall then be destroyed. However, in the case of original documents, they shall be returned to the elector.

Confidenti-
ality

“40.41 No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act or the Referendum Act (chapter C-64.1), or communicate or allow to be communicated to any person not legally entitled thereto, any information relating to an elector.

Confidenti-
ality

“40.42 The chief electoral officer shall not, except with the consent of the person concerned, communicate, or enter into an agreement for the purpose of communicating, nominative information contained in the permanent list of electors for purposes other than those provided for in this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Jurors Act (chapter J-2) or for purposes other than those provided for in the second paragraph.

Federal poll

The chief electoral officer may enter into an agreement with the Chief Electoral Officer of Canada to supply him with information contained in the permanent list of electors for the sole purpose of drawing up a list to be used in a federal poll. The agreement must provide for the safety measures that will be taken to ensure the confidentiality of the information transmitted.

Expenses

The expenses relating to the transmission of such information, established under section 549, shall be charged to the Chief Electoral Officer of Canada.”

c. E-3.3,
s. 131, am.

13. Section 131 of the said Act is amended

(1) by replacing the words “seventh” and “eighth” in the first and in the third lines, respectively, of the first paragraph by the words “fifth” and “sixth”;

(2) by striking out the second paragraph.

c. E-3.3,
s. 132, am.

14. Section 132 of the said Act is amended by replacing the words “On receiving a copy of the order” in the first line of the first paragraph by the words “As soon as the order has been issued”.

c. E-3.3,
s. 134,
replaced

15. Section 134 of the said Act is replaced by the following section:

Manual

“134. The chief electoral officer shall send to each dwelling, not later than the twenty-second day preceding polling day, a manual informing citizens on the right to vote, the list of electors and revision of the list, the financing of political parties and independent candidates, the control of election expenses, and voting procedures.”

c. E-3.3,
s. 136, am.

16. Section 136 of the said Act is amended by replacing the words “and the secretary and the assistant” in the second and third lines of the first paragraph by the words “revising officers and secretaries”.

c. E-3.3,
Title IV,
Chap. III,
Div. I, II,
III,
replaced

17. Divisions I, II and III of Chapter III of Title IV of the said Act are replaced by the following division:

“DIVISION I

“PRODUCTION AND TRANSMISSION

Production
of list of
electors

145. Upon the issue of an order instituting an election, the chief electoral officer shall produce the list of electors. The list shall include the names of electors entered on the list as it stands on the date of the order.

Transmis-
sion to
returning
officers

The chief electoral officer shall transmit to each returning officer the list of electors for his electoral division.

Requests
for changes

The chief electoral officer shall also transmit to each returning officer, for consideration by the competent board of revisors, the requests for changes to the permanent list of electors made before the order was issued but that have yet to be processed.

List of
electors to
authorized
parties

146. Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit the list of electors for his division to the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate.

Form
specified

The list shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.

List of
electors
entitled to
vote
outside
Québec

147. Not later than the twenty-third day preceding polling day, the chief electoral officer shall transmit to each returning officer a list of the electors of his division who have become entitled to vote outside Québec since the issue of the order instituting the election.

Transmis-
sion to
parties

The returning officer shall transmit the list to the parties and persons referred to in section 146, in the manner prescribed therein.”

c. E-3.3,
Title IV,
Chap. III,
Div. IV,
replaced

18. Division IV of Chapter III of Title IV of the said Act is replaced by the following division:

“DIVISION IV

“REVISION

“§ 1.—*Constitution and operation of boards of revisors*Number of
boards of
revisors

“**179.** The chief electoral officer shall determine the number of boards of revisors to be established by a returning officer in his electoral division.

Polling sub-
divisions

The returning officer shall assign to each board of revisors the polling subdivisions he designates.

Places of
sittings

“**180.** Not later than the twenty-eighth day preceding polling day, the returning officer shall select the places at which the boards of revisors will sit.

Location

The places must be located and distributed in such a way as to accommodate the electors in the best possible manner, and must be accessible to the handicapped.

Office of
returning
officer

A board of revisors must be established at the office of the returning officer and at every place where a university or general and vocational college located in the electoral division maintains a student residence.

Universi-
ties

“**181.** Universities and general and vocational colleges must allow their premises to be used, free of charge, for the establishment of boards of revisors.

Notice of
places
selected

“**182.** The returning officer shall inform, without delay, the chief electoral officer, the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate, of the places selected.

Revisors

“**183.** Each board of revisors shall be composed of three revisors.

Appoint-
ment

“**184.** The returning officer shall appoint two revisors not later than Wednesday of the fourth week preceding that of the poll.

Recommen-
dation

The first revisor shall be appointed on the recommendation of the authorized party that ranked first in the last election or of the independent Member elected as such if his nomination paper has been filed.

Recommen-
dation

The second revisor shall be appointed on the recommendation of the authorized party that ranked second in the last election.

New
electoral
division

“185. In a new electoral division, an electoral division the boundaries of which have changed since the last election, an electoral division in which no authorized party ranked second in the last election or an electoral division in which the independent Member has not filed his nomination paper, the chief electoral officer shall decide, according to the criteria prescribed by regulation, which parties or candidates are entitled to recommend the appointment of revisors.

Recommen-
dations

“186. The recommendations are made by the leader of the party or the independent Member, as the case may be, or by the person designated by him in writing for such purpose.

Final date
for recom-
mendations

The recommendations must be received by the returning officer not later than Tuesday of the fourth week preceding that of the poll.

Refusal

The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.

Appoint-
ment

Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.

Selection of
third
revisor

“187. The two revisors appointed by the returning officer shall select the third revisor not later than Thursday of the fourth week preceding that of the poll, failing which the returning officer, after consulting the chief electoral officer, shall himself select and appoint the third revisor.

Appoint-
ment

As soon as the two revisors have selected the third revisor, they shall inform the returning officer, who shall appoint him.

Chairman

“188. The revisor recommended by the authorized party that ranked first in the last election or by the independent Member elected as such shall act as chairman of the board of revisors.

Vice-
chairman

The revisor recommended by the authorized party that ranked second in the last election shall act as vice-chairman.

List of
revisors

“189. The returning officer shall post, in his office, the list of revisors appointed to each board of revisors and transmit it to the chief electoral officer, the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate.

Secretary

“190. The returning officer shall appoint a secretary to each board of revisors.

Teams

The returning officer shall appoint a sufficient number of teams composed of two revising officers and assign them to one or more boards of revisors.

Additional personnel

At the request of the board of revisors, the returning officer shall appoint such additional personnel as is necessary.

Applicable provisions

Sections 184 to 186 apply to the appointment of revising officers.

Duties of the secretary

“191. The secretary of the board of revisors shall have, in particular, the duty of drawing up notices of hearings and summonses of witnesses, assisting the board in the performance of its work and recording all decisions of the board.

Duties of revising officers

“192. The revising officers shall have, in particular, the duty of serving notices of hearings and summonses on witnesses and, at the request of the board of revisors, gathering any information relevant for the making of a decision, or obtaining the date of birth of an elector which the enumerators were unable to obtain.

Joint work

“193. The revising officers shall work together; in no case may they act individually. In the event of disagreement, the matter shall be submitted to the board of revisors, which shall decide it immediately, and the revising officers are bound by the decision.

Documents

“194. Not later than the day preceding the day on which the work of the board of revisors is to begin, the revisors shall be given, by the returning officer,

(1) the directives of the chief electoral officer concerning the revision;

(2) the list of electors for each polling subdivision assigned to them and the list of electors for the entire electoral division;

(3) the requests for changes referred to in the third paragraph of section 145.

Documents

Where the revision follows an enumeration, the revisors shall also be given, by the returning officer, the reports transmitted by the enumerators in accordance with section 40.29, the list referred to in section 40.30, the requests for verification transmitted to the returning officer by the chief electoral officer in accordance with section 40.36 and a copy of the enumeration slips on which the enumerators were unable to enter a date of birth.

Hours **“195.** The board of revisors shall sit from 10:00 a.m. to 9:00 p.m., from Monday of the third week to Thursday of the second week preceding that of the poll.

Final date for applications However, applications must be filed not later than Tuesday of the second week preceding that of the poll.

Quorum **“196.** Two revisors constitute a quorum.

Decisions Every question submitted to the board of revisors shall be decided by a majority vote.

Tie-vote In the case of a tie-vote, the chairman, or in his absence, the vice-chairman, shall have a casting vote.

“§ 2.—Revision process

Copies of list of electors to dwellings **“197.** Not later than the twenty-second day preceding polling day, the returning officer shall send to each dwelling a printed copy of the list of electors for that polling subdivision.

Entries omitted The entries relating to the date of birth and sex of electors shall be omitted from the list of electors distributed.

Other information The list shall be distributed with information relating to the dates and procedure for revision, and give the address of the board of revisors to which the polling subdivision is assigned and the place, dates and times for advance polling.

Access to multiple-dwelling buildings **“198.** The owner, administrator, superintendent or caretaker of a multiple-dwelling building shall allow and facilitate access to the building by the persons entrusted with distributing the list of electors.

Access to institutional facilities The same rule applies to the executive director of an institution referred to in section 3 with regard to any facility maintained by the institution.

Public notice **“199.** The chief electoral officer shall publish, in a newspaper circulated in the electoral division, a notice informing electors of the revision process and giving the addresses and hours of the boards of revisors.

Application for entry **“200.** An elector who finds that his name is not entered on the list of electors for the polling subdivision in which he is domiciled on Tuesday of the second week preceding that of the poll may apply in person to the board of revisors to which his polling subdivision is assigned to have his name entered on the list.

Application
for entry or
striking off

“201. An elector who is aware that his name is entered on the list of electors for a polling subdivision other than that in which he is domiciled on Tuesday of the second week preceding that of the poll must, if he wishes to vote, apply in person to the board of revisors to which is assigned the polling subdivision where he wishes to have his name entered on the list of electors. He must at the same time apply to have his name struck off the list of electors for that other polling subdivision.

Application
for entry or
striking off

“202. An elector who wishes to avail himself of the provisions of section 3 may apply in person to the board of revisors to which is assigned the polling subdivision where he wishes to have his name entered on the list of electors. If he is aware that his name is entered on the list of electors for a different polling subdivision, he must at the same time apply to have his name struck off the list of electors for that polling subdivision.

Application
for
correction

“203. An elector who finds an error in his respect on the list of electors must apply in person to the board of revisors to which his polling subdivision is assigned to have the list corrected.

Application
for striking
off

“204. An elector who finds that his name is entered on the list of electors for a polling subdivision though he is not entitled thereto, must apply in person to the board of revisors to which his polling subdivision is assigned to have his name struck off the list.

Application
for striking
off

An elector who does not wish his name to be on the list of electors shall apply to the board of revisors to have his name struck off the list. He shall indicate whether he wishes that his name be struck off the permanent list of electors.

Application
by relative

“205. An elector who is the spouse or *de facto* spouse of, or a relative of, or a person cohabiting with an elector may present any application concerning the elector on the latter’s behalf. The application shall be presented to the board of revisors to which is assigned the polling subdivision of the elector on whose behalf the application is made.

“relative”

In this section, “relative” means the elector’s father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter.

Application
for entry,
striking off
or correc-
tion

“206. An elector domiciled or living in a facility referred to in section 3 who wishes to avail himself of the provisions of that section may apply in writing to the returning officer to have his name entered on or struck off the list of electors or for a correction thereto.

Applica-
tions trans-
mitted to
board of
revisors

The returning officer shall transmit the applications received to the board of revisors to which is assigned the polling subdivision in which the facility is situated.

Application
by third
person

“207. An elector who finds that the name of a person is entered on the list of electors of his electoral division though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision to have the name of that person struck off the list.

Oath

The elector shall declare under oath that, to his knowledge, the person whose name he is applying to have struck off the list is not entitled to have his name entered on the list of electors for that polling subdivision.

Oath

“208. Every application presented to a board of revisors must be made under oath.

Evidence

The board of revisors may require from an applicant any evidence necessary for the making of its decision.

Documents

Applications to have a name entered on the list and applications made under section 206 must be accompanied with two documents of the type determined by the chief electoral officer in support of the information contained in the application.

Examina-
tion of
applications

“209. The board of revisors shall examine forthwith the applications made to it and, in all the cases in which it is able to make an immediate decision, it shall communicate that decision to the elector.

Examina-
tion of
requests for
changes

The board of revisors shall also examine the requests for changes referred to in the third paragraph of section 145 that have been transmitted to it by the returning officer pursuant to section 194.

Examina-
tion of
reports,
requests for
verification
and enu-
meration
slips

“210. Where the revision follows an enumeration, the board of revisors shall, in addition, examine the reports and requests for verification transmitted to it in accordance with the second paragraph of section 194. It shall also examine the enumeration slips on which the enumerators were unable to enter a date of birth and shall attempt, to the extent possible, to obtain that information.

Inquiries

“211. In examining the cases submitted to it, the board of revisors, or any revisor duly authorized by the board, is entitled to make inquiries and summon witnesses.

Summons

The summons of a witness shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at his address.

Certificate A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.

Notice **“212.** Before striking off or refusing to enter a person’s name, the board of revisors must convene the person by way of a written notice stating the grounds for the decision it intends to make, except where the person is present or where the board is satisfied, on the basis of the evidence presented to it, that the person the striking off of whose name is applied for is under curatorship or is dead.

Service The notice must be of at least one clear day and shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at the address entered on the list of electors or at any other place where the board of revisors or the revising officers have reason to believe the person may be found.

Certificate A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.

Advocate **“213.** The person concerned by an application, and the witnesses summoned by the board of revisors, have the right to be assisted by an advocate.

Name already entered **“214.** Before entering the name of an elector on the list of electors, the board of revisors must ascertain that the elector’s name is not already entered thereon.

Striking off If the name is already entered, the board of revisors shall first strike it off, in which case it is not necessary to send the notice provided for in section 212.

Temporary striking off In the case of an application made under section 3, the board of revisors shall indicate that a name is entered and, where applicable, struck off only for the current election.

Transfer of entry **“215.** If, on examining an application to have a name struck off the list, the board of revisors concludes that the person concerned is entitled to have his name entered on the list of electors of another polling subdivision, the board of revisors shall enter the person’s name thereon after striking it off the list on which it was originally entered.

Citizenship **“216.** Where the board of revisors must decide whether a person is a Canadian citizen, the burden of proof shall be upon that person.

Decisions transmitted to returning officer **“217.** The board of revisors shall transmit its decisions to the returning officer in accordance with the directives of the chief electoral officer.

Applicable provisions	The provisions of sections 40.34 to 40.36, adapted as required, shall then be applied.
Revised list to candidates	“218. Not later than Saturday of the second week preceding that of the poll, the returning officer shall transmit the revised list of electors to each candidate.
Identification of changes	The list must allow the changes made during revision to be identified, and identify the electors who have become entitled to vote outside Québec since the issue of the order.
Form specified	The revised list of electors shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.”
c. E-3.3, ss. 227-231, replaced	19. Sections 227 to 231 of the said Act are replaced by the following sections:
Special boards of revisors	“227. The returning officer shall establish a special board of revisors at his office. He may, by reason of the distance or area involved, establish another such board after consulting the chief electoral officer.
Team	“228. The returning officer may, if needed, appoint a team of two revising officers to the special board of revisors.
Hours	“229. The special board of revisors shall sit from 10:00 a.m. to 9:00 p.m. from Wednesday of the second week to Thursday of the week preceding that of the poll.
Final date for applications	However, applications must be filed not later than Wednesday of the week preceding that of the poll.
Application by elector only	“230. Only the elector concerned may file an application with the special board of revisors.
Refusal or striking off	“231. An elector whose name has been refused for entry on the list or has been struck off during revision may not apply to have his name entered during the special revision.
Right to vote in advance poll	“231.1 An elector whose name is entered on the list during the special revision may not exercise his right to vote in the advance poll.
Abstract of changes to returning officer	“231.2 Upon completing its work, the special board of revisors shall transmit to the returning officer an abstract of the changes it has made to the revised list of electors.
Abstract to candidates	The abstract shall subsequently be transmitted to each candidate.

Provisions
applicable

“231.3 The provisions of Division IV, adapted as required, apply.”

c. E-3.3,
s. 233,
replaced

20. Section 233 of the said Act is replaced by the following section:

Updating of
permanent
list of
electors

“233. For the purposes of updating the permanent list of electors, each returning officer shall transmit, to the chief electoral officer, the revised list of electors and the abstracts of changes, which must specify, where applicable, that the elector has availed himself of section 3 or that the striking of the elector’s name off the list is effective for the current election only.”

c. E-3.3,
s. 241, am.

21. Section 241 of the said Act is amended by adding, at the end, the following paragraph:

Applica-
bility

“Subparagraph 2 of the first paragraph does not apply to a person offering himself as a candidate who is the leader of an authorized party.”

c. E-3.3,
s. 245.1,
added

22. The said Act is amended by inserting, after section 245, the following section:

New
nomination
paper

“245.1 A new nomination paper must be filed where the candidate of an authorized party ceases to be recognized as the candidate of that party, where a candidate wishes to change his affiliation with an authorized party or where an independent candidate wishes to become the recognized candidate of an authorized party.”

c. E-3.3,
s. 274, am.

23. Section 274 of the said Act is amended by replacing the words “and age” in the third line of the first paragraph by the words “, sex and date of birth”.

c. E-3.3,
s. 293,
replaced

24. Section 293 of the said Act is replaced by the following sections:

Two-year
time limit

“293. An elector who has left Québec temporarily and who meets the conditions set out in this subdivision is entitled to exercise his right to vote outside Québec for two years after his departure.

Applica-
bility

However, the two-year time limit does not apply

(1) to an elector who is posted outside Québec to a position with the government of Québec or of Canada;

(2) to an elector who is posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution;

(3) to the spouse, or *de facto* spouse, and the dependents of an elector referred to in subparagraph 1 or 2, provided they are themselves electors.

Application **“293.1** An elector who wishes to exercise his right to vote outside Québec must file a signed application containing the following information:

- (1) his name, sex and date of birth;
- (2) the address of his last domicile in Québec;
- (3) the date of his departure from Québec;
- (4) the projected date of his return to Québec;
- (5) his postal address outside Québec.

Statement A statement by the elector that he intends to return to Québec and two documents of the type determined by the chief electoral officer must be joined to the application in support of the information communicated.

Proof In the case of an elector referred to in the second paragraph of section 293, proof of the posting outside Québec must be joined to the application.

Information **“293.2** The chief electoral officer shall incorporate into the permanent list of electors the information necessary for the exercise of the right to vote outside Québec by every elector who qualifies therefor.

Return to Québec **“293.3** Every elector who returns to Québec is responsible for advising the chief electoral officer thereof.

Striking off of information **“293.4** The chief electoral officer shall strike from the permanent list of electors the information necessary for the exercise of the right to vote outside Québec where it concerns an elector who has returned to Québec or who has been outside Québec for more than two years, excepting, in the latter case, an elector referred to in the second paragraph of section 293.

Ballot paper **“293.5** Not later than the twenty-fourth day preceding polling day, the chief electoral officer shall send, to each elector entitled on that date to exercise his right to vote outside Québec, a ballot paper in the form prescribed by Schedule IV on which he shall indicate the name of the elector’s electoral division, the necessary envelopes and a list of the places where the elector may consult the list of candidates.”

c. E-3.3,
s. 296, am.

25. Section 296 of the said Act is amended by replacing the words “previous residence” in the third line by the words “last domicile in Québec”.

c. E-3.3,
s. 298, am.

26. Section 298 of the said Act is amended by replacing the words “for registration in the registry” in the third line of the first paragraph by the words and figure “provided for in section 293.1”.

c. E-3.3,
s. 303, am.

27. Section 303 of the said Act is amended

(1) by replacing the words “. They shall, so far as possible,” in the second line of the first paragraph by the words “, and shall”;

(2) by adding, after the second paragraph, the following paragraph:

Authoriza-
tion

“Furthermore, where the returning officer is unable to establish a polling station in a place accessible to handicapped persons, he must obtain the authorization of the chief electoral officer before establishing the polling station in a place that is not accessible to the handicapped.”

c. E-3.3,
s. 308, am.

28. Section 308 of the said Act is amended by striking out the second paragraph.

c. E-3.3,
s. 312,
replaced

29. Section 312 of the said Act is replaced by the following section:

Final date
for recom-
mendations

“312. The recommendations must be received by the returning officer not later than the fourteenth day before polling day.

Refusal

The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.

Appoint-
ment

Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.”

c. E-3.3,
s. 327, am.

30. Section 327 of the said Act is amended by replacing the words “, the list of the” in the third and fourth lines of the first paragraph by the words “including entries relating to the”.

c. E-3.3,
s. 335, am.

31. Section 335 of the said Act is amended by adding the following paragraph:

Contra-
vention

“Section 123 of the Act respecting labour standards (chapter N-1.1) applies to an employee who believes that he has been wronged as a result of a contravention of this section.”

c. E-3.3,
s. 337,
replaced

32. Section 337 of the said Act is replaced by the following section:

Declaration

337. Each elector shall declare, to the deputy returning officer and the poll clerk, his name and address and, when so required, his date of birth.”

c. E-3.3,
s. 338, am.

33. Section 338 of the said Act is amended by replacing the words “surname, given name, address and, where such is the case, his age and occupation” in the third and fourth lines of the first paragraph by the words “name and address and, where applicable, his date of birth”.

c. E-3.3,
s. 340, am.

34. Section 340 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) whose name has been entered or corrected by a board of revisors.”

c. E-3.3,
s. 349,
French
text, am.

35. Section 349 of the said Act is amended by replacing the words “sourds-muets” in the third line of the French text by the word “sourds”.

c. E-3.3,
s. 350, am.

36. Section 350 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) he was domiciled in that polling subdivision on Tuesday of the second week preceding that of the poll or, if he filed an application under section 3, that he resided in the polling subdivision on the date of the application;”.

c. E-3.3,
s. 352, am.

37. Section 352 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Publicity
prohibited

352. No person may, on the premises of a polling station, use any sign to indicate his political affiliation or support for or opposition to a party or candidate, or engage in any other form of partisan publicity.

Removal of
publicity

The returning officer may cause any prohibited partisan publicity to be removed if, after being asked to remove it, the party or candidate promoted by the publicity refuses or neglects to do so.”

c. E-3.3,
s. 427, am.

38. Section 427 of the said Act is amended by replacing the first two paragraphs by the following paragraphs:

Number of
electors

“427. For the purposes of sections 426, 457 and 457.1, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of an order instituting an election and the number of electors whose names are entered on the list following revision.

Certificate

Each returning officer shall transmit to the chief electoral officer a certificate evidencing the number of electors whose names are entered on the list following revision and shall inform each candidate of that number.”

c. E-3.3,
s. 429,
replaced

39. Section 429 of the said Act is replaced by the following sections:

Publicity
prohibited

“429. In the seven days following the day on which the order is issued, no person, except the chief electoral officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, publish or cause to be published in a newspaper or other periodical, or post or cause to be posted in a space leased for that purpose, publicity relating to the election.

Announce-
ment

However, the first paragraph shall not operate to prevent the announcement by any means referred to therein, once the order has been issued, of a meeting for the selection of a candidate provided that the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.

Publicity
prohibited

“429.1 On polling day no person, except the chief electoral officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, or publish or cause to be published in a newspaper or other periodical, publicity relating to the election.”

c. E-3.3,
s. 456, am.

40. Section 456 of the said Act is amended by replacing the words “lists of electors after enumeration” in the second and third lines by the words “list of electors produced upon the issue of an order instituting an election”.

c. E-3.3,
s. 486, am.

41. Section 486 of the said Act is amended by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) ensure the updating of the information contained in the permanent list of electors;”.

c. E-3.3,
s. 489.1, am.

42. Section 489.1 of the said Act is amended by replacing the words “the preparation and revision of the list of electors” in the fourth line by the words “the enumeration of electors, the revision process”.

c. E-3.3,
s. 490, am.

43. Section 490 of the said Act is amended

(1) by inserting the words “or during an enumeration or revision period” after the word “period” in the first line of the first paragraph;

(2) by inserting the words “or the end of the enumeration or revision” after the word “day” in the first line of the third paragraph.

c. E-3.3,
s. 542, am.

44. Section 542 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Contents

“The report of the chief electoral officer shall, in addition, give an account of the management of the permanent list of electors and include an assessment of the quality of the information it contains. The chief electoral officer may recommend the holding of an enumeration or revision or the implementation of any other measure allowing a total or partial verification of the permanent list of electors.”

c. E-3.3,
s. 542.1,
added

45. The said Act is amended by inserting, after section 542, the following section:

Committee
on the
National
Assembly

“542.1 Where it is recommended in the report of the chief electoral officer that a verification of the permanent list of electors be carried out, the report shall be submitted to the Committee on the National Assembly or the committee designated by it, for examination.”

c. E-3.3,
s. 549, am.

46. Section 549 of the said Act is amended by inserting, after paragraph 1, the following paragraphs:

“(1.1) establish a tariff of fees payable for the production of a list to be used for a municipal or school election or the registration of qualified electors;

“(1.2) establish a tariff of fees payable for the transmission of information contained in the permanent list of electors for the purpose of drawing up a list to be used in a federal poll;”.

c. E-3.3,
s. 551,
replaced

47. Section 551 of the said Act is replaced by the following sections:

Offences
and
penalties

“551. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for any subsequent offence within five years:

(1) every owner, administrator, superintendent or caretaker of a multiple-dwelling building who limits, restricts or fails to facilitate access to the building by an enumerator or a person entrusted with distributing the list of electors;

(2) every executive director of an institution referred to in section 3 who limits, restricts or fails to facilitate access to a facility maintained by that institution by an enumerator or a person entrusted with distributing the list of electors;

(3) every enumerator or revisor who refuses or neglects to perform his duties in accordance with the provisions of this Act;

(4) every person who uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or who communicates or allows to be communicated to a person not legally entitled thereto, any information relating to electors.

Offences
and
penalties

“551.1 The following persons are liable to a fine of \$500 to \$2 000:

(1) every person who signs an enumeration slip that contains information he knows to be false or inaccurate or who makes a false declaration to an enumerator;

(2) every person who, knowingly, enters on the permanent list of electors or on a list of electors the name of a person who is not qualified as an elector or who is not entitled to have his name entered where it is entered;

(3) every person who, knowingly, omits to enter on the permanent list of electors or on a list of electors the name of a person whose name should be entered;

(4) every person who applies to have the name of a person he knows to be fictitious or deceased, or of a person who is not qualified as an elector or who is not entitled to have his name entered, entered on the permanent list of electors or on a list of electors;

(5) every person who applies to have his name entered on the list of electors for a polling subdivision knowing that he is not entitled thereto;

(6) every person who applies to have the name of a person he knows is entitled to have his name entered struck off the list of electors;

(7) every person who strikes off the permanent list of electors or off a list of electors the name of a person he knows is entitled to have his name entered.

Offences
and
penalties

“551.2 Every person who uses a list of electors for commercial purposes or for profit is liable to a fine of \$1 000 to \$10 000, in the case of a natural person, and of \$3 000 to \$30 000, in the case of a legal person.

Offences
and
penalties

“551.3 Every person who, without authorization, attempts to gain or gains access to the register of electors or the register of territories by electronic or telematic means, is liable to a fine of \$1 000 to \$10 000, in the case of a natural person, and of \$3 000 to \$30 000, in the case of a legal person.”

c. E-3.3,
s. 553,
replaced

48. Section 553 of the said Act is replaced by the following sections:

Offences
and
penalties

“553. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for any subsequent offence within five years:

(1) every executive director of an institution referred to in section 3 who hinders access to a mobile polling station;

(2) every person who modifies or imitates the initials of the deputy returning officer;

(3) every person who acts as the representative of a candidate using a false power of attorney;

(4) every election officer who arrives late at the polling station in order to delay the opening of the poll.

Offences
and
penalties

“553.1 The following persons are liable to a fine of \$500 to \$2 000:

(1) every person who votes more than once at the same election;

(2) every deputy returning officer who permits a person to vote without being registered on the list of electors or without having obtained an authorization to vote;

(3) every person who votes without being entitled to vote;

(4) every deputy returning officer who remits a ballot paper to a person who refuses to make the oath required;

(5) every deputy returning officer who knowingly admits to vote a person who has already voted.”

c. E-3.3,
s. 564, am.

49. Section 564 of the said Act is amended by replacing the words and figures “and 413 to 424” in the second line by the words and figures “, 413 to 424, 429 and 429.1”.

c. E-3.3,
s. 567, am.

50. Section 567 of the said Act is amended by replacing the words and figures “any of paragraphs 1, 2, 3 and 4 of section 551, in any of paragraphs 2, 3, 4 and 8 of section 553” in the first and second lines of the first paragraph by the words and figures “section 551.1 or 553.1”.

c. E-3.3,
s. 570, am.

51. Section 570 of the said Act is amended

(1) by striking out the first and second paragraphs;

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

Correction
of personal
information

“Notwithstanding section 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may request the correction of personal information contained in the permanent list of electors or the list to be used for an election otherwise than as provided for by this Act.”

HEALTH INSURANCE ACT

c. A-29,
s. 65.0.1,
added

52. The Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting, after section 65, the following section:

Changes in
information
transmitted
to chief
electoral
officer by
the Board

“65.0.1 The Régie shall transmit to the chief electoral officer, in accordance with the conditions and formalities provided for by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), any change in the name, address, date of birth or sex of a beneficiary whose name is entered on the permanent list of electors established under section 40.1 of the Election Act (chapter E-3.3), and the date of the person’s death, where applicable. The Régie shall also transmit the name, address, date of birth and sex of each beneficiary who has reached the age of 18, and of each beneficiary of full age who has informed the Régie that he has acquired Canadian citizenship or has stated, on registering for the first time with the Régie, that he holds Canadian citizenship.”

REFERENDUM ACT

c. C-64.1,
s. 7, am. **53.** Section 7 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by striking out the third paragraph.

c. C-64.1,
Chap. V,
repealed **54.** Chapter V of the said Act is repealed.

c. C-64.1,
s. 44, am. **55.** Section 44 of the said Act is amended by inserting the words “that are in force at the time and” after the words “Election Act (chapter E-3.3)” in the second line of the first paragraph.

c. C-64.1,
Appendix 2,
replaced **56.** Appendix 2 to the said Act is replaced by the appendix appearing in the schedule to this Act.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

c. E-2.2,
s. 36.1,
added **57.** The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting, after section 36, the following section:

Description
to chief
electoral
officer **“36.1** As soon as possible after the coming into force of the by-law of the municipality or the decision of the Commission dividing the territory of the municipality into electoral districts, the clerk or secretary-treasurer shall transmit the description of the electoral districts to the chief electoral officer according to the parameters he determines.”

c. E-2.2,
s. 68, am. **58.** Section 68 of the said Act is amended by striking out the word “enumerator,” in the fourth line.

c. E-2.2,
ss. 100, 101,
replaced **59.** Sections 100 and 101 of the said Act are replaced by the following sections:

Request for
transmis-
sion of list **“100.** The returning officer shall request in writing that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors and who are entitled to have their names entered on the municipal list to be used in the election.

Request The request shall be made in the manner determined by the chief electoral officer. It must specify the date on which the qualification to vote of electors must be ascertained, describe the territory concerned by the election and indicate the date on which and form in which the list must be transmitted.

Date The chief electoral officer shall transmit the list requested not later than the date specified in the request.

Costs The costs relating to the production of the list, established under section 549 of the Election Act, shall be charged to the municipality.

Preparation of list **“101.** Not later than 30 days before polling day, the returning officer shall draw up the list of electors, adding to the names on the list transmitted by the chief electoral officer the names of the persons entitled to have their names entered on the municipal list by reason of ownership of an immovable or occupancy of a place of business.

Districts or wards **“101.1** The list shall be prepared, where applicable, by electoral districts or by wards.

District, ward or municipality The list of electors in a district or ward shall constitute the list of electors of that district or ward, and the list of electors of all the districts and wards shall constitute the list of electors of the municipality.”

c. E-2.2, s. 103, am. **60.** Section 103 of the said Act is amended by replacing the first paragraph by the following paragraph:

Contents **“103.** The list shall contain the name and address of the elector and, so far as it may be obtained, his date of birth.”

c. E-2.2, s. 107, repealed
c. E-2.2, s. 108, am. **61.** Section 107 of the said Act is repealed.

62. Section 108 of the said Act is amended by replacing the words “pay to the municipality the amount of the prescribed charge for the issuance of those copies” in the second and third lines by the words “return all copies obtained to the returning officer”.

c. E-2.2, s. 109, am. **63.** Section 109 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Return of copies “Each party or ticket whose authorization or recognition is withdrawn and which obtained free copies of the list of electors must return all copies obtained to the returning officer.”

c. E-2.2, s. 109.1, added **64.** The said Act is amended by inserting, after section 109, the following section:

Computer-readable form **“109.1** The returning officer and a candidate, party or ticket entitled to receive a copy of the list of electors of the municipality, or of a district or ward, may agree that the copy be transmitted by the returning officer in computer-readable form and that, in such a case, it will be returned in the same form.

Replacement A copy transmitted in such manner replaces any copy a candidate, party or ticket is entitled to receive under section 106 or 109.”

c. E-2.2,
s. 140, am.

65. Section 140 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraph:

Identifica-
tion of
changes

“The abstract must allow the changes relating to electors domiciled in the territory of the municipality to be identified. It must specify, where applicable, that the elector has availed himself of section 50 or that the elector’s name has been struck off the list because he has not been domiciled in the territory of the municipality for at least twelve months.”;

(2) by replacing the word “second” in the first line of the third paragraph by the word “third”.

c. E-2.2,
s. 142.1,
added

66. The said Act is amended by inserting, after section 142, the following section:

Abstract of
changes to
chief elec-
toral officer

“**142.1** The returning officer shall transmit an abstract of the changes concerning the electors domiciled in the territory of the municipality to the chief electoral officer in the manner determined by the latter.”

c. E-2.2,
s. 546, am.

67. Section 546 of the said Act is amended

(1) by inserting, after the first paragraph, the following paragraphs:

Request for
transmis-
sion of list

“For this purpose, the clerk or the secretary-treasurer may request, in writing, that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors for the territory of the municipality or for the sector concerned.

Request

The request must be made in the manner determined by the chief electoral officer. It must specify the date of reference, describe the territory concerned and state the date on which and form in which the list must be transmitted.

Date

The chief electoral officer shall transmit the list requested not later than the date indicated in the request.

Costs

The costs relating to the production of the list, established under section 549 of the Election Act, shall be charged to the municipality.”;

(2) by replacing the word “paragraph” in the second line of the second paragraph by the words “or second paragraph”.

c. E-2.2,
s. 561, am.

68. Section 561 of the said Act is amended by adding the following paragraph:

Request

“However, the clerk or secretary-treasurer is not required to make a request under section 100 if he has made a request under section 546, for the same date of reference, in respect of the territory concerned by the referendum or a territory that includes it.”

c. E-2.2,
s. 563, am.

69. Section 563 of the said Act is amended by striking out the words “every enumerator,” in the first line.

c. E-2.2,
s. 565, am.

70. Section 565 of the said Act is amended by striking out the words “and every enumerator” in the first line of the first paragraph.

c. E-2.2,
s. 580, am.

71. Section 580 of the said Act is amended by striking out the words “the enumerator,” in the first line of subparagraph 4 of the first paragraph.

c. E-2.2,
s. 631, am.

72. Section 631 of the said Act is amended

(1) by replacing the words “an enumerator” in the third line of paragraph 3 by the words “a person responsible for collecting the information needed to draw up a list of electors or referendum list”;

(2) by adding, after paragraph 7, the following paragraph:

“(8) every person who, in contravention of section 659.1, uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or who communicates or allows to be communicated to a person not legally entitled thereto, any information contained in a list of electors or referendum list or in a list of qualified voters entitled to have their names entered on a referendum list.”

c. E-2.2,
s. 632, am.

73. Section 632 of the said Act is amended by adding, after paragraph 8, the following paragraphs:

“(9) withdraws his candidacy and fails to return the copies of the list of electors obtained by him to the returning officer;

“(10) being a party or ticket whose authorization or recognition is withdrawn, fails to return the copies of the list of electors obtained by it to the returning officer.”

c. E-2.2,
s. 638, am.

74. Section 638 of the said Act is amended by adding, at the end, the following paragraph:

Applica-
bility

“The first and second paragraphs apply, adapted as required, with respect to the act or omission of a ticket.”

c. E-2.2,
s. 659, am.

75. Section 659 of the said Act is amended

(1) by inserting the words “a list of electors or referendum list, a list of the qualified voters entitled to have their names entered on a referendum list, or on” after the word “on” in the second line of the second paragraph;

(2) by striking out the words “to the treasurer of the municipality or to the chief electoral officer” in the second and third lines of the third paragraph.

c. E-2.2,
s. 659.1,
added

76. The said Act is amended by inserting, after section 659, the following section:

Confiden-
tiality

“659.1 No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in a list of electors or referendum list or in a list of qualified voters entitled to have their names entered on a referendum list.

Confiden-
tiality

However, a municipality may, in the exercise of its powers, use information contained in a list referred to in the first paragraph provided that it takes adequate steps to ensure the confidentiality of nominative information.”

ACT RESPECTING SCHOOL ELECTIONS

c. E-2.3,
s. 5, am.

77. Section 5 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by replacing the word and figure “1 September” in the first line by the word and figure “30 June”;

(2) by adding the following paragraph:

Description
to chief
electoral
officer

“Once the division has been made, the council shall transmit the description of the electoral divisions to the chief electoral officer according to the parameters he determines.”

c. E-2.3,
s. 38, am.

78. Section 38 of the said Act is amended by replacing the figure “90” in the first line by the figure “75”.

c. E-2.3,
s. 39,
replaced

79. Section 39 of the said Act is replaced by the following sections:

Request for
transmis-
sion of list

“39. The returning officer shall request, in writing, that the chief electoral officer transmit to him a list of the electors whose names

are entered on the permanent list of electors and who are domiciled in the territory concerned by the election.

Request

The request shall be made in the manner determined by the chief electoral officer. It must specify the date on which the qualification to vote of electors must be ascertained, describe the territory concerned by the election and indicate the date on which and form in which the list must be transmitted.

Date

The chief electoral officer shall transmit the list requested not later than the date specified in the request.

Costs

The costs relating to the production of the list, established under section 549 of the Election Act, shall be charged to the school board.

Preparation
of list

39.1 The returning officer shall draw up the list of electors for each electoral division between the seventy-fifth and the forty-fifth day before polling day, on the basis of the list transmitted by the chief electoral officer.”

c. E-2.3,
s. 200, am.

80. Section 200 of the said Act is amended

(1) by striking out the second paragraph;

(2) by replacing the words “forty-fifth” in the fourth line of the third paragraph by the words “seventy-fifth”.

c. E-2.3,
s. 212, am.

81. Section 212 of the said Act is amended by replacing paragraphs 5 and 6 by the following paragraph:

“(5) in contravention of section 282.1, uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or communicates or allows to be communicated to a person not legally entitled thereto, any information contained in a list of electors.”

c. E-2.3,
s. 282, am.

82. Section 282 of the said Act is amended by adding the following paragraph:

Confiden-
tial infor-
mation

“The information contained in the list of electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

c. E-2.3,
s. 282.1,
added

83. The said Act is amended by inserting, after section 282, the following section:

Confiden-
tiality

“282.1 No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act or in the Education Act (chapter I-13.3), or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in a list of electors.

Confiden-
tiality

However, a school board may, in the exercise of its powers, use information contained in a list referred to in the first paragraph provided that it takes adequate steps to ensure the confidentiality of nominative information.”

JURORS ACT

c. J-2, s. 1,
am.

84. Section 1 of the Jurors Act (R.S.Q., chapter J-2) is amended by striking out paragraph *e*.

c. J-2, s. 3,
am.

85. Section 3 of the said Act is amended by replacing the words “electoral list” in paragraph *c* by the words “list of electors transmitted pursuant to section 7.1”.

c. J-2, s. 7,
replaced

86. Section 7 of the said Act is replaced by the following sections:

List of local
municipali-
ties

“7. The sheriff shall, not later than 15 September each year, transmit to the chief electoral officer a list of the local municipalities whose territories are comprised in his district.

List of
electors

“7.1 Not later than 30 September of the same year, the chief electoral officer shall transmit to the sheriff a list of the electors whose names are entered on the permanent list of electors for each polling subdivision comprised in the territories of the municipalities appearing on the list transmitted to him by the sheriff.”

c. J-2, s. 8,
am.

87. Section 8 of the said Act is amended by replacing the words “copies of the electoral lists sent to him by the returning officer pursuant to the Election Act (chapter E-3.3)” in the second and third lines by the words “list of electors transmitted to him by the chief electoral officer”.

c. J-2, s. 9,
replaced

88. Section 9 of the said Act is replaced by the following section:

Approval of
list of
electors

“9. Upon receiving the list of electors, the sheriff must approve it in accordance with the form prescribed by the Minister.”

c. J-2, s. 10,
replaced

89. Section 10 of the said Act is replaced by the following section:

Jury list

“10. From its approval by the sheriff, the list of electors constitutes the jury list and such list remains in force in the district until the next list is approved.”

c. J-2, s. 17,
am.

90. Section 17 of the said Act is amended by striking out the words “of each of the electoral lists constituting the jury list” in the first and second lines of the third paragraph.

c. J-2,
s. 48.1,
added

91. The said Act is amended by inserting, after section 48, the following section:

Confiden-
tiality

“48.1 No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information relating to an elector.”

c. J-2, s. 49,
am.

92. Section 49 of the said Act is amended by adding, at the end, the following paragraph:

Penalty

“In the case of an offence under section 48.1, the fine shall be of \$100 to \$1 000 for a first offence, and of \$200 to \$2 000 for a subsequent offence.”

CHAPTER III

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

Enumera-
tion

93. If an order or writ instituting an election or referendum is issued before the enumeration referred to in section 2 is conducted, the enumeration shall take place before the poll.

Qualified
electors

However, the name of every person who, on the day of the poll, is a qualified elector may be entered on the list of electors for the polling subdivision in which the person is domiciled.

Time limits

The time limits applicable to an enumeration provided for in the Election Act as it read before being amended by this Act apply to such an enumeration.

Polling day

The poll shall be held on the seventh Monday following the issue of the order or writ if the order or writ is issued on a Monday, Tuesday or Wednesday, and on the eighth Monday if the order or writ is issued on any other day. If polling day falls on a holiday, the poll shall be held on the following day.

Provisions
applicable

Section 429 of the Election Act and section 429 of Appendix 2 to the Referendum Act, as they read before being replaced by this Act, apply to the election or referendum, as the case may be.

Enumeration

94. If an order or writ instituting an election or referendum is issued while the enumeration referred to in section 2 is being conducted, the enumeration shall be continued.

Qualified electors

However, the name of every person who, on the day of the poll, is a qualified elector may be entered on the list of electors for the polling subdivision in which the person is domiciled.

Polling day

The poll shall be held on the fifth Monday following the issue of the order or writ. If polling day falls on a holiday, the poll shall be held on the following day.

List of electors

95. If an order or writ instituting an election or referendum is issued between the end of the enumeration and the start of the revision referred to in section 2, the list of electors established during the enumeration shall be used for the revision to take place before the poll.

Polling day

The poll shall be held on the fifth Monday following the issue of the order or writ. If polling days falls on a holiday, the poll shall be held on the following day.

Revision

96. If an order or writ instituting an election or referendum is issued while the revision referred to in section 2 is being conducted, the revision shall end.

List of electors

The list of electors established during the enumeration referred to in section 2, with the modifications made to it during the revision before it ended, shall be used for the revision to take place before the poll.

Polling day

The poll shall be held on the fifth Monday following the issue of the order or writ. If polling day falls on a holiday, the poll shall be held on the following day.

List of electors

97. If an order or writ instituting an election or referendum is issued after the revision referred to in section 2 but before the coming into force of section 40.1 of the Election Act, the list of electors established during the enumeration and revision referred to in section 2 shall be used for the revision to take place before the poll.

Deemed enumeration or revision

98. An enumeration or revision conducted for the purposes of an election or referendum referred to in one of sections 93 to 97 is deemed to constitute an enumeration or revision conducted pursuant to section 2.

- Registry of electors outside Québec** **99.** Notwithstanding section 8, the chief electoral officer shall maintain a registry of electors outside Québec until the date of coming into force of section 40.1 of the Election Act, containing the names of the electors who were registered on the date of assent to this Act and of every elector entitled to exercise his right to vote outside Québec who has, since that date, filed an application therefor in accordance with sections 293 and 293.1 of the Election Act.
- Striking of information from the registry** The chief electoral officer shall strike from the registry the information relating to electors who have returned to Québec or who have been outside Québec for more than two years except, in the latter case, electors to whom the second paragraph of section 293 of the said Act applies.
- Verification of applicability** **100.** Before striking from the registry of electors outside Québec the name of an elector who was registered in the registry on the date of assent to this Act and who has been outside Québec for more than two years, the chief electoral officer must communicate with the elector in order to verify whether the second paragraph of section 293 of the Election Act applies to that elector.
- Application** If such is the case, the elector may apply for maintenance in the registry of the information necessary for the exercise of his right to vote outside Québec, if he supports his application with the proof of posting referred to in the third paragraph of section 293.1 of the said Act.
- Registered electors** **101.** If an order or writ instituting an election or referendum is issued before the date of coming into force of section 40.1 of the Election Act, the electors registered in the registry referred to in section 99 on the date referred to in section 293.5 of the Election Act may exercise their right to vote.
- List of electors** **102.** Until the date of coming into force of section 40.1 of the Election Act, the chief electoral officer may transmit to municipalities that are to hold a poll, free of charge, a list of the electors who are entitled to have their names entered on the municipal list.
- Application** A returning officer who wishes to obtain such a list must apply in writing to the chief electoral officer, specifying in what form the list is to be transmitted. The application may, in addition, include transmission of the list provided for in section 40.30 of the Election Act.
- Time limit** In the case of municipalities that are to hold a regular election in the fall of 1995, the application referred to in the second paragraph

must be received by the chief electoral officer not later than 1 September 1995. The time limit set out in the Act respecting elections and referendums in municipalities for the preparation of the municipal list of electors shall be extended by one week for the municipalities that make such an application.

Copy of list of electors to sheriff

103. Until the date of coming into force of section 40.1 of the Election Act, the returning officer may transmit, to the sheriff of the judicial district wholly or partly situated in his electoral division, a certified true copy of the list of electors for each polling subdivision of the municipalities included in the list of municipalities transmitted to the returning officer by the sheriff under section 7 of the Jurors Act.

Consolidated revenue fund

104. The sums required for the carrying out of this Act shall be taken out of the consolidated revenue fund.

Cancellation of procedure

105. Any procedure relating to a call for tenders in respect of the performance of the mandate entrusted to the chief electoral officer by section 1, under way on 16 June 1995, is hereby cancelled.

Exception

106. Notwithstanding section 523 of the Election Act, the chief electoral officer is not bound to submit the directives concerning the enumeration and revision provided for by section 2 to the advisory committee.

Coming into force

107. This Act comes into force on 16 June 1995, with the exception of section 12 where it enacts sections 40.1 to 40.12 and 40.39 to 40.42, and sections 51 and 57 to 91 and the amendment in the schedule affecting section 570, which come into force on the date or dates to be fixed by the Government. However, sections 57 to 83 cannot come into force before the first of June following the date of coming into force of section 40.1 of the Election Act.

SCHEDULE

(Section 56)

REFERENDUM ACT

“APPENDIX 2

(Sections 44, 45)

PROVISIONS APPLICABLE TO THE HOLDING OF A REFERENDUM

ELECTION ACT (chapter E-3.3)

SECTIONS

AMENDMENTS

1

2

3

Replace the words “election period” in the third paragraph by the words “referendum period”.

4

46

Replace the first paragraph by the following paragraph:

“**46.** An official agent may resign by sending a written notice to that effect to the chairman of the national committee.”

Replace the words “Within 30 days of resigning, the official representative shall file with the party, the party authority or the independent candidate” in the second paragraph by the words “Within 30 days of resigning, the official agent shall file with the national committee”, and the words “financial report” by the words “return of regulated expenses”.

Replace the words “an authorized entity no longer has an official representative, another official representative” in the third paragraph by the words “a national committee no longer has an official agent, another official agent”.

Replace the words “official representative or of a delegate” in the fourth paragraph by the words “official agent”.

60 Replace the section by the following section:

“**60.** The official agent of a national committee is authorized to solicit and collect contributions until polling day.

After polling day, the official agent is authorized to solicit and collect contributions only for the purpose of paying the debts arising from his regulated expenses and to dispose, in accordance with the second paragraph of section 441, of the sums and property derived from his referendum fund.”

66 Replace the section by the following section:

“**66.** Where the chairman of a national committee resigns, he shall so notify the chief electoral officer in writing without delay.”

87 Strike out the second paragraph.

88 Replace the first paragraph by the following paragraph:

“**88.** Sums of money donated to a national committee and services rendered and goods furnished to it for the purposes of promoting an option submitted to a referendum are deemed to be contributions.”

Strike out subparagraphs 2 and 3 of the second paragraph.

Replace subparagraph 4 of the second paragraph by the following subparagraph:

“(4) a loan granted to a national committee at the current market rate of interest at the time it is granted by an authorized political party;”.

Strike out subparagraphs 5 and 6 of the second paragraph.

Replace subparagraph 7 of the second paragraph by the following subparagraph:

“(7) air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to national committees by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter, provided he offers such service equitably as to quality and quantity to each national committee;”.

Replace subparagraph 8 of the second paragraph by the following subparagraph:

“(8) transfers of funds between:

(a) an authorized party and the referendum fund of a national committee;

(b) the referendum fund of a national committee and the referendum fund put at the disposal of a local agent.”

90

91

Replace the first paragraph by the following paragraph:

“**91.** The total of contributions to each national committee by the same elector in the same referendum shall not exceed the amount of \$3 000.”

Replace the words “an authorized entity” in the second paragraph by the words “a national committee”.

92

Replace the first paragraph by the following paragraph:

“**92.** Contributions shall not be solicited except under the responsibility of the official agent of a national committee, or except through persons designated in writing by the official agent.”

Replace the word “representative” in the second paragraph by the word “agent”.

93

Replace the words “representative of the authorized entity” by the words “agent of the national committee”.

94

Replace the section by the following section:

“94. The local agent has, for the electoral division for which he is appointed, the powers conferred on the official agent of the national committee by sections 92, 93 and 96.”

95

96 Replace the word “representative” by the word “agent”.

97 Replace the words “authorized entity” by the words “national committee”.

98 Replace the words “authorized entity” by the words “national committee”.

99 Replace the words “authorized entity” by the words “official agent”.

100

104 Replace the words “representative of an authorized entity” by the words “agent of a national committee”.

105 Add, after the second paragraph, the following paragraph:

“The principal of, and interest on, every loan must be paid before the return of the regulated expenses is sent.”

131

132 Replace the words “party authority at the level of the electoral division” in the first paragraph by the words “authority, at the level of the electoral division, of an authorized party in the National Assembly”.

133 Replace the word “election” by the word “referendum”.

134 Replace the words “political parties and independent candidates” by the words “national committees”, and the words “election expenses” by the words “regulated expenses”.

135 Replace the words “particulars that will be contained in” in the fourth and fifth lines by the words “question that will appear on”.

136

137

Replace the word “candidate” in the second paragraph by the words “national committee”.

Replace the word “election” in the third paragraph by the word “referendum”.

138

to

144

145

Replace the word “election” in the first paragraph by the word “referendum”.

146

Replace the section by the following section:

“146. Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit the list of electors for his division to the national committees and to each official delegate.

The list shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.

For the purposes of this Act, “official delegate” means a person appointed as such by the chairman of a national committee to represent him in an electoral division.”

147

Replace the word “election” in the first paragraph by the word “referendum”.

Replace the word “parties” in the second paragraph by the words “national committees”.

179

to

181

182

Replace the section by the following section:

“182. The returning officer shall inform the chief electoral officer, the national committees and each official delegate of the places selected.”

183

184

Replace the section by the following section:

“184. The returning officer shall appoint two revisors not later than Wednesday of the fourth week preceding that of the polling.

The first revisor shall be appointed on the recommendation of the official delegate of the national committee which has the greatest number of Members of the National Assembly.

The second revisor shall be appointed on the recommendation of the official delegate of the national committee which has the second greatest number of Members of the National Assembly.”

186 Strike out the first paragraph.

187

188 Replace the section by the following section:

“188. The revisor recommended by the national committee which has the greatest number of Members of the National Assembly shall act as chairman of the board of revisors.

The revisor recommended by the national committee which has the second greatest number of Members of the National Assembly shall act as vice-chairman.”

189 Replace the section by the following section:

“189. The returning officer shall post, in his office, the list of revisors appointed to each board of revisors and shall transmit it to the chief electoral officer, the national committees and each official delegate.”

190

to
213

214 Replace the word “election” in the third paragraph by the word “referendum”.

215

to
217

218 Replace the word “candidate” in the first paragraph by the words “official delegate”.

227
to
231.1

231.2 Replace the word “candidate” in the second paragraph by the words “official delegate”.

231.3

233 Replace the word “election” by the word “referendum”.

248 Replace the first and second paragraphs by the following paragraphs:

“248. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the chairman of a national committee or as an official delegate. The request may be made at any time from the date of the writ instituting the holding of a referendum.

The employee’s leave begins on the day requested by the employee and ends on the thirtieth day following polling day.”

249 Replace the first and second paragraphs by the following paragraphs:

“249. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of a national committee. The request may be made at any time from the date of the writ instituting the holding of a referendum.

The employee’s leave begins on the day requested by the employee and ends on the ninetieth day following polling day.”

250

251 Replace the words “a candidate or” by the words “the chairman of a national committee, an official delegate or an”.

252
to
255

260

Replace the section by the following section:

“260. Upon receipt of a copy of the writ, the returning officer shall publish a notice of poll.

The notice of poll shall set forth

- (1) the text of the question put to the electors;
- (2) the days and hours of polling at advance polling stations;
- (3) the day and hours of polling at polling stations;
- (4) the name of every national committee and, for each of them, the given name and surname of the chairman and of the official agent, and, for the division, the given name and surname of the official delegate and of the local agent.”

261

Replace the words “candidate or his mandatary” by the words “official delegate”.

262

Replace the words “candidate and each party authority at the level of the electoral division” in the first paragraph by the words “official delegate”.

263

Replace the figure “317” by the figures “310, 312 to 317”.

264
to
269

270

Replace the words “the candidates” by the words “each official delegate”.

271

Replace the words “candidate or his mandatary; the latter may attend and may affix their” in the third paragraph by the words “official delegate; he may attend and may affix his”.

272

273

Replace the words “general election” in the first paragraph by the word “referendum”.

Replace the words “of his domicile” in the third paragraph by the words “where the house of detention is situated”.

274

Replace the words “chief electoral officer” in the third paragraph by the words “returning officer of the electoral division concerned”.

Add, after the third paragraph, the following paragraph:

“The returning officer shall ensure that the list remains confidential.”

275

276

Replace the words “authorized party” by the words “official delegate of a national committee”.

278

Replace the section by the following section:

“278. The returning officer referred to in section 275 shall give the deputy returning officer a sealed ballot box containing the ballot papers, the list of electors of the house of detention, the poll book and the materials required for the poll. He shall also give him directives on the work of the polling officers.”

279

280

Strike out the second paragraph.

282

Replace the section by the following section:

“282. The counting of the votes shall be effected in accordance with section 272.”

286

to

289

290

Replace the word “candidates” by the words “official delegates”.

291
to
293.4

293.5 Replace the words “in the form prescribed by Schedule IV on which he shall indicate the name of the elector’s electoral division, the necessary envelopes and a list of the places where the elector may consult the list of candidates” by the words “on which he shall indicate the name of the elector’s electoral division, and the necessary envelopes”.

296
to
299

300 Replace the section by the following section:

“300. The counting of the votes of electors outside Québec shall be proceeded with in accordance with section 272, adapted as required.

However, the counting shall be proceeded with at the place and time fixed by the chief electoral officer.

The deputy returning officer shall, for each electoral division, draw up a statement of votes and an abstract from such statement that he shall deliver to the chief electoral officer or the person designated by him, together with the ballot box.

The chief electoral officer shall forthwith communicate the results to each returning officer concerned and transmit to him the abstract from the statement of votes which concerns him.”

302 Replace the word “candidate” in the fourth paragraph by the words “official delegate”.

303
to
305

306 Replace the words “an election” in the first paragraph by the words “a referendum”.

307
to
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310

Replace the section by the following section:

“310. In every polling station, the returning officer shall appoint, as deputy returning officer, the person recommended by the official delegate of the national committee which has the greatest number of Members in the National Assembly.

He shall appoint, as poll clerk, the person recommended by the official delegate of the national committee which has the second greatest number of Members in the National Assembly.

Where the two national committees have an equal number of Members in the National Assembly, the chief electoral officer shall determine, by a drawing of lots, which committee is deemed to have the greatest number of Members or, as the case may be, the second greatest number of Members in the National Assembly.”

312

313

Replace the word “candidate” in the first paragraph by the words “official delegate”.

Replace the word “candidates” in the second paragraph by the words “official delegates”.

314

315

316

Replace the section by the following section:

“316. The official delegate of each national committee may designate a person and give him a power of attorney to represent the national committee before the deputy returning officer or the officer in charge of information and order, or before each of them.”

317

Replace the words “candidate or his mandatary” by the words “official delegate”.

- 318 Replace the words “A candidate” by the words “The official delegate of each national committee”.
- 319 Replace the words “candidate or his mandatary” by the words “official delegate”.
- 320 Strike out the words “in accordance with the model provided in Schedule III and” in the first paragraph.
- 321
to
323
- 324 Replace the section by the following section:
“**324.** The ballot paper must contain on the obverse a space specially reserved for the wording of the question.”
- 325
to
327
- 328 Replace the word “candidates” in the second paragraph by the words “national committees”.
- 329
to
333
- 334 Replace the words “candidates and their mandataries” by the words “chairmen of national committees and their official delegates”.
- 335
to
341
- 342 Replace the word “candidate” by the words “national committee”.
- 343
to
347
- 348 Replace the words “then indicate to him the order in which the candidates appear on the ballot paper and the indications entered under their names, where such is the case” by the words “read the question and indicate

to him the order in which the options appear on the ballot paper”.

349

350 Replace the word “candidate” in the first paragraph by the words “national committee”.

Replace the word “election” in subparagraph 3 of the first paragraph by the word “referendum”, the words “a candidate” in subparagraph 4 of the first paragraph by the words “an option” and the word “election” in subparagraph 5 of the first paragraph by the word “referendum”.

351

352 Strike out the word “political” in the first paragraph and replace the words “a party or candidate” in the first paragraph by the words “an option submitted to a referendum”.

Replace the words “party or candidate promoted by the publicity” in the second paragraph by the words “national committee concerned”.

353

to

355

356 Replace the section by the following section:

“**356.** No elector may, on the premises of a polling station, indicate, in any manner, the option in favour of which he intends to vote or has voted.”

357

Replace the section by the following section:

“**357.** No official delegate, representative or election officer may, on the premises of a polling station, attempt to learn the option in favour of which an elector intends to vote or has voted.”

358

Replace the section by the following section:

“**358.** No official delegate, representative, election officer or elector who has given assistance to another elector may disclose the option for which the elector has voted.”

- 359 Replace the word “whom” by the words “which option”.
- 360 Replace the word “candidate” by the words “official delegate”.
- 361
to
363
- 364 Replace the word “candidate” in subparagraph 4 of the second paragraph by the word “option” and the words “a person who is not a candidate” in subparagraph 5 of the second paragraph by the words “an option which is not one of the options submitted to the referendum”.
- 365
- 366 Replace the words “a candidate or the representative of a candidate” by the words “an official delegate or his representative”.
- 367 Replace the word “candidate” in the first paragraph by the word “option”.
- 368 Replace the word “candidate” by the words “official delegate”.
- 369
- 370
- 371 Replace the words “candidate or his mandatary” in the first paragraph by the words “official delegate”.
- Replace the words “candidate, mandatary” in the second paragraph by the words “official delegate”.
- 372 Replace the word “candidate” in the first paragraph by the word “option”.
- Replace the figure “285” in the second paragraph by the figure “300”.

373

374

375 Replace the words “declare elected the candidate who” in the first paragraph by the words “announce the option which”.

377 Replace the words “declare elected the candidate who” and the word “candidate” in the first paragraph by the words “issue a declaration indicating the option which” and the words “official delegate”, respectively.

378 Replace the word “election” in the first paragraph by the word “referendum”.

379 Replace the word “election” by the word “referendum”.

380 Replace the section by the following section:

“380. The chief electoral officer shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating, for each electoral division, the number of votes for each of the options appearing on the ballot paper.”

381 Replace the word “election” which appears twice in the first paragraph by the word “referendum”.

402 Replace the section by the following section:

“402. The cost of any goods or services used during the referendum period to promote or oppose, directly or indirectly, an option submitted to a referendum is a regulated expense.”

403 Replace the words “election period” by the words “referendum period”.

Replace the words “election expenses” by the words “regulated expenses”.

404 Replace the section by the following section:

“404. The following are not regulated expenses:

(1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a

newspaper, periodical or other publication, provided that they are published without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the referendum and that the circulation and frequency of publication are as what obtains outside the referendum period;

(2) the cost at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price regardless of the issue of the writ;

(3) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;

(4) the reasonable expenses incurred by a person, out of his own money, for meals and lodging while travelling for referendum purposes, if the expenses are not reimbursed to him;

(5) the transportation costs of a person, paid out of his own money, if the costs are not reimbursed to him;

(6) the reasonable expenses incurred for the publication of explanatory commentaries on this Act and the regulations thereunder, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an option submitted to a referendum;

(7) the reasonable ordinary expenses incurred for the day-to-day operations of not more than two permanent offices of an authorized party the addresses of which are entered in the registers of the chief electoral officer;

(8) interest accrued from the beginning of the referendum period to the day occurring 90 days after polling day, on any loan lawfully granted to an official agent for regulated expenses, unless the official agent has declared them as regulated expenses in his return of regulated expenses;

(9) the costs of holding a meeting, which must not exceed \$600, including the cost of renting a hall and of convening the participants, provided the meeting is not directly or indirectly organized on behalf of a national committee.

For the purposes of subparagraph 7 of the first paragraph, the permanent office of an authorized party is the office where the employees of the party or of a body associated with it for the purpose of attaining its objects and recognized by the leader of the party for such a purpose by a letter addressed to the chief electoral officer before the seventh day following the issue of the writ, work on a permanent basis, outside the referendum period, at ensuring the dissemination of the party's political program and coordinating the political action of the party members."

405

Replace the words "election expenses, an authorized party" in the first paragraph by the words "regulated expenses, a national committee".

Replace the second paragraph by the following paragraph:

"The official agent shall be appointed by the chairman of the national committee who shall notify it to the chief electoral officer."

Replace the words "leader of the party" in the third paragraph by the words "chairman of the national committee".

Replace the words "a party" in the fourth paragraph by the words "a national committee".

406

Replace the section by the following section:

"406. Only one official agent is appointed for each national committee.

However, the official agent may, with the approval of the chairman of the national committee, appoint the required number of deputies and, for each electoral division, a local agent. He shall notify the chief electoral officer and the returning officer thereof in writing.

The official agent may authorize them to incur or authorize regulated expenses up to the amount he fixes in their deeds of appointment. The amount may be changed at any time, in writing, by the official agent before he files his return of regulated expenses.

Any regulated expense incurred by the deputy of the official agent or by a local agent is deemed to be incurred by the official agent up to the amount fixed in the deed of appointment.

The deputy and the local agent shall provide the official agent of the national committee with a detailed statement of expenses incurred or authorized by them.”

407 Replace the first paragraph by the following paragraph:

“**407.** An official agent or local agent may, in writing, authorize an advertising agency to incur or order regulated expenses up to the amount he fixes in the authorization. That amount may be changed, by the official agent or the local agent, as the case may be, in writing, at any time before he files his return of regulated expenses.”

Insert the words “or the local agent, as the case may be” after the word “agent” in the second paragraph.

410 Replace the section by the following section:

“**410.** If the official agent dismisses a local agent, he shall notify it in writing to the returning officer. He may appoint another local agent.”

411 Replace the words “an official agent” in the first paragraph by the words “a local agent”.

Replace the words “an official agent” and the words “candidate or his mandatary” in the second paragraph by the words “a local agent” and the words “official delegate”, respectively.

412 Replace the section by the following section:

“412. No person may act as the official agent of a national committee, his deputy or a local agent unless he is qualified to vote.”

413 Replace the section by the following section:

“413. During a referendum period, only the official agent of a national committee, his deputy or a local agent may incur or authorize regulated expenses.”

414 Replace the section by the following section:

“414. An official agent, his deputy or a local agent shall pay the cost of regulated expenses only out of a referendum fund.”

415 Replace the section by the following section:

“415. No goods or services whose cost is wholly or partly a regulated expense contemplated in section 403 may be used during a referendum period except by the official agent of a national committee, his deputy or a local agent, or with his authorization.”

416 Replace the section by the following section:

“416. No person may accept or execute an order for regulated expenses not given or authorized by the official agent of a national committee, his deputy, a local agent or authorized advertising agency.”

417 Replace the words “election expense” and “election period” in the first paragraph by the words “regulated expense” and “referendum period”, respectively.

421 Replace the words “an election” in the first paragraph by the words “a referendum”.

Replace the words “or deputy” in the first, second and third paragraphs by the words “, deputy or local agent”.

422 Replace the words “the official agents of several candidates”, the word “official”, and the word “party” by the words “several local agents”, the word “local” and the words “national committee”, respectively.

424 Replace the word “election” in the first paragraph by the word “regulated”.

425 Replace the first and second paragraphs by the following paragraphs:

“425. Every person to whom an amount is due for regulated expenses shall present his claim to the official agent or the local agent not later than sixty days after polling day. In no case may the regulated expenses be paid by the official agent or the local agent if the claim is presented to him after that period has expired.

Where the official agent or local agent has died or resigned and has not been replaced, the claim shall be presented within the same time to the chairman of the national committee or to the official agent, as the case may be.”

426 Replace the section by the following section:

“426. Regulated expenses shall be limited so as never to exceed for a national committee, during one referendum, \$1 per elector for all the electoral divisions.”

427 Replace the section by the following section:

“427. For the purposes of section 426, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of a writ instituting a referendum and the number of electors whose names are entered on the list following revision.

The number is established by the chief electoral officer who shall draw up a certificate thereof and send a copy of the certificate to the chairman and the official agent of each national committee.”

429 Replace the word “election” in the first paragraph by the word “referendum”.

Strike out the second paragraph.

429.1 Replace the word “election” by the word “referendum”.

430

431

434

Replace the first paragraph by the following paragraph:

“434. The official agent of each national committee and, through him, each local agent he has appointed shall, within 90 days after polling day, deliver to the chief electoral officer a return of the regulated expenses incurred or authorized by them.”

Insert, after the second paragraph, the following paragraph:

“The return must, in addition, indicate the name, the complete address of the domicile of, and the amount paid by, each elector whose total contribution to a national committee exceeds \$200.”

435

Replace the word “election” and the words and figure “sections 432 and” by the word “regulated” and the word “section”, respectively.

436

Replace the words “sections 432 and” in the first paragraph by the word “section”.

Replace the words “leader of the party or to the candidates if they so request” in the second paragraph by the words “chairman of the national committee if he so requests”.

437

Replace the section by the following section:

“437. In addition to regulated expenses, the official agent and the local agent must indicate in the returns prescribed in section 434 the source of the sums paid into the referendum fund put at their disposal.

They must also indicate

(1) the financial institutions with which the sums collected by the national committee have been deposited and the account numbers used;

(2) the total amount of contributions of \$200 or less;

(3) the total amount of contributions of over \$200;

- (4) the total of the amounts transferred or loaned by the official representative of an authorized party.”
- 438 Replace the words and figure “sections 432 and” in the first paragraph by the word “section”.
- Replace the word “election” in the second paragraph by the word “referendum”.
- 439
- 440 Replace the second paragraph by the following paragraph:
- “If the claim is not contested by the official agent, he shall forward to the chief electoral officer the necessary additional sum, out of his referendum fund, to enable him to discharge the claim.”
- 441 Replace the section by the following section:
- “**441.** On filing the return prescribed by section 434, the official agent of a national committee shall keep the remaining sums or goods in his referendum fund.
- The sums and goods may be used only for political, religious, scientific or charitable purposes.”
- 443 Replace the words “a candidate or party leader” in the second paragraph by the words “the chairman or official agent of the national committee”.
- 444 Replace the words “a candidate or party leader” by the words “the chairman or official agent of a national committee”.
- Strike out the figure and word “432 or”.
- 445 Replace the section by the following section:
- “**445.** Before filing the return and declaration prescribed in section 434, an official agent and a local agent must have discharged all the claims received within the period prescribed in section 425 unless they contest them and indicate them as contested.

In no case may the official agent, the local agent or the national committee pay a claim so contested. Only the official agent may pay the claim in execution of a judgment of a competent tribunal in favour of the creditor after the hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

The chief electoral officer may, if no national committee objects, authorize the official agent of a national committee to pay a contested claim if the refusal or failure to pay results from *bona fide* error.”

446 Insert the words “or local agent” after the word “agent”.

447 Replace the word “representative” and the words “return of election expenses” by the word “agent” and the words “returns of regulated expenses”, respectively.

448 Replace the section by the following section:

“**448.** The judge having jurisdiction to decide an application under sections 443 to 446 is the chief judge of the Court of Québec.

No application under the first paragraph may be heard without a notice of at least three clear days to the chief electoral officer and to the chairman of each national committee.”

485 Strike out the second, third and fourth paragraphs.

486

487 Replace the section by the following section:

“**487.** In respect of the financing of national committees and the control of regulated expenses, he shall, in particular,

(1) verify that the national committees, official agents and their deputies and local agents are complying with the provisions of the Act;

(2) receive and examine the return of regulated expenses;

- (3) inquire into the legality of contributions and regulated expenses.”
- 488 Replace the words “political parties” in paragraph 4 by the words “national committees”.
- Replace, in paragraph 5, the words “political party” by the words “national committee”, the word “candidates” by the word “committees” and the word “parties” by the words “national committees”.
- 488.1 Replace the word “election” in the first line and in the last line by the word “referendum” and replace the words “this Act” by the words “the Referendum Act (chapter C-64.1)”.
- 489.1 Replace the words “authorized parties represented in the National Assembly” by the words “national committees” and strike out the words “, the filing of nomination papers”.
- 490 Replace the words “election period or during an enumeration or revision period” in the first paragraph by the words “referendum period”.
- Replace the second paragraph by the following paragraph:
- “The chief electoral officer must, however, give notice of any decision he intends to make to the national committees, the official delegates and the electors concerned.”
- Strike out the words “or the end of the enumeration or revision” in the third paragraph.
- 491
to
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- 496 Strike out the first paragraph.
- In the second paragraph, change in French; no change necessary in English.

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553 Replace the word “candidate” in paragraph 3 by the words “national committee”.

553.1 Replace the word “election” in paragraph 1 by the word “referendum”.

554 Replace the word “election” in paragraph 2 by the word “referendum”.

Strike out the words “of election” in paragraph 3.

555

556 Strike out paragraph 4.

557 Replace the word “election” by the word “referendum”.

558 Replace the words “every candidate or every person who later becomes a candidate” in subparagraph 1 of the first paragraph by the words “every official delegate”.

Replace the words “a candidate” in subparagraph 2 of the first paragraph by the words “an option”.

Replace the word “election” in subparagraph 1 of the second paragraph by the word “regulated”.

Replace the words “the election of a candidate at an election” in subparagraphs 1 and 2 of the second paragraph by the words “an option submitted at a referendum”.

559 Insert, after the word “agent”, the words “or any local agent”.

- Replace the word “election” in paragraph 1 by the word “regulated”.
- 560 Replace the words “candidate or party leader” by the words “chairman or official delegate of a national committee” and the word “election” by the word “regulated”.
- 563 Replace the section by the following section:
“**563.** Every person who fails to file a report or return of regulated expenses is liable to a fine of \$50 for each day of delay.”
- 564 Replace the section by the following section:
“**564.** Every person who contravenes any of sections 66, 87, 88, 90 to 93, 95 to 97, 99, 100, 104, 410, 413 to 417, 421, 424 and 430 is guilty of an offence and is liable to a fine of not less than \$100 and of not more than \$10 000.”
- 565
- 566
- 567 Strike out the following in the first paragraph: “, in paragraph 4 of section 556”.
Replace the word “election” in the second paragraph by the word “regulated” and insert after the word “agent” the words “or the local agent”.
- 568 Strike out the second paragraph.
- 569
- 570 Replace the words “an election” in the first paragraph by the words “a referendum”.
- 571
to
573”.