

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1992, chapter 38

## AN ACT TO AMEND THE ELECTION ACT AND THE REFERENDUM ACT

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### **Bill 36**

Introduced by Mr Marc-Yvan Côté, Minister for Electoral Reform

Introduced 14 May 1992

Passage in principle 2 June 1992

Passage 19 June 1992

**Assented to 23 June 1992**

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**Coming into force: 23 June 1992**

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### **Acts amended:**

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

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



## CHAPTER 38

### An Act to amend the Election Act and the Referendum Act

[Assented to 23 June 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

**1.** Section 1 of the Election Act (R.S.Q., chapter E-3.3) is amended by adding, at the end of subparagraph 3 of the first paragraph, the words “or, in the case of an elector outside Québec, for twelve months”.

c. E-3.3,  
s. 5, am.

**2.** Section 5 of the said Act is amended by replacing the word “ten” in paragraph 3 by the word “two”.

c. E-3.3,  
s. 6, am.

**3.** Section 6 of the said Act is amended

(1) by inserting the words “or *de facto* spouse” after the word “spouse” in the second line of subparagraph 2 of the second paragraph;

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

“relative”

“In this Act, the word “relative” means the 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.”

c. E-3.3,  
s. 8, am.

**4.** Section 8 of the said Act is amended by replacing the words “tenth day following the issue of the order instituting the holding of an election and polling day” in the second and third lines by the words “twenty-eighth day preceding polling day and polling day”.

c. E-3.3,  
s. 9, am.

**5.** Section 9 of the said Act is amended by replacing the words “must be renewed every year” by the words “is renewable each year”.

c. E-3.3,  
s. 12, am. **6.** Section 12 of the said Act is amended by replacing the word “ten” in the third line by the word “two”.

c. E-3.3,  
s. 100,  
replaced **7.** Section 13 of the said Act is replaced by the following section:

List of  
electors **“13.** The registry of electors outside Québec constitutes a list of electors.

Transmis-  
sion of  
prelimi-  
nary list Upon the issue of the order, the chief electoral officer shall send a preliminary list of the entries in the registry to the parties represented in the National Assembly and to every other authorized party that so requests.

Transmis-  
sion of  
list In addition, he shall send to the parties represented in the National Assembly, to every other authorized party that so requests and to every independent Member, not later than the twenty-sixth day preceding polling day, the list of electors entered in the registry and, for each electoral division, he shall send to the returning officer and to the candidates the list of the electors of that electoral division.”

c. E-3.3,  
s. 17, am. **8.** The English text of section 17 of the said Act, amended by section 2 of chapter 48 of the statutes of 1991, is again amended by replacing the first paragraph by the following paragraph:

Exceptions **“17.** The Commission de la représentation may, for exceptional reasons, depart from the rule set out in section 16 if it considers that its application would not adequately serve the purpose of this chapter. Every such decision shall be in writing and give reasons.”

c. E-3.3,  
s. 42, am. **9.** Section 42 of the said Act is amended by striking out the second paragraph.

c. E-3.3,  
s. 46, am. **10.** Section 46 of the said Act is amended

(1) by replacing the words “designated under section 42, or, if none, to the leader of the party” in the third and fourth lines of the first paragraph by the words “referred to in section 42”;

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

Financial  
report **“Within thirty days of resigning, the official representative shall file with the party, the party authority or the independent candidate a financial report, with vouchers, covering the period during which he was in office.”**

c. E-3.3,  
s. 50, am. **11.** Section 50 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Refusal        “The chief electoral officer shall, however, refuse to authorize a party if the name of the party includes the word “independent”.

Refusal        He shall also refuse to authorize a party if the name of the party is substantially the same as that of an authorized party or of a party that has ceased to be an authorized party, and is likely to mislead electors as to which party they are supporting.”

c. E-3.3,  
s. 51, am.        **12.** Section 51 of the said Act is amended by replacing the second paragraph by the following paragraph:

Applicable  
provisions        “The provisions of the second and third paragraphs of section 50 apply to the application.”

c. E-3.3,  
s. 54, am.        **13.** Section 54 of the said Act is amended by replacing the words “date of the joint application” in the third and fourth lines of subparagraph 1 of the second paragraph by the words “last day of the month preceding the date of the joint application”.

c. E-3.3,  
s. 61, am.        **14.** Section 61 of the said Act is amended by striking out the words “unless an application for withdrawal of the authorization is filed before that date under section 67” in the third and fourth lines of the first paragraph.

c. E-3.3,  
s. 82, am.        **15.** Section 82 of the said Act is amended by replacing the amount “\$0.25” in the fourth line by the amount “\$0.50”.

c. E-3.3,  
s. 88, am.        **16.** Section 88 of the said Act is amended

(1) by replacing the amount “\$25” in the first line of subparagraph 5 of the second paragraph by the amount “\$50”;

(2) by replacing subparagraph 6 of the second paragraph by the following subparagraph:

“(6) at the option of the official representative of an authorized entity, applied equally to all the participants, an entrance fee to a political activity or rally, where the fee is not over \$60 per day, up to one admission per person;”.

c. E-3.3,  
s. 89, am.        **17.** Section 89 of the said Act is amended

(1) by replacing the word and figure “and 7” in the second line by the figures and word “, 7 and 7.1”;

(2) by striking out the words and figure “and with section 418” in the second line.

c. E-3.3,  
s. 95, am. **18.** Section 95 of the said Act is amended by replacing the amount "\$100" in the first line by the amount "\$200".

c. E-3.3,  
s. 100,  
replaced **19.** Section 100 of the said Act is replaced by the following section:

Return of  
contribu-  
tion **"100.** Every contribution or part of a contribution made contrary to this division shall, as soon as the fact is known, be remitted to the chief electoral officer who shall return it to the contributor if his identity is known; if his identity is not known, the money shall be paid to the Minister of Finance."

c. E-3.3,  
s. 106, am. **20.** Section 106 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Lender not  
found **"Where the official representative is unable to remit the sums due to the lender because the latter cannot be found, the official representative shall comply with section 100, adapted as required."**

c. E-3.3,  
s. 110,  
replaced **21.** Section 110 of the said Act is replaced by the following section:

Auditor's  
report **"110.** The auditor of an authorized party shall examine the financial report made pursuant to section 113 and make his report as auditor in accordance with the directive issued by the chief electoral officer in that regard."

c. E-3.3,  
s. 112, am. **22.** Section 112 of the said Act is amended by replacing the amount "\$4 000" in the third line of the first paragraph and in the fourth line of the second paragraph by the amount "\$5 500".

c. E-3.3,  
s. 114, am. **23.** Section 114 of the said Act is amended by replacing the amount "\$100" in paragraphs 4 and 5 by the amount "\$200".

c. E-3.3,  
s. 115, am. **24.** Section 115 of the said Act is amended by replacing the amount "\$100" in the second line of subparagraph 3 of the first paragraph by the amount "\$200".

c. E-3.3,  
s. 126, am. **25.** Section 126 of the said Act is amended by replacing the amount "\$100" in the second line of the third paragraph by the amount "\$200".

c. E-3.3,  
s. 151, am. **26.** Section 151 of the said Act is amended by replacing the word "Wednesday" in the second line by the word "Tuesday".

c. E-3.3,  
s. 156, am. **27.** Section 156 of the said Act is amended by replacing the words “7:00 p.m. and 10:00” in the third line of the first paragraph by the words “6:00 p.m. and 9:00”.

c. E-3.3,  
s. 176, am. **28.** Section 176 of the said Act is amended by replacing the words “20 copies of them to each candidate” in the second line by the words “to each candidate the number of copies requested, up to 10”.

c. E-3.3,  
s. 185, am. **29.** Section 185 of the said Act is amended by replacing the words “related or allied to or cohabiting with the person in respect of whom he makes the application” in the second, third and fourth lines by the words “who is the spouse or *de facto* spouse, who is a relative of or who lives with the person in whose respect the application is made”.

c. E-3.3,  
s. 189, am. **30.** Section 189 of the said Act is amended  
(1) by replacing the words “to 10:00 p.m.” in the first line by the words “to 9:00 p.m.”;  
(2) by inserting the words “, except the filing office located in the returning officer’s office which shall be open from 9:00 a.m. to 10:00 p.m.,” before the words “from Monday” in the second line.

c. E-3.3,  
s. 191, am. **31.** Section 191 of the said Act is amended by replacing the words “go to meet” in the third line by the words “, until Thursday of the second week preceding the week of the poll, go to”.

c. E-3.3,  
s. 194, am. **32.** Section 194 of the said Act is amended  
(1) by inserting the words “or to any person designated by him” after the word “officer” in the third line;

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

Informa-  
tion to  
candidates “The returning officer shall inform the candidates of such designation.”

c. E-3.3,  
s. 203, am. **33.** Section 203 of the said Act is amended

(1) by striking out the words “and two assistants” in the first and second lines of the first paragraph;

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

Teams of  
assistants

"The returning officer shall appoint a sufficient number of teams composed of two assistants that he assigns to one or more boards of revisors."

c. E-3.3,  
s. 209, am.

**34.** Section 209 of the said Act is amended by replacing the words "to 10:00 p.m." in the second line of the first paragraph by the words "to 9:00 p.m."

c. E-3.3,  
s. 227,  
replaced

**35.** Section 227 of the said Act is replaced by the following section:

Omission  
or error

**"227.** An elector whose name is not entered on the list of electors of the polling subdivision where he may vote, or who finds an error in the entry made in his regard may, from Sunday of the second week to Wednesday of the week preceding the week of the polling, file an application for entry or correction at the office of the returning officer of his electoral division or at any other designated place.

Rejection  
or striking  
out

An elector whose application for entry was rejected or whose name was struck from the list during the revision period provided for in sections 195 to 219 may not apply for entry on the list of electors under the provisions of this division."

c. E-3.3,  
s. 228, am.

**36.** Section 228 of the said Act is amended by inserting, at the end, the following words: "and transmit to them a copy of the abstracts of changes mentioned in section 223"

c. E-3.3,  
s. 230, am.

**37.** Section 230 of the said Act is amended by replacing the words " , except that the board is not required to observe the time limit prescribed in section 215" in the first, second and third lines by the words " . However, no application under sections 183 and 185 is receivable and the board is not bound by the time limit fixed in section 215."

c. E-3.3,  
s. 232,  
repealed

**38.** Section 232 of the said Act is repealed.

c. E-3.3,  
s. 262, am.

**39.** Section 262 of the said Act is amended by striking out the words " , including mobile polling stations," in the third and fourth lines of the first paragraph.

c. E-3.3,  
s. 264, am.

**40.** Section 264 of the said Act is amended by replacing the words "to 10:00 p.m." in the first and second lines by the words " to 9:00 p.m."

c. E-3.3,  
s. 265, am.

**41.** Section 265 of the said Act is amended by striking out the words "declare under oath that they" in the second line.

c. E-3.3,  
s. 267, am.

**42.** Section 267 of the said Act is amended

(1) by inserting the words “, except an inmate,” after the word “elector” in the first line;

(2) by replacing the words “sign the poll book” in the second line by the words “declare under oath that he meets the conditions prescribed for voting in the advance poll”.

c. E-3.3,  
s. 275, am.

**43.** Section 275 of the said Act is amended by replacing the word “director” in the third line by the word “warden” and by adding, at the end, the following words: “, and determine the stations that may be moved within the house of detention”.

c. E-3.3,  
s. 277, am.

**44.** Section 277 of the said Act is amended

(1) by striking out the words “, and transmit them to the returning officer referred to in section 275” in the third and fourth lines of the first paragraph;

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

Material  
required  
for ballot

“The chief electoral officer shall transmit to the returning officer referred to in section 275 the 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.”

c. E-3.3,  
s. 278,  
replaced

**45.** Section 278 of the said Act is replaced by the following section:

Ballot box  
and direc-  
tives

**“278.** The returning officer referred to in section 275 shall give the deputy returning officer the ballot box mentioned in section 277 and the directives concerning the work of the polling officers.”

c. E-3.3,  
s. 279, am.

**46.** Section 279 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Change of  
hours

“The returning officer and the warden of a house of detention may change the polling hours of the polling station.”

c. E-3.3,  
s. 280,  
replaced

**47.** Section 280 of the said Act is replaced by the following section:

Closing  
procedure

**“280.** At the close of the advance polling station, the procedure set out in section 269 shall be followed, with the necessary



adaptations, and the deputy returning officer shall give the sealed ballot box containing the ballot papers, the list of electors, the poll book and the materials required for the poll to the returning officer.

Ballot  
box

The returning officer shall, as soon as is practicable, deliver the ballot box to the chief electoral officer or to the person designated by the latter."

c. E-3.3,  
s. 286,  
replaced

**48.** Section 286 of the said Act is replaced by the following section:

Agreements  
concerning  
right to  
vote

**"286.** To allow inmates to exercise their right to vote, the chief electoral officer may make any agreement he considers useful with the authorities responsible for houses of detention established under an Act of the Parliament of Canada or of Québec."

c. E-3.3,  
s. 287,  
replaced

**49.** Section 287 of the said Act is replaced by the following section:

Mobile  
polling  
stations

**"287.** The returning officer shall determine which advance polling stations will serve as mobile polling stations.

Personnel

When serving as a mobile polling station, the advance polling station shall consist only of the deputy returning officer and the poll clerk of the polling station."

c. E-3.3,  
s. 288,  
replaced

**50.** Section 288 of the said Act is replaced by the following section:

Hours

**"288.** A mobile polling station may receive the vote of electors from 9:00 a.m. to 1:00 p.m. on Sunday, Monday and, if necessary, on Tuesday of the week preceding polling day."

c. E-3.3,  
s. 289,  
replaced

**51.** Section 289 of the said Act is replaced by the following section:

Conditions

**"289.** Every elector residing in a hospital centre or reception centre may vote at a mobile polling station if

(1) he applies therefor to the returning officer, not later than Thursday of the second week preceding the week of the poll;

(2) his name is entered on the list of electors of the polling subdivision in which the centre is situated;

(3) he is unable to move about."

c. E-3.3,  
s. 290,  
replaced

**52.** Section 290 of the said Act is replaced by the following section:

List of  
applicants

**“290.** The returning officer shall prepare a list of the electors who have filed an application under section 289 and he shall send a copy thereof to the candidates.”

c. E-3.3,  
s. 302, am.

**53.** Section 302 of the said Act is amended

(1) by replacing the figure “300” in the third line of the second paragraph by the figure “350”;

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

Additional  
polling  
stations

“Where a polling subdivision comprises 300 to 350 electors, the returning officer may, where he considers it expedient, establish more than one polling station.”

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

**54.** Section 303 of the said Act is amended by replacing the words “Notwithstanding the foregoing,” in the first line of the second paragraph by the words “However, where a special circumstance or”.

c. E-3.3,  
s. 308,  
replaced

**55.** Section 308 of the said Act is replaced by the following section:

Polling  
officers

**“308.** Deputy returning officers, poll clerks and officers in charge of information and order are polling officers.

Selection

They shall be chosen from among the electors of the electoral division but officers in charge of information and order may be chosen from among the electors of a contiguous electoral division.”

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

**56.** Section 327 of the said Act is amended

(1) by replacing the words “an abstract of this Act and the regulations” in the second and third lines of the first paragraph by the words “the directives concerning the work of the polling officers”;

(2) by replacing the words “a number of ballot papers equal to the number of electors entered on the list plus 25” in the second and third lines of the second paragraph by the words “a number of ballot papers at least equal to the number of electors entered on the list, without splitting a ballot paper booklet, plus 25”.

c. E-3.3,  
s. 330,  
repealed

**57.** Section 330 of the said Act is repealed.

c. E-3.3,  
s. 401, am.

**58.** Section 401 of the said Act is amended

(1) by inserting the words “at midnight” after the word “commences” in the first line of paragraph 1;

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

“(3) the expression “official agent” includes any person who becomes an official agent.”

c. E-3.3,  
s. 404, am.

**59.** Section 404 of the said Act is amended

(1) by replacing the amount “\$3 000” in the fourth line of paragraph 4 by the amount “\$4 000”;

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

“(7.1) the other reasonable personal expenses incurred by a candidate, other than publicity expenses, if the expenses are not reimbursed to him;”.

c. E-3.3,  
s. 409,  
replaced

**60.** Section 409 of the said Act is replaced by the following section:

Resignation

“**409.** Any official agent of a party who resigns shall notify, in writing, the leader of the party and the chief electoral officer of his resignation. An official agent of a candidate who resigns shall notify, in writing, the candidate and the returning officer of his resignation.

Return of  
election  
expenses

Within ten days of resigning, the official agent shall file with the leader of the party or the candidate a return of election expenses, with vouchers, covering the period during which he was in office.”

c. E-3.3,  
s. 414, am.

**61.** Section 414 of the said Act is amended by inserting the words “or advances paid under section 449” after the word “entity” in the second line of the second paragraph.

c. E-3.3,  
s. 418,  
repealed

**62.** Section 418 of the said Act is repealed.

c. E-3.3,  
s. 419, am.

**63.** Section 419 of the said Act is amended by replacing the amount “\$3 000” in the last line of the first paragraph by the amount “\$4 000”.

c. E-3.3,  
s. 420, am.

**64.** Section 420 of the said Act is amended by replacing the amount “\$3 000” in the sixth line of the first paragraph by the amount “\$4 000”.

c. E-3.3,  
s. 422, am.

**65.** Section 422 of the said Act is amended by inserting the words “of the same region” after the word “candidates” in the first line.

c. E-3.3,  
s. 422.1,  
added

**66.** The said Act is amended by inserting, after section 422, the following section:

Joint  
publicity  
expenses

**"422.1** The official agent of a candidate may, in writing, authorize the official agent of the party to incur or order joint publicity expenses, up to the amount he fixes in the authorization, but not exceeding 30 % of the limit determined in the second paragraph of section 426.

Total  
publicity  
expenses

The official agent of the party shall furnish to the official agent of the candidate, within 60 days after polling day, an invoice showing the total publicity expenses incurred by him for the latter.

Report of  
publicity  
expenses

The official agent of the party shall furnish to the chief electoral officer, within 90 days after polling day, a report of all publicity expenses, accompanied with the invoices and other vouchers. The report must be made in the form prescribed by the chief electoral officer."

c. E-3.3,  
s. 424, am.

**67.** Section 424 of the said Act is amended by replacing the amount "\$50" in the first line of the first paragraph by the amount "\$60".

c. E-3.3,  
s. 426, am.

**68.** Section 426 of the said Act is amended by replacing the amounts "\$0.20", "\$0.25", "\$0.55" and "\$0.80" by the amounts "\$0.25", "\$0.50", "\$0.70" and "\$1.00", respectively.

c. E-3.3,  
s. 429, am.

**69.** Section 429 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Permitted  
expenses

"Notwithstanding the preceding paragraph, publicity expenses are allowed from the issue of the order to identify premises used for the purposes of the election and to announce the holding of a meeting for the selection of a candidate, subject to the following conditions:

(1) the identification of premises shall consist exclusively of the name and visual identification of the party and, where applicable, the photograph of the candidate;

(2) the announcement of a meeting for the selection of a candidate shall consist exclusively of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated."

c. E-3.3,  
s. 443, am.

**70.** Section 443 of the said Act is amended

(1) by replacing the last sentence of the second paragraph by the following sentence: "Any opposition to the application for leave shall be submitted to the chief electoral officer.";

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

Decision  
of chief  
electoral  
officer

"If the chief electoral officer considers that the opposition is not justified, he shall allow the correction procedure to continue; otherwise, he shall refer the parties to the court of competent jurisdiction."

c. E-3.3,  
s. 445,  
replaced

**71.** Section 445 of the said Act is replaced by the following section:

Payment  
of claims

**"445.** Before filing the return and the declaration prescribed in sections 432 and 434, an official agent must have discharged all the claims received within the period of time prescribed in section 425.

Undis-  
charged  
claims

However, the official agent shall mention, in his return, every undischarged claim and indicate whether he contests the claim or cannot discharge it owing to insufficient election funds.

Contested  
claims

No contested claim may be discharged by the official agent, by the leader of a party or by a candidate. Only the official representative may discharge it in execution of a judgment from a court of competent jurisdiction obtained by the creditor after a hearing and not following acquiescence in the demand or a settlement agreement.

Payment of  
certain  
undis-  
charged or  
contested  
claims

The chief electoral officer may allow the official representative of an authorized entity to discharge any claim that has not been discharged owing to insufficient election funds, and he may, if there is no objection from a party or candidate, allow him to discharge a contested claim if the refusal or nonpayment results from an error in good faith."

c. E-3.3,  
s. 457.1,  
added

**72.** The said Act is amended by inserting, after section 457, the following section:

Reimburse-  
ment

**"457.1** The chief electoral officer shall reimburse to each political party an amount equal to 50 % of the election expenses incurred and paid in conformity with this Act.

Maximum  
amount

The election expenses that may be reimbursed may not exceed the limit fixed under the first paragraph of section 426."

c. E-3.3,  
s. 485, am.

**73.** Section 485 of the said Act is amended by adding, after the third paragraph, the following paragraph:

International  
assistance  
and cooper-  
ation

“The chief electoral officer may, with the authorization of the Government, provide assistance and cooperation to other countries or to international organizations in election matters, in particular at the material, professional or technical level.”

c. E-3.3,  
s. 489.1,  
added

**74.** The said Act is amended by inserting, after section 489, the following section:

Adaptation  
of certain  
provisions

**“489.1** The chief electoral officer, with the consent of the authorized parties represented in the National Assembly, may, where circumstances so require, in particular, by reason of the area or distance involved, adapt the provisions concerning the preparation and revision of the list of electors, the filing of nomination papers or the advance poll.”

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

**75.** Section 542 of the said Act is amended

(1) by replacing the words “and requests” in the third line of the second paragraph by the words “; the requests”;

(2) by inserting the words “and the activities engaged in at the international level,” after the word “electors” in the fourth line of the second paragraph.

c. E-3.3,  
s. 558, am.

**76.** Section 558 of the said Act is amended by striking out the word “non-alcoholic” in subparagraphs 1, 2 and 3 of the second paragraph.

c. E-3.3,  
s. 575, am.

**77.** Section 575 of the said Act is amended by adding, after the first paragraph, the following paragraphs:

Annual  
salary

“For the purposes of section 231 of the Courts of Justice Act (R.S.Q., chapter T-16), the annual salary taken into consideration corresponds to the salary referred to in the first paragraph, regardless of the exclusion concerning additional remuneration set out in the second paragraph, from the date on which he took office.

Payment of  
contribu-  
tions

The chief electoral officer must, for the purposes of Part VI of the Courts of Justice Act, pay the contributions he should have paid from the date on which he took office. The contributions are computed in respect of the total salary received by him from that date as chief electoral officer, and as chairman of the Commission de la représentation, with interest at 6 %, computed annually from the midpoint of the year during which the contributions should have been paid until the date of the payment to the Commission administrative des régimes de retraite et d’assurances.

Payment of  
amounts

The chief electoral officer must pay the amounts determined under the third paragraph within 90 days of receiving a notice from the Commission."

#### THE REFERENDUM ACT

c. C-64.1,  
s. 1, am.

**78.** Section 1 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by inserting the words "authorized entity," " at the beginning of subparagraph 1 of the first paragraph.

c. C-64.1,  
s. 7, am.

**79.** Section 7 of the said Act is amended by adding, at the end, the following paragraphs:

Notifica-  
tion of  
chief  
electoral  
officer

"As soon as the National Assembly is informed of the question or bill contemplated in the first paragraph, the Secretary General of the National Assembly shall notify the chief electoral officer thereof in writing.

Notifica-  
tion of  
returning  
officers

The chief electoral officer shall send a copy of the notice to the returning officer of each electoral division."

c. C-64.1,  
s. 8, am.

**80.** Section 8 of the said Act is amended by replacing the words "privileged, and takes precedence over every other question, except the debate on the inaugural message" in the third, fourth and fifth lines by the words "business having precedence over any other question, except the debate on the Opening Speech of the session".

c. C-64.1,  
s. 9, am.

**81.** Section 9 of the said Act is amended

(1) by replacing the word "main" in the fourth line by the word "substantive";

(2) by replacing the words "recognized parties" in the eighth line by the words "parliamentary groups";

(3) by replacing the words "subsidiary motions and the main motion" in the ninth line by the words "motions of amendment or sub-amendment and the substantive motion".

c. C-64.1,  
s. 13, am.

**82.** Section 13 of the said Act is amended by striking out the last two paragraphs.

c. C-64.1,  
s. 14,  
replaced

**83.** Section 14 of the said Act is replaced by the following section:

Day of  
issue of  
writ

**"14.** No writ instituting the holding of a referendum may be issued before the eighteenth day following the day on which the

National Assembly was informed of the question or bill contemplated in section 7.”

c. C-64.1,  
s. 16,  
replaced **84.** Section 16 of the said Act is replaced by the following section:

List of  
electors **“16.** The lists of electors shall be established within the eighteen days following the day on which the National Assembly was informed of the question or bill contemplated in section 7.”

c. C-64.1,  
s. 18,  
repealed **85.** Section 18 of the said Act is repealed.

c. C-64.1,  
Chap. VI,  
repealed **86.** Chapter VI of the said Act is repealed.

c. C-64.1,  
s. 22, am. **87.** Section 22 of the said Act is amended

(1) by striking out the words “, within three days,” in the first line of the second paragraph;

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

c. C-64.1,  
s. 23, am. **88.** Section 23 of the said Act is amended by replacing the word “seven” in the first line of the first paragraph by the word “five”.

c. C-64.1,  
Chap. VIII,  
Div. III,  
repealed **89.** Division III of Chapter VIII of the said Act is repealed.

c. C-64.1,  
s. 37, am. **90.** Section 37 of the said Act is amended

(1) by replacing the amount “\$0.25” in the fourth line of subparagraph *b* of the first paragraph by the amount “\$0.50”;

(2) by replacing the figure “35” in the second line of the second paragraph by the figures and words “427 of the Election Act, as amended by Appendix 2”.

c. C-64.1,  
s. 39,  
repealed **91.** Section 39 of the said Act is repealed.

c. C-64.1,  
s. 45, am. **92.** Section 45 of the said Act is amended by replacing the figures and word “551 and 552” in the second line of the third paragraph by the figures and word “549 and 550”.

c. C-64.1,  
Appendix 2,  
am. **93.** The amendments made to the provisions of the Election Act, enacted by Appendix 2 to the Referendum Act, are amended as follows:

(1) by striking out the text opposite section 1;



(2) by replacing section 2 by the following:

“2        Replace the words “the order instituting the election is issued or” by the words “of the notification provided for in section 7 of the Referendum Act, or be”;

(3) by inserting, after section 4, the following:

“5  
to  
“12

“13        Replace the section by the following:

“**13.** The registry of electors outside Québec constitutes a list of electors.

Upon the issue of the order, the chief electoral officer shall send a preliminary list of entries in the registry to each national committee.

In addition, he shall send to each national committee, not later than the twenty-sixth day preceding polling day, the list of electors entered in the registry and, for each electoral division, he shall send to the returning officer and to the official delegates the list of the electors of that electoral division.

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

(4) by replacing the second and third paragraphs of section 46 by the following:

Replace the words “Within thirty 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 thirty 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”.

(5) by inserting, in section 105, the following:

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.”

(6) by inserting, in section 131, the following:

Replace the first two paragraphs by the following:

“**131.** The polling shall take place on the fifth Monday following the issue of the writ.”

(7) by replacing section 132 by the following:

“132 Replace the words “a copy of the order” in the first line of the first paragraph by the words “the notice provided for in section 7 of the Referendum Act”.

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”.

(8) by replacing sections 138 to 147 by the following:

“138  
to  
144

“146 Replace the words “the fifth week preceding that of the polling” by the words “the second week following the notification provided for in section 7 of the Referendum Act”.

“147

(9) by replacing section 148 by the following:

- "148            Replace the section by the following:
- "**148.** The two enumerators shall be appointed by the returning officer, one on the recommendation of the Prime Minister or the person designated by him, the other on the recommendation of the Leader of the Official Opposition or the person designated by him."
- (10) by striking out section 150.
- (11) by replacing section 153 by the following:
- "153            Strike out the words ", to any independent Member elected as such and to the candidates,".
- (12) by replacing sections 154 to 169 by the following:
- "154  
              to  
"156
- "157            Replace the words "polling day" in the first paragraph by the words "the last day of the enumeration".
- Replace the words "the day the order is issued" in the second paragraph by the words "the day of the notification provided for in section 7 of the Referendum Act".
- "158  
              to  
"169
- (13) by replacing section 170 by the following:
- "170            Replace the section by the following:
- "**170.** Not later than two days after the issue of the writ, the returning officer shall transmit to each official delegate five certified copies of the list of electors of each polling subdivision and one copy of the statement prepared by the enumerators pursuant to section 161."
- (14) by replacing sections 171 to 175 by the following:

“171  
to  
“173

“174           Strike out the last sentence.

“175

(15) by replacing sections 177 to 187 by the following:

“177  
to  
“180

“181           Replace the words “day of the issue of the order instituting the election” in the first paragraph by the words “day of the notification provided for in section 7 of the Referendum Act” and insert the words “on polling day” after the word “elector” in the fourth line of the first paragraph.

“182  
to  
“187

(16) by replacing sections 189 to 194 by the following:

“189  
to  
“193

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

(17) by replacing sections 196 to 200 by the following:

“196

“197

“198           Replace the section by the following:

**“198.** The two revisors are appointed by the returning officer, one on the recommendation of the official delegate of the national committee including the greatest number of Members of the National Assembly, and the other on the recommendation of the official delegate of the national committee including the

second greatest number of Members of the National Assembly.”

“199

“200

(18) by striking out section 232;

(19) by striking out the text opposite section 233;

(20) by replacing sections 264, 265, 266 to 269 by the following:

“264

to

“269

(21) by striking out the second paragraph of section 273;

(22) by replacing section 274 by the following:

“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:

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

(23) by striking out the text opposite section 275;

(24) by inserting, in section 278, the following:

“Replace the section by the following:

**“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.”

(25) by striking out the text opposite section 279;

(26) by replacing section 280 by the following:

- “280           Strike out the second paragraph.”
- (27) by inserting, after section 280, the following:
- “282           Replace the section by the following:
- “**282.** The counting of the votes shall be effected in accordance with section 272.”
- (28) by replacing sections 286 to 292 by the following:
- “286  
          to  
“289
- “290           Replace the word “candidates” by the words “official delegates”.
- “291
- “292
- (29) by inserting, after section 292, the following:
- “293           Replace the words “in the form prescribed by Schedule IV, on which he shall indicate the name of the electoral division where the elector had his previous residence, 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 electoral division where the elector had his previous residence and the necessary envelopes”.
- “296  
          to  
“299
- “300           Replace the section by the following:
- “**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."

(30) by replacing the word "third" in section 302 by the word "fourth".

(31) by replacing the word "Replace" in the second paragraph of section 350 by the words "Replace the words "day of issue of the order instituting the election" in subparagraph 2 of the first paragraph by the words "day of the notification provided for in section 7 of the Referendum Act".

(32) by replacing the second paragraph of section 372 by the following:

"Replace the figure "285" in the second paragraph by the figure "300".

(33) by replacing section 404 by the following:

"404

Replace the section by the following:

**"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."

(34) by replacing section 406 by the following:

"406

Replace section 406 by the following:

**"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."

(35) by replacing the figure and word "50 cents" in section 426 by the amount "\$1.00";

(36) by inserting, after section 426, the following:

"427

Replace the words and figures "sections 426 and 457" in the first paragraph by the word and figure "section 426".

Replace the second and third paragraphs by the following:

"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.”

(37) by replacing section 429 by the following:

“429

Replace the section by the following:

“**429.** All publicity expenses are prohibited within the eighteen days following the day on which the National Assembly was informed of the question or bill contemplated in section 7 of the Referendum Act.”

(38) by adding, at the end of section 434, the following:

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.”

(39) Replace section 436 by the following:

“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”.

(40) by replacing section 437 by the following:

“437

Replace the section by the following:

“**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.”

(41) by replacing the words “and third” in section 485 by the words “, third and fourth”.

(42) by inserting, after section 488, the following:

“489.1 Strike out the following words: “, the filing of nomination papers”.

“490 Replace the words “election period” in the first line of the first paragraph by the words “enumeration period and the referendum period”.

Replace the words “candidates and the electors concerned” in the second line of the second paragraph by the words “electors concerned, the national committees, if formed, and the official delegates”.

(43) by inserting, after section 573, the following:

“Schedule II  
(Sections  
136, 272)

Replace the words “Election Act” by the words “Referendum Act”.

Enumera-  
tion

**94.** Notwithstanding the provisions of the Referendum Act, the enumeration which must take place for the purposes of the referendum provided for in the Act respecting the process for determining the political and constitutional future of Québec (1991, chapter 34) shall be conducted from 31 August to 3 September 1992 if, pursuant to the latter Act, the National Assembly is informed, before 19 August 1992, of a question or bill within the meaning of section 7 of the Referendum Act.

Publicity  
expenses

In the case provided for in the first paragraph, all publicity expenses are prohibited between Wednesday of the second week preceding the week of the enumeration and Saturday of the week during which the enumeration takes place.

Coming into  
force

**95.** This Act comes into force on 23 June 1992.