

1987, chapter 28

**AN ACT TO AMEND THE ACT RESPECTING
ELECTORAL REPRESENTATION AND OTHER
LEGISLATION**

Bill 25

Introduced by Mr Michel Gratton, Minister for Electoral Reform

Introduced 29 April 1987

Passage in principle 20 May 1987

Passage 16 June 1987

Assented to 18 June 1987

Coming into force: 18 June 1987, except section 26 which will come into force on 1 January 1988

Acts amended:

Act respecting electoral representation (R.S.Q., chapter R-24.1)

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

Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1)

Election Act (R.S.Q., chapter E-3.2)

Acts repealed:

Act respecting the establishment of the boundaries of electoral divisions (1986, chapter 5)

Act to amend the Act respecting the establishment of the boundaries of electoral divisions (1986, chapter 87)



CHAPTER 28

An Act to amend the Act respecting electoral representation and other legislation

[Assented to 18 June 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING ELECTORAL REPRESENTATION

c. R-24.1,
s. 2, am.

1. Section 2 of the Act respecting electoral representation (R.S.Q., chapter R-24.1) is amended by striking out the second paragraph.

c. R-24.1,
s. 3,
replaced

2. Section 3 of the said Act is replaced by the following sections:

Number of
divisions

“3. There shall be not fewer than 122 nor more than 125 electoral divisions.

Natural
community

“3.1 An electoral division represents a natural community established on the basis of demographical, geographical and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area or shape of the region, the natural local boundaries and the limits of municipalities.

Boundaries

“3.2 The boundaries of each electoral division shall be drawn in such a way that the number of electors in a division, according to the electoral list in force at the last general election, does not deviate by more than 25 per cent from the quotient obtained by dividing the total number of electors by the number of electoral divisions.”

c. R-24.1,
s.4, am.

3. Section 4 of the said Act is amended

(1) by replacing the figure “3” in the second line of the first paragraph by the figure “3.2”;

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

Îles-de-la-Madeleine

“Notwithstanding section 3.2, the Îles-de-la-Madeleine described in Schedule B are an electoral division.”

c. R-24.1,
ss. 6, 7, 8,
10, 11,
repealed

4. Sections 6, 7, 8, 10 and 11 of the said Act are repealed.

c. R-24.1,
s. 13, am.

5. Section 13 of the said Act is amended by replacing the figure “2” in the third line by the figure “54”.

c. R-24.1,
s. 18.1,
added

6. The said Act is amended by inserting, after section 18, the following section:

Vacancy

“**18.1** If one of the other members of the Commission is unable to act or if the office of one of such members becomes vacant, the National Assembly shall, within sixty days, appoint a new member, according to the mode of appointment provided in section 14.

Appointment

If the National Assembly is not in session, the Committee on the National Assembly shall appoint the new member within the same time by a resolution approved by a majority of the members of each parliamentary group within the meaning of the Standing Orders of the National Assembly. The appointment must be approved by the National Assembly by a resolution approved by two-thirds of its members within thirty days from resumption.

Term

Any appointment under this section is valid for the unexpired portion of the term of the replaced member.”

c. R-24.1,
s. 24, am.

7. Section 24 of the said Act is amended by replacing the words “or of the staff placed at its disposal” in the first and second lines by the words “, nor the assistant, nor the secretary, nor any member of the staff placed at the disposal of the Commission”.

c. R-24.1,
s. 24.1,
replaced

8. Section 24.1 of the said Act is replaced by the following sections:

Authenticity

“**24.1** The minutes of the Commission and documents or copies emanating from the Commission are authentic if they are signed by the chairman, his assistant or the secretary.

Signature **"24.2** No deed, document or writing binds the Commission or may be ascribed to it unless it is signed by the chairman, his assistant or the secretary and, in the two latter cases, only so far as prescribed by regulation of the Commission published in the *Gazette officielle du Québec*."

c. R-24.1,
s. 25,
replaced

9. Section 25 of the said Act is replaced by the following sections:

Report to
Assembly

"25. Within three months following the date of a general election, the Commission shall remit to the President or the Secretary General of the National Assembly a summary report in which it shall indicate whether, in its opinion, new boundaries to the electoral divisions are necessary to comply with the criteria established by law.

Standing
Committee

"25.1 The summary report of the Commission shall be submitted to the standing Committee on the National Assembly for examination within thirty days following its remittance to the President or the Secretary General of the National Assembly.

Debates

For the purposes of examination of the report, all the Members may take part in the debates of the Committee on the National Assembly.

Information

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

New bound-
aries

"25.2 After hearing the representations of the Members in the Committee on the National Assembly, the Commission shall decide whether or not to establish new boundaries and communicate its decision to the President or the Secretary General of the National Assembly within ten days following the end of the proceedings of the Committee on the National Assembly.

Preliminary
report

"25.3 If the Commission decides to establish new boundaries, it shall remit to the President or the Secretary General of the National Assembly, within twelve months following the date of the general election, a preliminary report in which it proposes new boundaries to the electoral divisions of Québec.

Tabling

The report shall be made public immediately. The President of the National Assembly shall table the report in the National Assembly within fifteen days of receiving it if it is in session or, if it is not, within fifteen days of the opening of the next session or resumption."

c. R-24.1,
s. 26, am.

10. Section 26 of the said Act is amended by inserting, after the word "its" in the third line, the word "preliminary."

c. R-24.1,
s. 27, am.

11. Section 27 of the said Act is amended

(1) by replacing the word “twelve” in the first line by the word “six”;

(2) by inserting, after the word “its” in the first line, the word “preliminary”.

c. R-24.1,
s. 28,
replaced

12. Section 28 of the said Act is replaced by the following section:

Standing
Committee

“28. The preliminary report of the Commission must be submitted to the Committee on the National Assembly.

Debates

For the purposes of examination of the report, all the Members of the National Assembly may take part in the debates of the Committee.”

c. R-24.1,
s. 29, am.

13. Section 29 of the said Act is amended by replacing the words “such a” in the first line by the words “the preliminary”.

c. R-24.1,
s. 31, am.

14. Section 31 of the said Act is amended

(1) by striking out the word “then” in the third line of the second paragraph;

(2) by replacing the words “standing committee” in the fifth line of the second paragraph by the word “Committee”;

(3) by replacing the words “are members of the standing committee for the purposes of that debate” in the seventh and eighth lines of the second paragraph by the words “may take part in the debate in respect of the report”;

(4) by striking out the words “or of suspension” in the first line of the third paragraph.

c. R-24.1,
s. 33, am.

15. Section 33 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Diffusion

“Notwithstanding the foregoing, the Commission shall take the necessary steps to ensure the best possible diffusion among the public of the boundaries of the electoral divisions, and particularly of the changes made in relation to the previous boundaries.”

c. R-24.1,
s. 33.1,
added

16. The said Act is amended by inserting, after section 33, the following section:

Map

“33.1 After publication in the *Gazette officielle du Québec* of the list of electoral divisions, the Commission shall cause a map of the divisions to be printed.”

c. R-24.1,
s. 34, am.

17. Section 34 of the said Act is amended by replacing the words “Monday of the week preceding the week of the enumeration contemplated in section 36” in the third and fourth lines by the words “the expiry of three months from publication”.

c. R-24.1,
ss. 36-39.1,
replaced

18. Sections 36 to 39.1 of the said Act are replaced by the following sections:

Precincts
and subdivi-
sions

“36. Within three months after the publication in the *Gazette officielle du Québec* of the list of electoral divisions, the chief electoral officer and the returning officers shall establish the boundaries of the electoral precincts and the polling subdivisions in accordance with the Election Act, on the basis of the new electoral divisions.

Enumera-
tion

“37. From publication of the list of electoral divisions in the *Gazette officielle du Québec*, the annual enumeration provided for in the Election Act shall be conducted on the basis of the new electoral divisions.

Cancellation

The holding of the annual enumeration cannot be cancelled except by an Act the introduction of which must be preceded by a resolution approved by a majority of the members of each parliamentary group within the meaning of the Standing Orders of the National Assembly.

Postpone-
ment

Notwithstanding the foregoing, where the annual enumeration occurs before the expiry of three months from publication of the list of electoral divisions in the *Gazette officielle du Québec*, the enumeration, instead of being held in the annual enumeration period prescribed in the Election Act, shall be held within six months after that period.

General
election

“38. Where an order instituting the holding of a general election is issued after the expiry of three months from publication of the list of electoral divisions in the *Gazette officielle du Québec* and before an enumeration conducted on the basis of the new electoral divisions, an enumeration shall be held during the election period.

Date of poll

The poll shall be held on the seventh Monday following the issue of the order if it is issued on a Monday, Tuesday or Wednesday; if the order is issued on another day, the poll shall be held on the eighth Monday.

Date of poll

Notwithstanding the foregoing, if the order is issued in the week preceding the annual enumeration, the latter enumeration shall be in lieu of the enumeration required during the election period and the election shall be held on the sixth Monday following the issue of the order.

Holiday

If polling day falls on a holiday, the poll shall be held on the following day.

Official lists “**39.** Only the electoral lists drawn up after an enumeration conducted on the basis of the new electoral divisions or, in the case provided for in section 39.2, following the division of the electors registered on the electoral lists in force, are official and may be used at a general election ordered more than three months after the publication of the list of electoral divisions in the *Gazette officielle du Québec*.

By-election “**39.1** Where an order instituting the holding of a by-election is issued after the publication of the list of electoral divisions in the *Gazette officielle du Québec*, the election shall be held on the basis of the boundaries in force in that electoral division.

No enumeration “**39.2** Where an order instituting the holding of a by-election is issued after the publication of the list of electoral divisions in the *Gazette officielle du Québec* and where the annual enumeration is held entirely during the election period, the annual enumeration shall not be held in the territory where the election is held.

Enumeration after election The chief electoral officer may make an enumeration in the territory referred to in the first paragraph as soon as circumstances allow it after the election. He may, if he considers it preferable and with the consent of each authorized party represented in the National Assembly by not less than twelve Members of Parliament elected under the banner of that party or which obtained not less than 20% of the votes validly cast at the last general election, divide up the electors registered on the electoral lists in force at the time of the by-election in the polling subdivisions whose boundaries are established under section 36.”

c. R-24.1, ss. 39.3-39.11, added **19.** The said Act is amended by inserting, after Division IV, the following division:

“DIVISION IV.1

“ANNUAL REPORT AND FINANCIAL PROVISIONS

Required sums “**39.3** The sums required for the administration of this Act and the carrying out of any mandate entrusted to the Commission by the National Assembly shall be taken out of the consolidated revenue fund.

Annual report “**39.4** Not later than 30 September each year, the Commission shall remit a report of its activities for the preceding fiscal year to the President of the National Assembly. The report must also include a financial report.

Tabling The President of the National Assembly shall table the annual report and the financial report in the National Assembly within fifteen days

of receiving them if it is in session or, if it is not, within fifteen days of the opening of the next session or resumption.

Budget “**39.5** Each year, the Commission shall prepare its budget and remit it to the President of the National Assembly before 1 April.

Supplementary budget Where, during a fiscal year, the Commission anticipates having to exceed its budget for the year for purposes other than those referred to in section 39.8, it shall prepare a supplementary budget and remit it to the President of the National Assembly.

Examination by committee “**39.6** The National Assembly shall entrust the examination of the budget of the Commission de la représentation and, where such is the case, any supplementary budget to a parliamentary committee.

Chairman The chairman of the Commission shall be at the disposal of the parliamentary committee.

Expert opinions The parliamentary committee may require any expert opinion it considers necessary.

Financial report “**39.7** With a view to the examination of its budget, the Commission de la représentation shall furnish the parliamentary committee with a preliminary financial report for the preceding fiscal year.

Non-budgeted expenditures “**39.8** The parliamentary committee may also examine the expenditures incurred in respect of any mandate entrusted by the National Assembly to the Commission de la représentation and that could not be covered in the budget for the preceding fiscal year.

Approval “**39.9** The parliamentary committee shall approve the budget and table its report in the National Assembly.

Establishment of boundaries “**39.10** The examination in parliamentary committee of the budget of the Commission shall not take place while boundaries of electoral divisions are being established pursuant to sections 25 to 32 of this Act.

Tabling In such a case, the mere tabling in the National Assembly of the budget of the Commission shall take the place of its approval.

Expenses “**39.11** Within three months from publication of the list of electoral divisions in the *Gazette officielle du Québec*, the Commission shall remit to the President of the National Assembly a report of any expenses related to the establishment of the boundaries of the divisions.

Examination by Committee The report may be submitted to the Committee on the National Assembly for examination.”

c. R-24.1,
ss. 40, 40.1,
41.1, 42, 46,
repealed

20. Sections 40, 40.1, 41.1, 42 and 46 of the said Act are repealed.

c. R-24.1,
Sched. A,
am.

21. The French text of Schedule A to the said Act is amended by replacing the word "arrêté" in the ninth line of the Oath or affirmation of allegiance and office by the word "décret".

c. R-24.1,
Sched. B,
added

22. The said Act is amended by inserting, after Schedule A, the following schedule:

"SCHEDULE B

ELECTORAL DIVISION OF ÎLES-DE-LA-MADELEINE

The electoral division of Îles-de-la-Madeleine is situated in the gulf of St Lawrence, between parallels 47°10' and 48°00' North latitude and meridians 61°00' and 62°20' West longitude and comprises Île d'Entrée, Havre Aubert (Amherst) island, Havre aux Maisons island, Cap aux Meules (Grindstone) island, Île au Loup, Grosse Île, Île de la Grande Entrée, Shag island, Brion island, the rochers aux Margaux, the rocher aux Oiseaux, the Corps Mort (Dead man's island) and other islands situated wholly or in part within such boundaries.

This electoral division comprises the village municipalities of Cap-aux-Meules and Île d'Entrée, and the municipalities of Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, Île-du-Havre-Aubert and L'Étang-du-Nord."

REFERENDUM ACT

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

23. Section 13 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by adding, after the second paragraph, the following paragraphs:

New
divisions

"Where a writ instituting the holding of a referendum is issued after the expiry of three months from publication of the list of electoral divisions in the *Gazette officielle du Québec*, the referendum shall be held on the basis of the new electoral divisions.

Competence
of returning
officers

The returning officers assigned and, where such is the case, appointed pursuant to section 35 of the Act respecting electoral representation (R.S.Q., chapter R-24.1) are competent to act in such capacity."

c. C-64.1,
s. 16, am.

24. Section 16 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Exception “Notwithstanding the first paragraph, if electoral lists have been prepared following an enumeration on the basis of the new electoral divisions, or in the case provided for in section 39.2 of the Act respecting electoral representation, following a dividing up of the electors registered on the electoral lists in force, only those lists are official and may be used for a referendum. They are revised in accordance with Appendix 2.”

c. C-64.1,
s. 17,
replaced

25. Section 17 of the said Act is replaced by the following section:

Enumera-
tion

“**17.** Where a writ instituting the holding of a referendum is issued after the expiry of three months from publication of the list of electoral divisions in the *Gazette officielle du Québec* and before an enumeration is made on the basis of the new electoral divisions, an enumeration shall be conducted during the referendum period.

Date of poll

The poll shall be held on the seventh Monday following the issue of the writ if it is issued on a Monday, Tuesday or Wednesday; if the writ is issued on any other day, the poll shall be held on the eighth Monday following its issue.

Date of poll

Notwithstanding the foregoing, if the writ is issued in the week preceding the annual enumeration provided for in the Election Act, the annual enumeration shall be in lieu of the enumeration required during the referendum period and the poll shall be held on the sixth Monday following the issue of the writ.

Holiday

If the Monday that should be polling day is a holiday, the poll shall be held the following day.”

ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

c. E-2.1,
s. 12, am.

26. Section 12 of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1) is amended by striking out the second paragraph.

ELECTION ACT

c. E-3.2,
s. 42,
replaced

27. Section 42 of the Election Act (R.S.Q., chapter E-3.2) is replaced by the following section:

Duties of
returning
officer

“**42.** The returning officer, under the authority of the chief electoral officer, is responsible, in the electoral division to which he is appointed, for the administration of this Act and the training of the election officers.”

c. E-3.2,
ss 60.1-60.
4, added

28. The said Act is amended by inserting, after section 60, the following Title:

“TITLE III.1

“ELECTORAL PRECINCTS AND POLLING SUBDIVISIONS

Subdivisions
and pre-
cincts

“**60.1** The returning officer, under the authority of the chief electoral officer, is responsible, in the electoral division to which he is appointed, for the establishment

(1) of polling subdivisions comprising not over 300 electors;

(2) of electoral precincts, comprising approximately ten polling subdivisions, which respect, so far as possible, natural boundaries and municipal boundaries and include not more than one municipality.

Street index

“**60.2** On the basis of the description of the boundaries of the electoral precincts and polling subdivisions, the chief electoral officer shall prepare an index of the streets, avenues, boulevards, hills, squares, lanes, ranges or other public roads in each electoral division.

Transmis-
sion to par-
ties

“**60.3** The chief electoral officer shall transmit the description of the boundaries of the electoral precincts and polling subdivisions and an index of the thoroughfares in an electoral division to the authorized parties who apply therefor, to every authorized party authority in the electoral division and to the independent Member for the division, where such is the case.

Maps

“**60.4** The chief electoral officer may prepare a map of each electoral division, indicating the electoral precincts and polling subdivisions comprised in it.”

MISCELLANEOUS AND FINAL PROVISIONS

1986, c. 5
and 1986,
c. 87,
repealed

29. The Act respecting the establishment of the boundaries of electoral divisions (1986, chapter 5) and the Act to amend the Act respecting the establishment of the boundaries of electoral divisions (1986, chapter 87) are repealed.

Preliminary
report

30. Not later than 15 September 1987, the Commission de la représentation shall remit to the President or the Secretary General of the National Assembly a preliminary report in which it shall propose new boundaries to the electoral divisions of Québec.

Tabling

The report shall be made public immediately. The President of the National Assembly shall table the report in the National Assembly within fifteen days of receiving it if it is in session or, if it is not, within fifteen days of the opening of the next session or resumption.

Applicable
provisions

Sections 26 to 39.2 of the Act respecting electoral representation shall then apply as though the report had been made pursuant to section 25.3 of the said Act.

Electoral
precincts

31. The electoral precincts whose boundaries have been established by the Commission de la représentation remain in force until they are changed or revised or until their boundaries are established anew by the chief electoral officer and the returning officers pursuant to the Election Act.

Effect

32. This Act, except sections 26 and 29, has effect from 22 January 1987.

Coming into
force

33. The provisions of this Act will come into force on 18 June 1987, except those of section 26, which will come into force on 1 January 1988.