



CHAPTER 63

An Act respecting the 1978 elections in certain municipalities
and amending the Cities and Towns Act

[Assented to 23 June 1978]

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

PART I

1978 ELECTIONS IN CERTAIN MUNICIPALITIES

CHAPTER I

DECLARATORY AND INTERPRETATIVE PROVISIONS

DIVISION I

SCOPE

Applica-
bility.

1. This Part applies to every municipality of 100 000 inhabitants or over, by whatever law governed, except to county municipalities, where a general election is to take place in 1978 under this act.

Idem.

It also applies, in whole or in part, in conformity with the by-law provided for by section 121, to every municipality referred to in this section.

DIVISION II

DEFINITIONS

Definitions:
"candidate
of an
authorized
party":

2. In this Part, unless the context indicates otherwise,
(a) "candidate of an authorized party" means a person designated by an authorized party to be the candidate of this party for

office as member of the council, whose nomination-paper has been accepted by the returning-officer;

“independent candidate”; (b) “independent candidate” means a person, other than a candidate of an authorized party, whose nomination-paper for office as member of the council has been accepted by the returning officer;

“co-candidate”; (c) “co-candidate” means a candidate of an authorized party for the office of councillor in an electoral district who is nominated there jointly with the candidate of that party for the office of mayor;

“Commission”; (d) “Commission” means the Standing Commission on Reform of the Electoral Districts established by the Act respecting the Standing Commission on Reform of the Electoral Districts (1971, chapter 7);

“elector”; (e) “elector” means a person who is entitled to vote at the election of the mayor and of the councillor of an electoral district under this part;

“general election”; (f) “general election” means an election where all the offices of members of the council are open to nomination;

“authorized party”; (g) “authorized party” or “authorized political party” means a party holding an authorization, in conformity with this part, from the director general of financing of political parties appointed under the Act to govern the financing of political parties (1977, chapter 11);

“returning officer”; (h) “returning-officer” means the person who is the returning-officer in a municipality under the act governing that municipality;

“official representative of a party”. (i) “official representative of a party” means the person designated as such by the leader of a party in conformity with this part.

CHAPTER II

DIVISION OF THE MUNICIPALITY INTO ELECTORAL DISTRICTS

By-law on electoral districts. **3.** Before 15 August 1978, the council of the municipality must adopt, put into force and transmit to the Commission a by-law dividing the municipality into electoral districts.

Procedure. This by-law is passed and put into force in conformity with the act governing the municipality, subject to sections 4 to 8.

Approval. It does not require any approval, except in the case provided for in the third paragraph of section 11.

Procedure essential. **4.** The by-law contemplated in section 3 cannot come into force unless the procedure prescribed in sections 5 to 8 has been followed.

Notice of
by-law.

5. The clerk of the municipality must, within seven days of the passing of the by-law, publish in a newspaper circulated in the municipality a notice summarizing the object of the by-law and describing the boundaries of the proposed electoral districts, using street names wherever possible.

Contents.

6. The notice contemplated in section 5 must specify the place in the municipality where any interested person of majority may examine the by-law; it must indicate that such a person may, within ten days following the publication of the notice, inform the Commission in writing of his objection to the by-law; it must also indicate the place to which such objection must be addressed; finally, it must set out the first paragraph of section 8.

Objections.

7. The Commission must inform the municipality in writing of any objection it receives.

Hearing.

8. If, within the prescribed period, at least 100 interested persons of majority inform the Commission in writing of their objection to the by-law, the Commission must give the persons having objections an opportunity to be heard.

Notice of
hearing.

The Commission shall then cause to be published in a newspaper circulated in the municipality a notice of at least three clear days of the place, day and time it will sit to hear objections, and the purpose of the sitting.

Recommen-
dations of
Commis-
sion.

The Commission must, immediately after that sitting, transmit its recommendations to the municipality by registered or certified mail.

Publication.

The municipality must make these recommendations public in the manner determined by the Commission.

Non-
applicable
provisions.

9. Sections 4 to 8 do not apply in the case of a by-law which amends the by-law contemplated in section 3 only to give effect to the recommendations of the Commission.

Number of
electoral
districts.

10. (1) In a municipality whose population, on the date of the passing of the by-law contemplated in section 3, is 20 000 or over but under 50 000, the number of electoral districts must not be less than 8 nor more than 12.

Idem.

(2) In a municipality whose population on that date is 50 000 or over but under 100 000, this number must not be less than 12 nor more than 16.

Idem.

(3) In a municipality whose population on that date is 100 000 or over but under 250 000, this number must not be less than 16 nor more than 24.

- Number of electoral districts. (4) In a municipality whose population on that date is 250 000 or over but under 500 000, this number must not be less than 24 nor more than 36.
- Idem. (5) In a municipality whose population on that date is 500 000 or over but less than 1 000 000, this number must not be less than 36 nor more than 48.
- Idem. (6) In a municipality whose population on that date is 1 000 000 or over but less than 2 000 000, this number must not be less than 48 nor more than 96.
- Delimitation. **11.** Each electoral district must be delimited in such a manner that the population of that district equals, within 15%, the quotient obtained by dividing the total population of the municipality by the number of districts.
- Basis of population figure. For the application of the first paragraph, the total population of the municipality is established on the basis of the census of the population of Canada carried out in 1976 by Statistics Canada in accordance with the Statistics Act (Statutes of Canada, 1970-71-72, chapter 15).
- Exceptional population figure. A by-law delimiting a district where the population is more than 15% above or below the quotient determined under the first paragraph cannot come into force unless approved by the Commission.
- Criteria of delimitation. **12.** Electoral districts must be delimited in such a manner as to ensure that each of them has the highest possible socio-economic homogeneity, some of the criteria used being physical barriers, demographic tendencies and parish boundaries.
- Where municipality fails to act. **13.** (1) Should the municipality fail to pass or to put into force the by-law contemplated in section 3 before the prescribed date, the Commission must, as the case may be, divide the municipality into electoral districts and transmit a copy of its decision to the municipality, or put into force the by-law of the municipality in conformity with this section. In such a case, sections 4 to 8 do not apply and, as the case may be, the approval provided for by the third paragraph of section 11 is deemed to have been given.
- Notice of Commission's decision. The Commission shall cause to be published, in a newspaper circulated in the municipality, a notice mentioning the object of the decision or of the by-law, the date of its passing and the place where it may be examined. Such decision or by-law comes into force on the date of such publication.
- Effect. The decision of the Commission has the same effect as if it had been adopted by the council of the municipality.

Municipality may still act.

(2) However, the council of the municipality may pass the by-law, put it into force and transmit it to the Commission, even after the date fixed by section 3, as long as the decision of the Commission or the by-law of the municipality has not come into force under this section.

CHAPTER III

COUNCIL OF THE MUNICIPALITY

Composition.

14. The council of a municipality is composed of a mayor, and one councillor for each electoral district.

CHAPTER IV

DISQUALIFICATION FOR MUNICIPAL OFFICE

M.N.A.'s and M.P.'s disqualified.

15. In addition to any other person disqualified for municipal office by virtue of the law, a person who is a member of the Assemblée nationale or of the Parliament of Canada shall not hold office as a member of the council of the municipality.

Not applicable to sitting members.

This section does not apply to a person who is a member of the Assemblée nationale or of the Parliament of Canada on the date when it comes into effect in the municipality.

CHAPTER V

ELECTORS

Natural persons only.

16. Every person entitled to vote under the act governing the municipality and not legally deprived of that right, except a trade-union, company or corporation, commercial partnership, association, cooperative or other artificial person, has the right to vote at the election of the mayor and of a councillor.

Artificial persons enrolled for other purposes.

This section does not deprive a trade-union, company, corporation, commercial partnership, association, cooperative or other artificial person of its right to be entered on the electoral list of the municipality, for any purpose other than the election for members of the council, under the rules provided by the act governing the municipality, *mutatis mutandis*.

CHAPTER VI

ELECTIONS

DIVISION I

DATE

1978
election
date.

17. The 1978 general election in the municipality takes place on 12 November 1978.

DIVISION II

ELECTION OFFICERS

Returning-
officer
under
director
general.

18. The director general of elections appointed under the Election Act (Revised Statutes, 1964, chapter 7) may make recommendations to the returning-officer concerning the discharge of the duties of the latter.

Assistance
of director
general.

19. The director general of elections must, on request, provide the returning-officer with any assistance the latter may need in the discharge of his duties.

DIVISION III

NOMINATION OF CANDIDATES

Applicable
provisions.

20. Candidates for the offices of members of the council are nominated in conformity with the act governing the municipality, subject to this division.

Nomina-
tion day,
1978.

21. The nomination of candidates for the 1978 general election takes place on 25 October 1978.

Same can-
didate may
stand for
both mayor
and
councillor.

22. The candidate of an authorized party for the office of mayor may also, with the same nomination-paper and without other formality, be nominated for the office of councillor in a single electoral district, if, among the persons nominating him for the office of mayor, the prescribed number of persons entitled to nominate him as councillor for that district can be found.

Co-candi-
date
for double
candidate.

These persons must then also nominate a co-candidate on a separate nomination-paper.

Contents of
nomination
paper.

23. In addition to any other particular required, the nomination-paper of a candidate must indicate the name of his party,

in the case of a candidate of an authorized party or, in other cases, bear the inscription "independent".

Co-candidate.

Moreover, the paper must indicate that the candidate is a co-candidate, if that is the case.

Deposit returned to co-candidate.

24. The sum deposited by a co-candidate for the acceptance of his nomination-paper is returned to him, except where otherwise provided for, when the candidate whose co-candidate he is, is elected to the office of councillor of the electoral district.

Official agent's affidavit.

25. At the same time as his nomination-paper, a candidate of an authorized party must produce an affidavit or a solemn affirmation from the official representative of the party declaring that he is the candidate of the party for the office concerned, or a co-candidate.

Candidate acclaimed as mayor loses other candidacy.

26. If a person contemplated in the first paragraph of section 22 is declared elected to the office of mayor, for lack of another candidate for this office or following the withdrawal of such a candidate, he ceases therefrom to be the candidate for the office of councillor of an electoral district.

Co-candidate becomes sole party candidate. Ballot-papers.

His co-candidate then becomes the only candidate of the party for the latter office and is no longer qualified as a co-candidate.

If the withdrawal contemplated in the first paragraph occurred too late to enable the returning-officer to have new ballot-papers printed for the election to the office of councillor contemplated in the first paragraph and the poll for such office is necessary, the polling clerk uses the papers in his possession, after striking out, visibly and evenly, with an ink-line, the inscriptions concerning the person elected to the office of mayor, as well as the inscription "co-candidate" next to the name of his co-candidate, and such papers are sufficient for all the purposes of the election.

No poll if no opposition for councillor.

27. (1) If the person contemplated in the first paragraph of section 22 and his co-candidate are the only candidates for the office of councillor in an electoral district, or are the only candidates remaining following the withdrawal of another candidate, there is no poll for such office, unless polling has begun before that candidate's withdrawal, if that is the case.

Declared elected under s. 30.

One or the other is declared elected to that office as councillor, in conformity with section 30, as soon as a candidate has been elected mayor.

Death or withdrawal.

(2) If a person contemplated in the first paragraph of section 22 dies, or withdraws his candidacy for mayor or councillor, before the closing of the poll, the second and third paragraphs of section 26 apply *mutatis mutandis*, and the returning-officer does not have

to fix another day for the nomination for councillor nor proceed with a new election.

Death or withdrawal.

(3) If a co-candidate dies or withdraws his candidacy before the expiry of the period provided for the nomination of candidates, another co-candidate must be nominated in conformity with section 22 before the expiry of that period.

Idem.

If he dies or withdraws after the expiry of that period and before the closing of the poll, or if another co-candidate has not been nominated in due time, the person whose co-candidate he was ceases therefrom to be a candidate for the office of councillor if, under the act governing the municipality, the election for such office continues.

Ballot-papers.

In the case provided for by the second paragraph, if the death or withdrawal occurred too late to enable the returning-officer to have new ballot-papers printed for the election to the office of councillor, and it is necessary to hold a poll for such office, the polling clerk uses the papers in his possession, after striking out, visibly and evenly with an ink-line, the inscriptions concerning the person contemplated in the second paragraph and his co-candidate.

DIVISION IV

NOTICE OF POLL AND BALLOT-PAPER

Contents of notice of poll.

28. The public notice announcing the holding of a poll must, in addition to any other information required by the act governing the municipality, indicate the name of the party of the candidate, in the case of the candidate of an authorized party or, in other cases, indicate that the candidate is an independent.

Co-candidate.

This notice must also indicate that the candidate is a co-candidate, if that is the case.

Contents of ballot-paper.

29. The ballot-paper must, in addition to any other particular required by the act governing the municipality, indicate the name of the party of the candidate, in the case of the candidate of an authorized party or, in other cases, indicate that the candidate is an independent.

Co-candidate.

The ballot-paper used for the election of the councillor of an electoral district must also specify, if that is the case, that a candidate is a co-candidate. The particulars relating to the co-candidate and those relating to the candidate whose co-candidate he is must appear in the same space on the ballot paper, the latter particulars being placed first, so that the elector votes for both these persons with a single mark.

DIVISION V

DECLARATION OF THE ELECTION OF CERTAIN CANDIDATES

Where candidate wins both polls.

30. (1) If a person is the candidate of an authorized party both for the office of mayor and for that of councillor of an electoral district, and if he obtains the greatest number of votes at the election for each of these offices, he is declared elected as mayor and his co-candidate, as district councillor.

Case of section 27.

The same holds true where that person obtains the greatest number of votes in the election for the office of mayor and where subsection 1 of section 27 applies.

Preference to double candidate.

(2) If that person does not obtain the greatest number of votes at the election for the office of mayor, but obtains them at the election for the office of councillor, or if subsection 1 of section 27 applies, he is declared elected to that office in preference to his co-candidate.

DIVISION VI

CONTROVERTED ELECTIONS

Co-candidate declared elected councillor.

31. If the court annuls the election of the mayor and declares elected to that office a person already declared elected as a councillor under subsection 2 of section 30, it must also declare elected to the office of councillor the co-candidate of that person, in replacement of the latter, if that co-candidate is still qualified for election, failing which the office is vacant.

Service of judgment.

32. In the case provided for in section 31, in addition to any other service required by law, the plaintiff or the petitioner, as the case may be, must serve a copy of the judgment of last resort on any other person declared elected by the court.

Time limit to take oath.

33. A person declared elected by the court in the case provided for in section 31 must take his oath of office, and his oath of allegiance, if required, within fifteen days following the service made to him under section 32, failing which the office is vacant. The clerk informs the council of such vacancy at the sitting immediately following the expiry of that period.

CHAPTER VII

POLITICAL PARTIES

Definitions:

“official agent”;

34. In this chapter, unless the context indicates otherwise,
(a) “official agent” means the person acting as an official agent in accordance with Division II;

“authorized candidate”; (b) “authorized candidate” means a candidate holding an authorization from the director general;

✓ “contribution”; (c) “contribution” means money donated to a political party or to an independent candidate, and services rendered and goods furnished to them free of charge for political purposes;

“expenditure”; (d) “expenditure” means any expense made for political purposes by a political party or a candidate;

“director general”; (e) “director general” means the director general of financing of political parties appointed under the Act to govern the financing of political parties;

“party authority”; (f) “party authority” means the organization of a political party at the level of an electoral district, of a group of districts or of the municipality;

“treasurer”. (g) “treasurer” means the treasurer or, as the case may be, the secretary-treasurer or the director of finance of the municipality.

DIVISION I

CONTRIBUTIONS AND EXPENDITURES

§ 1.—*Interpretation*

Not considered contributions.

35. The following are not considered contributions:

(a) volunteer work and the goods or services produced by such work;

(b) anonymous donations collected at a meeting or demonstration held for political purposes;

(c) amounts paid to a political party under any act, and reimbursements provided for in Division II;

✓ (d) a loan granted for political purposes at the current rate of interest in the market at the time it is granted;

✓ (e) an annual amount of not over \$25 paid by a person as dues of membership in a political party;

(f) an amount of not over \$25 in each case as registration fees at political conventions;

✓ (g) an amount of not over \$10 in each case as entrance fee to an activity or demonstration of a political nature.

Transfers of funds not affected.

Nothing in this division limits or prohibits transfers of funds between the various authorities of an authorized political party or between the party and party authorities.

§ 2.—*Application*

Exclusive
authoriza-
tion.

36. No political party or candidate may solicit or collect contributions or make expenditures except with an authorization under this division.

§ 3.—*Authorization of parties and independent candidates*

Authoriza-
tion
required.

37. Every political party or independent candidate wishing to solicit or collect contributions or to make expenditures must have an authorization from the director general in accordance with this subdivision.

Must have
official
represent-
ative.

38. A party or an independent candidate soliciting authorization must have an official representative designated by the leader of the party, or by the candidate, as the case may be.

Only one
official
represent-
ative.
One
delegate
per district.

39. Only one official representative is appointed for each party or independent candidate.

The official representative of an authorized party may, however, with the written approval of the leader of the party, appoint not more than one delegate for each electoral district.

Disqualified
persons.

40. A person who, by the effect of section 97, cannot be an official agent, cannot be an official representative or a delegate.

Resigna-
tion.

41. An official representative or a delegate may resign by sending a written notice to that effect to the person who appointed him and to the director general.

Notice.

The director general shall publish in a newspaper circulated in the municipality a notice of the resignation or replacement of an official representative or of a delegate.

Replace-
ment of
official
represent-
ative.

42. Where an authorized party or independent candidate no longer has an official representative, another shall be designated without delay; the director general must be informed of such designation, and he gives notice of it in a newspaper circulated in the municipality.

Director
general
may grant
authoriza-
tion.

43. The director general may grant an authorization, upon a written application of the leader of the party,

(a) to a party of which at least one candidate was elected at the previous election;

(b) to a party which, at the last general election, had candidates in at least one-third of the electoral districts; or

(c) to a party which elected its leader at a convention and which undertakes to present candidates for at least one-third of the offices of councillor at the next general election.

Information required.

44. The political party applying for authorization must furnish the following information to the director general:

(a) the name of the party;

(b) the address to which communications intended for the party must be sent and that where its books and accounts pertaining to the contributions to be received and the expenditures to be incurred by it are to be kept;

(c) the name and address of the party's official representative and those of his delegates, if any;

(d) the name of the municipality in which it intends to carry on its activities and present candidates.

Sworn statement of funds.

45. A party mentioned in paragraph *c* of section 43 must also establish, by a statement supported by oath or solemn affirmation of its leader, the amount of the funds at its disposal, and that the funds it has collected after the date when this chapter applies to the municipality have been collected in conformity with this division.

Disposal of unauthorized funds.

It must remit to the director general, with its application for authorization, the funds it has collected after the date mentioned in the first paragraph contrary to the provisions of this division.

Municipal fund.

The director general shall remit such amounts to the treasurer for payment into the general fund of the municipality.

Authorization of party.

46. The director general shall grant the authorization if the conditions provided for in sections 44 and 45 are met. This authorization is valid only in the municipality mentioned in paragraph *d* of section 44.

Refused.

He must, however, refuse authorization to a party if the name of the party includes the word "independent" or is likely to mislead the electors as to which party they are contributing to.

Authorization of independent candidate.

47. The director general shall grant an authorization to the independent candidate applying therefor in writing who furnishes him with the following information:

(a) his name and address;

(b) the name of the municipality in which he is a candidate;

(c) the address to which communications intended for him must be sent and that where his books and accounts pertaining

to the contributions to be received and the expenses to be incurred by him are to be kept;

(d) the name and address of his official representative.

Limits to
authoriza-
tion.

48. The authorization granted to an independent candidate entitles him to solicit and collect contributions only until the day preceding that of the polling. This authorization is valid only in the municipality mentioned in paragraph *b* of section 47. ✓

Registers.

49. The director general shall keep registers of the parties and independent candidates he has authorized, setting out the information required under sections 44 and 47.

Updating
registers.

50. The authorized political parties or independent candidates must, without delay, furnish the director general with the information required for updating the registers provided for in section 49.

Withdrawal
of authori-
zation on
application.

51. The director general must, upon written application of the leader, withdraw his authorization from an authorized party. He must do the same in the case of an authorized independent candidate, upon written application of the latter.

Null
pleno jure.

52. The authorization of a party contemplated in paragraph *c* of section 43 which does not present candidates for at least one-third of the offices of councillor or whose number of candidates drops below that minimum is null *pleno jure*.

Ballot-
papers.

If the authorization of the party becomes null or is withdrawn under section 51 or 53 on a date too close to that of the ballot to enable the returning-officer to have new ballot-papers printed, the polling clerk uses those in his possession, after striking out, visibly and evenly with an ink-line, the name of the party on every paper as well as on the papers used for the election to the office of councillor for which the candidate of the party runs for the office as mayor, the inscriptions concerning such person as well as the inscription "co-candidate" next to the name of his co-candidate.

Withdrawal
for non
compliance.

53. The director general must withdraw his authorization from an authorized party or independent candidate who does not furnish him with the information required for the purposes of the updating, in accordance with section 50, of the registers provided in section 49 or who does not, as required, comply with subdivision 6, or whose official representative does not, as required, comply with subdivision 7.

Idem, for
non
candidacy.

54. The director general must withdraw his authorization from a candidate who withdraws or dies.

Hearing. **55.** The director general, where he intends to refuse his authorization to a party or candidate or where he intends to withdraw his authorization, must give the party or candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

Summons. Any summons shall be made by registered or certified mail or by any other means considered suitable by the director general.

Notice. **56.** Upon granting or refusing authorization to a party or candidate or upon withdrawing such authorization, the director general shall give a notice of it in a newspaper circulated in the municipality.

Contents. The notice that an authorization has been granted, refused or withdrawn, must indicate the name of the official representative, and those of his delegates, if any.

✓ Disposal of balance of funds. **57.** The balance of the contributions collected by a party or candidate that ceases to be authorized shall be turned over without delay to the director general by the person holding them.

Municipal fund. The director general, after payment of the debts, shall pay such balance to the treasurer, so as to be integrated into the general funds of the municipality.

May open accounts. For the application of this section, the director general may open accounts in chartered banks having a place of business in Québec or in savings and credit unions within the meaning of the Savings and Credit Unions Act (Revised Statutes, 1964, chapter 293) and designate at least two persons chosen from among the members of his personnel to sign the cheques or other orders of payment.

§ 4.—*Contributions*

Only elector may contribute. **58.** Only an elector of the municipality may make a contribution.

Only to authorized party, etc. He may do so only in favour of a political party or an independent candidate authorized by the director general in the municipality and only in conformity with this subdivision.

Only personal contributions. **59.** Every contribution must be made by the elector himself out of his own property.

Yearly maximum. **60.** The total of contributions by the same elector during the same calendar year shall not exceed the amount of \$500. Such amount may be paid in whole or in part to one or another of the authorized parties or independent candidates.

✓

- Assessed value of goods and services. Goods and services furnished to a party or a candidate are assessed, if they are furnished by a trader dealing in similar articles or services, at the lowest price at which he offers his goods or services to the public at the time when they are furnished.
- Idem. In others cases, goods and services are assessed at the lowest market retail price in the region in which and at the time when they are offered to the public in the normal course of business.
- Surety. **61.** Only an elector of the municipality may become surety for authorized parties or independent candidates and no elector may become so for a total annual amount in excess of \$500.
- No un-authorized soliciting. **62.** Contributions shall not be solicited except under the responsibility of the official representative of an authorized political party or independent candidate, nor except through persons designated in writing by the official representative.
- Certificate. Every person authorized to solicit contributions must, on demand, exhibit a certificate signed by the official representative attesting his authority.
- Contribution only to authorized representative, etc. **63.** A contribution shall be made to no one except the official representative of the authorized party or independent candidate for whom it is intended, or the persons designated in writing by such official representative in accordance with section 62.
- Powers of delegate. **64.** The delegate of the official representative of an authorized party has, for the electoral district for which he is appointed, the powers conferred on the party's official representative by sections 62, 63, 66 and 73.
- Contributions over \$100. **65.** Every contribution of money of one hundred dollars or over must be made by cheque or other order of payment signed by the elector and drawn on a chartered bank or a savings and credit union where the elector has an account open in his own name. ✓
- Receipt. **66.** For every contribution, the official representative or the person designated in accordance with section 62 shall issue a receipt to the contributor.
- Cheque or order. **67.** The cheque or order must be made payable to the order of the authorized party or independent candidate.
- Presumed received. **68.** On being cashed, a contribution is deemed received by the party or independent candidate for whom it is intended.
- Deposit of money collected. **69.** The contributions of money collected must be deposited with chartered banks or trust companies having a place of business

in Québec, or savings and credit unions, chosen by the authorized parties or independent candidates.

Return or disposal of unauthorized contribution.

70. Every contribution made contrary to this chapter must, as soon as the fact is known, be returned to the contributor if his identity is known; if it is not known, the contribution is remitted to the director general who turns the funds over to the treasurer so as to integrate them into the general funds of the municipality.

Free air-time, news space.

71. Every radio, television or cable broadcaster and every owner of a newspaper, periodical or other printed matter may, free of charge, make broadcasting time on radio or television or space in the newspaper, periodical or other printed matter, available to authorized parties or candidates, provided he offers such a service on an equitable basis, qualitatively and quantitatively, to all the authorized parties or to all the authorized candidates.

Legality.

The director general shall verify the legality of services rendered under this section.

Interpretation: elector.

72. For the application of this subdivision, an elector is a natural person entitled to be entered on the electoral list of the municipality by virtue of the act governing that municipality.

§ 5.—*Expenditures of political parties and independent candidates*

Authority of official representative.

73. No expenditure may be made by an authorized political party or independent candidate except under the authority of the official representative of the party or candidate nor except through persons designated in writing by the official representative.

Certificate.

Every person authorized to make expenditures must, on demand, exhibit a certificate signed by the official representative attesting his authority.

§ 6.—*Auditors*

Appointment of auditors.

74. The official representative of every authorized party, with the written authorization of the leader of the party, must appoint an auditor from among the persons having a legal right to practise public accounting in Québec and notify the treasurer within thirty days after the date on which the party has obtained the authorization of the director general.

Disqualified to be auditors.

75. The following persons shall not be auditors or, as the case may be, shall cease to be auditors:

- (a) the director general;
- (b) functionaries or employees of the municipality;

- (c) members of the Assemblée nationale du Québec;
- (d) members of the Parliament of Canada;
- (e) persons who have no right to vote under the Election Act;
- (f) official agents or representatives appointed under this chapter;
- (g) candidates at the last general election or at any other election held since that general election;
- (h) candidates at the current election;
- (i) the auditor of the municipality.

Idem. This section also applies to the partners of persons referred to in the first paragraph and members of their staffs.

Replace-
ment of
auditor. **76.** The official representative of an authorized party must, with the authorization provided for in section 74, replace the auditor appointed by him upon the latter's ceasing to hold office and notify the treasurer immediately.

Duties of
auditor. **77.** The auditor shall examine the returns which the authorized party for which he acts must file pursuant to this division and issue a certificate attesting, if such is the case, that, following comparison with the vouchers and bank deposits of the party,

- (a) the returns in question are truthful;
- (b) he has received the information and explanations required;
- (c) the accounting of the party has been kept in accordance with accepted accounting standards and with the guidelines the director general may issue in that regard.

Access to
books, etc. **78.** The auditor has access to all the books, accounts and documents of the party pertaining to contributions and expenditures and may obtain all the pertinent information he considers necessary.

Reimburse-
ment of
expenses. **79.** The treasurer shall reimburse, from the general fund of the municipality, to the authorized political parties, the auditing expenses up to \$1,000 incurred by them for the purposes of the application of this subdivision.

§ 7.—Returns

Returns
by party. **80.** The official representative of every authorized party must submit to the treasurer returns prepared in accordance with the guidelines the director general may issue in that regard, indicating:

(a) the financial institutions where the contributions in money collected by the party are deposited and the account numbers used and the total value of the goods or services furnished or rendered gratuitously;

(b) the total sum of the anonymous donations collected at meetings or demonstrations contemplated in subparagraph *b* of the first paragraph of section 35, and the nature, place and date of the said meetings or demonstrations;

(c) the total sum of contributions of less than one hundred dollars received by the party and of the amounts collected pursuant to subparagraph *e* of the first paragraph of section 35;

(d) the total sum of amounts collected under subparagraph *f* of the first paragraph of section 35 as registration fees at a political convention, and the place and date of the said convention;

(e) the total sum of amounts collected under subparagraph *g* of the first paragraph of section 35 as entrance fees to an activity or demonstration of a political nature, and the nature, place and date of the activity or demonstration;

(f) the total sum of contributions of one hundred dollars or over received by the party;

(g) the name and full address of each elector who has paid a contribution of one hundred dollars or over to the party;

(h) where such is the case, the name and full address of each elector who became surety and the amount for which he became surety;

(i) the total sum of the amounts transferred to or by authorities of the party;

(j) the total sum of the amounts borrowed in accordance with subparagraph *d* of the first paragraph of section 35, the name and full address of the lender and the rate of interest charged;

(k) the total sum of the expenditures made by the party.

Accompanying receipts.

Such returns must be accompanied with a copy of each of the receipts issued for the contributions received.

Financial year.

81. For the purposes of this subdivision, the financial year corresponds to the calendar year.

Time of returns.

82. For each financial year, the official representative of an authorized political party must submit two returns to the treasurer: one, covering the first six months of the year, to be submitted not later than 1 October of that year, the other, covering the last six months, to be submitted not later than 1 April of the following year.

Presumption.

No such return is deemed submitted to the treasurer unless it is accompanied with the certificate contemplated in section 77.

83. Where the date of expiry of one or other of the periods fixed in section 82 falls during the election period of a general election, it is postponed to ninety days after the date of such election.

Election period. For the application of this section, the election period begins on the sixty-fourth day preceding the ballot or the day before the publication of the notice of the date of nomination day, and ends, for each candidate for an office, on the day a candidate is declared elected to that office by the returning-officer.

84. Where the date of expiry of one or the other of the periods fixed in section 82 falls within ninety days after the date of a general election, it is postponed to one hundred and twenty days after the date of such election.

85. The official representative of an authorized independent candidate must, within ninety days after polling day, submit a return to the treasurer.

Contents. Such return must contain, *mutatis mutandis*, the information provided for in section 80 and be accompanied with the documents required by the said section.

Public inspection of returns. **86.** Returns and documents submitted to the treasurer under this subdivision are available for public inspection not later than fourteen days after their receipt by the treasurer and form part of the documents of the municipality in his custody.

Public notice. The treasurer must, without delay, transmit a copy of the documents contemplated in the first paragraph to the director general and give public notice, in a newspaper circulated in the municipality, of the date of production of such documents and of their availability to the public.

Contributions of \$100 or less. Receipts issued for contributions of less than \$100 are not contemplated by this section.

Public inspection of returns. Any person may examine such returns and documents during office hours; the treasurer must issue a copy thereof to any person applying for it, on payment of the fee fixed in accordance with the rate in force for the issue of copies of documents in the custody of the treasurer.

Treasurer's annual report. **87.** Not later than 30 September each year the treasurer must table a report of his activities for the preceding fiscal year, under this act, in the municipal council.

Disqualification to sit in council. **88.** If the returns of a party are not filed within the fixed periods, the following person is disqualified to sit or vote in the

municipal council until the returns are filed and he is excused for the delay:

(a) the leader of the party; or

(b) if the latter has not been elected, the candidate of the party for the office of mayor; or

(c) if the latter has not been elected, that candidate among the candidates of the party who has been elected in the electoral district on the electoral list of which the greatest number of electors were entered on polling-day or, in case of a tie-vote, the councillor among those concerned who is determined by a drawing of lots carried out by the clerk at the first sitting of the council after the expiry of the period fixed for the production of the report.

Disqualifi-
cation to sit
in council. If the report of an independent candidate is not filed within the fixed time, that candidate, if he has been elected, is disqualified to sit or vote in the municipal council until the report is filed and until he is excused for the delay.

Applicable
provisions. Sections 105, 106 and 108 apply *mutatis mutandis* to this sub-division.

Offence
and
penalty. **89.** Any person who sits or votes in the municipal council contrary to section 88 is guilty of an offence and liable, on summary proceeding, to a fine of \$500, in addition to costs, for each day he so sits or votes.

Offence
and
penalty. **90.** Subject to section 89, every person who contravenes this subdivision is guilty of an offence and liable on summary proceeding to a fine of \$100 to \$1 000. Every person who permits or tolerates or participates in the offence is also guilty of it.

§ 8.—*Offences and penalties*

Offence
and
penalty. **91.** Any person who contravenes any of sections 48, 57 to 63, 65 to 67, 69 to 71, and 73 is guilty of an offence and is liable, on summary proceeding, to a fine of not less than \$1 000 nor more than \$25 000.

Prosecu-
tion by
director
general. **92.** Proceedings for contraventions against this division or the guidelines issued hereunder shall be instituted by the director general or by a person generally or specially authorized by him.

Pre-
existing
funds not
affected. **93.** (1) This division does not apply to electoral funds which, on the date when this chapter applies to the municipality, are in the possession of political parties existing on that date, or of their authorized agents.

Disposition
of pre-
existing
funds. (2) Such funds must be turned over, within ninety days after the date mentioned in subsection 1, to the official representatives

of the political parties concerned, who shall deposit them in separate accounts in financial institutions contemplated in section 69.

Contents of
first
return.

(3) The first return that must be submitted by the official representative of the party concerned under section 82 is not deemed validly submitted unless it indicates:

(a) the total amount of the funds and assets in the possession of the party on the date mentioned in subsection 1;

(b) the financial institutions where such funds are deposited and the account numbers used.

Interest
alone.

(4) Only the interest accruing to such funds may be added to them.

Contents of
subsequent
returns.

(5) No return, subsequent to the first, that must be submitted by the official representative of the party concerned is deemed validly submitted unless it indicates:

(a) the amount of funds added under subsection 4;

(b) the total amount of every expenditure made by the party out of such funds for the period covered by the return;

(c) the state of the funds on the date of the return;

(d) the changes in the assets.

Statement
of pre-
existing
funds.

(6) The funds in the possession of the various authorities of the political parties on the date mentioned in subsection 1 must be set out in a statement and turned over, within the delay mentioned in subsection 2, to the official representative of the party concerned.

DIVISION II

ELECTION EXPENSES

Definitions:

94. (1) In this division,

“election
expenses”;

(a) the expression “election expenses” means all the expenditures incurred during an election period to promote or oppose, directly or indirectly, the election of a candidate or that of the candidates of a party or to propagate or oppose the programme or policy of a candidate or party or to approve or disapprove the steps recommended or opposed by them or the things done or proposed by them or their supporters;

“election
period”;

(b) the expression “election period” means the period beginning on the twenty-first day preceding the date of a polling-day and ending, for each candidate for an office, on the day the returning-officer declares a candidate elected to that office.

Not
considered
election
expenses.

(2) The following are not considered election expenses:

(a) the publishing in a newspaper or other periodical of editorials, news, reports or letters to the editor, provided that they

are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper or other periodical is not established for the purposes of the election or with a view to the election and that the circulation and frequency of publication thereof do not differ from what obtains outside the election period;

(b) the transmission by a radio or television station of a broadcast of news or comment, provided that such broadcast is made in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

(c) the necessary cost of holding a convention in an electoral district for the selection of a candidate, which necessary cost must include the reasonable expenses of the candidates at such convention, the cost of renting a hall and the convening of delegates, but cannot include any publicity and, excluding the expenses of candidates other than the candidate selected, shall not exceed the sum of one thousand dollars;

(d) the transportation costs of a candidate, if not subject to reimbursement;

(e) the transportation costs of any person other than a candidate, paid out of his own money, if such costs are not reimbursed to him;

(f) the sum deposited with the nomination-paper;

(g) the reasonable expenses incurred for the publication of explanatory commentaries on this act, provided that such commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(h) the reasonable expenses usually incurred for the current operation of the permanent office of an authorized party, if the leader of such party, before the seventh day following publication of the notice of the date for the nomination of candidates, has given written notice to the treasurer of the existence of such office, of its exact address and of any change of address;

(i) interest accrued from the thirty-first day following the polling, on any loan lawfully granted to an official agent for election expense purposes in so far as they are not reimbursed.

Inter-
pretation:
"perma-
nent office".

For the purposes of paragraph *h*, the permanent office of an authorized party is the office where, in order to ensure dissemination of the political programme of such party and to coordinate the political activity of its members, employees of the party or of a body associated therewith work on a permanent basis outside the election period, for the attainment of its objects, and which the leader of the party has recognized for such purpose

by a letter sent to the treasurer before the seventh day following publication of the notice of the date for the nomination of candidates.

“election expenses”. (3) The expenditures incurred before an election for literature, objects or materials of an advertising nature, used during the election for the purposes contemplated by the definition of the expression “election expenses”, are election expenses.

“candidate”. (4) In this section, the word “candidate” includes any person who subsequently becomes or is likely to become a candidate.

Official agent obligatory. **95.** (1) A political party that wishes to incur election expenses must have an official agent.

Identity of party official agent. The official representative of a party, designated as specified in Division I, is the official agent of the party. ✓

Publication of identity. (2) The director general must publish the name of the official agent of a party in a newspaper circulated in the municipality.

Agent of authorized independent. **96.** (1) The official representative of an authorized independent candidate is that candidate’s official agent.

Agent of unauthorized independent. (2) An unauthorized independent candidate must file a writing designating his official agent at the time he files his nomination-paper. ✓

Idem, resignation. (3) If the official agent designated in accordance with subsection 2 dies, resigns or becomes unable to act, the candidate must immediately appoint another by means of a writing delivered to the returning-officer.

Idem, dismissal. (4) He may, in the same manner, dismiss his official agent and appoint another.

Idem, publication. (5) The returning-officer must immediately inform the treasurer of every appointment and replacement of an official agent by virtue of this section; he shall publish the name of the official agent of an independent candidate in a newspaper circulated in the municipality.

Disqualification to be official agent. **97.** No person may be the official agent of a party or of an independent candidate, if

(a) he is not an elector in the municipality;

(b) he is a candidate, election officer or employee of an election officer;

(c) he is a functionary or other employee of the municipality.

Interpretation: “elector”. For the application of this section, an elector is a natural person entitled to entry on the electoral list of the municipality by virtue of the act governing the municipality.

Expenses
in election
period.

98. (1) During an election period, no person other than the official agent of an authorized party or of an independent candidate may incur or authorize election expenses.

Unauthor-
ized
expenses.

(2) It is forbidden for any person to accept or execute an order for election expenses not given or authorized by such an official agent or in his name by his publicity agency recognized by the treasurer.

No special
prices.

(3) No person may claim or receive for election expenses a price different from his regular price for similar work or merchandise outside the election period, nor accept a different remuneration or renounce remuneration.

Free
personal
service.

(4) Any individual may, however, contribute without remuneration his personal services and the use of his vehicle provided that he does so freely and not as part of his work in the service of an employer.

Candidate
may pay
own
expenses.

(5) A candidate may himself pay his personal expenses incurred on the occasion of an election, up to the amount of two thousand dollars. Subject to paragraphs *c* and *d* of subsection 2 of section 94, the expenses he may so pay form part of his election expenses but must not include any publicity and the candidate must send a detailed statement thereof to his official agent or to the official agent of his party, as the case may be.

Municipal
functionary.

(6) Nothing in this section relates to the services rendered by a functionary or other employee of the municipality in the normal discharge of his duties.

Interim
allowance.

(7) At general elections only, the official agent of an authorized party may, for as long as no candidate of his party has filed his nomination-paper and before the day fixed for the nomination of candidates, authorize election expenses in an electoral district for an amount not exceeding \$500 and including no publicity.

Identi-
fication of
printer,
publisher,
advertiser.

99. Every printed advertisement, prospectus, placard, poster, pamphlet, handbill or circular relating to any election must bear the name and address of its printer and of the person on whose behalf it was printed or published.

Idem.

Every advertisement relating to an election published in a newspaper or other publication must include the name and address of the person who has it published; such name and address must be mentioned at the beginning or at the end of any sponsored radio or television programme relating to an election.

Presump-
tion.

Anything that constitutes election expenses is deemed to relate to an election.

Publicity agency.

100. (1) An official agent who wishes to order election expenses through a publicity agency must so inform the treasurer in writing.

Treasurer's notice.

(2) If it is shown to his satisfaction that it is a *bona fide* agency, the treasurer shall cause to be published in a newspaper circulated in the municipality a notice that the agency so designated is recognized as the mandatary of such official agent. ✓

Presumption.

(3) All election expenses ordered by the agency so designated are deemed to be ordered by the official agent.

Itemized invoice.

101. (1) Any payment for election expenses of twenty-five dollars or more must be proved by an itemized invoice.

Contents.

(2) An itemized invoice must provide all the particulars required for auditing each item of work or material and the rate or unit price used for computing the amount.

Period to claim due amount.

(3) Every person to whom an amount is due for election expenses must present his claim to the official agent not later than thirty days following polling-day; otherwise, that person forfeits the right to recover his claim. ✓

Where official agent has died.

(4) If the official agent has died and has not been replaced, the claim must be forwarded within the same period to the leader of the party or to the independent candidate himself, as the case may be.

Limits to election expenses, mayor.

102. (1) Election expenses for an independent candidate for the office of mayor, or for a party on behalf of its candidate for the office of mayor, are limited, during an election, to the total of the following amounts:

(a) \$3 000;

(b) \$0.25 for each elector included in the group of electors over 1 000 but not over 20 000 in the whole municipality;

(c) \$0.40 for each elector included in the group of electors over 20 000 but not over 100 000 in the whole municipality;

(d) \$0.30 for each elector included in the group of electors over 100 000 in the whole municipality.

Limits to election expenses, councillor.

(2) Election expenses for an independent candidate for the office of councillor, or for a party on behalf of its candidate for the office of councillor, are limited during an election and in each electoral district to the total of the following amounts:

(a) \$1 500;

(b) \$0.25 for each elector included in the group of electors over 1 000 in the district.

Reimbursement of election expenses.

103. (1) The treasurer shall reimburse, out of the municipality's general fund, an amount equal to 50% of the election expenses incurred and paid in accordance with this division to the official agent of an independent candidate who is elected or obtains at least 20% of the votes cast during an election for the office of mayor or councillor, as the case may be.

Reimbursement of election expenses.

(2) He shall reimburse the official agent of a party, out of the municipality's general fund, an amount equal to 50% of the expenses incurred and paid in accordance with this division for a candidate for the office of mayor or a candidate for the office of councillor in each electoral district, if such candidate is elected or obtains at least 20% of the votes cast during the election for the office in question.

Statement required.

(3) To be entitled to reimbursement, the official agent of the candidate or party must produce a statement in the form prescribed by the director general and such statement must be accompanied with an affidavit or solemn affirmation and invoices, receipts or other vouchers, or certified copies of such documents, which shall afterwards be forwarded to the returning-officer by the treasurer.

No reimbursement if no return filed.

(4) However, the treasurer shall not make a reimbursement so long as the official agent of a candidate or party has not delivered, in accordance with the first paragraph of section 104, a return of election expenses or has not been excused from the delay to deliver it by order of a judge, in accordance with the second paragraph of section 106.

Return of election expenses.

104. The official agent of an authorized party or of an independent candidate, within the sixty days following polling-day, must deliver to the returning-officer or leave at his domicile a return of election expenses in the form prescribed by the director general.

Vouchers.

Such return must be accompanied by the invoices, receipts and other vouchers that have not been sent to the treasurer or by certified copies of such documents, and by a list of such documents and an affidavit in the same form.

Publication.

Within ten days of receiving each return of election expenses, the returning-officer must publish an abstract, in the form prescribed by the director general, bearing the signature of the official agent in a newspaper circulated in the municipality.

Public inspection.

The returning-officer must keep all the returns and affidavits as well as the invoices and vouchers and, during ordinary office hours within the ensuing one hundred and eighty days, permit any elector to examine them and make extracts or copies thereof.

Preservation and disposal of documents.

At the expiration of such period, the returning-officer must forward such documents to the treasurer, who shall retain them in his possession for at least one year following the election if the validity of the election is not contested within that time, or for one year from the time of the decision respecting the contestation if the validity of the election is contested; at the expiration of such period, he must deliver the invoices and vouchers to the candidate or party if one of these so requests; if not, he may destroy them.

Dis-qualified from sitting.

105. If the return and affidavit prescribed by section 104 are not produced within the fixed time, the candidate or the person determined pursuant to the first paragraph of section 88, as the case may be, is disqualified from sitting or voting in the municipal council until such return and affidavit have been delivered and he has been excused for the delay by order of a judge.



Judge's permission to rectify error.

106. If a return or an affidavit contains any error, the independent candidate or party leader may obtain permission from a judge to rectify such error on establishing that it was made through inadvertence.

Judge's order, further delay.

If an independent candidate or party leader establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and production of a return prescribed in section 104, such judge may make any order he deems necessary to enable the applicant to obtain all the information and documents necessary to prepare the return and affidavit and grant such further delay as the circumstances may require.



Contempt.

Failure to comply with an order made under this section is punishable in the same manner as failure to appear to testify before the court.

Agent must pay claims received in time.

107. Before filing the return and affidavit prescribed by section 104, an official agent must have paid all the claims received within the period prescribed by section 101, unless he contests them and mentions them therein as being contested.



Must not pay contested claims.

It is forbidden for the official agent and the party leader or candidate to pay a claim so contested, except in execution of a judgment of a competent court in favour of the creditor after the hearing of the case but not upon a confession of judgment or an agreement of settlement.

Exception.

A judge may nevertheless authorize the payment of a contested claim or a claim not produced within the prescribed time, if it is established before him that the contestation or delay in filing results from a *bona fide* error or oversight and that the

payment will not increase the expenses to an amount exceeding the limit fixed by section 102.

Judge
having
jurisdiction.

108. The judge having jurisdiction to take cognizance of a motion under the preceding three sections is the judge to whom an application for a recount must be presented under the act governing the municipality.

Notice of
motion.

No such motion may be heard without notice of at least three clear days to the treasurer and to each of the other candidates for the office of councillor concerned or for the office of mayor, as the case may be, or, in the case of a party leader, to each of the other recognized party leaders.

Offence
and
penalty.

109. Whosoever sits or votes in a municipal council contrary to section 105 is guilty of an offence and is liable, on summary proceeding, to a fine of five hundred dollars and costs for each day on which he so sits or votes.

Corrupt
practice.

110. Every official agent who incurs election expenses exceeding the maximum fixed by section 102 or files a false return or affidavit or produces a falsified invoice, receipt or other voucher, or, after the filing of his return, pays a claim otherwise than as permitted by section 107, is guilty of a corrupt practice.

Idem.

An independent candidate or party leader whose official agent is guilty of any of the above mentioned acts is also guilty of a corrupt practice unless it is established that such action is of no great gravity and could not have affected the result of the election, and that the candidate or party leader had also taken in good faith all possible and reasonable precautions to carry out the election honestly according to the requirements of the law.

Exception.

Corrupt
practice.

A candidate or party leader who incurs, pays or authorizes any election expenses otherwise than as permitted by this division, is also guilty of a corrupt practice.

Penalty.

Every person guilty of a corrupt practice contemplated in this section is guilty of an offence and is liable, on summary proceeding, to a fine of one hundred to one thousand dollars and to imprisonment for one month to twelve months; his election, if he has been elected, is null and he is also disqualified for municipal office for six years from the judgment of last resort.

Exception.

A candidate or party leader found guilty of a corrupt practice committed by his official agent without his knowledge is exempt from the fine and imprisonment and is not disqualified as provided in the fourth paragraph.

Penalty
for other
offences.

111. Any infringement of this division, other than a corrupt practice contemplated in the preceding section, is an offence

punishable, on summary proceeding, by a fine of one hundred to five hundred dollars and imprisonment not exceeding six months.

Offence. Every person is guilty of an offence contemplated in this section who permits, tolerates or participates in any way in the commission thereof.

Prosecution by director general. **112.** Proceedings for offences against this division are taken by the director general or by a person generally or specially authorized by him. ✓

Form. **113.** The director general may prescribe the form provided for in sections 103 and 104.

DIVISION III

CONTROL AND SUPERVISION

Treasurer under director general. **114.** For the purposes of the application of this chapter, the treasurer is subject to the authority of the director general.

Assistance of director general. **115.** The director general must provide the treasurer with any assistance the latter may need in the discharge of his duties pursuant to this chapter.

Appeals. **116.** Any decision made by the treasurer pursuant to this chapter may be appealed before the director general; the appeal must be served on the director general and the treasurer within 15 days of such decision; the director general renders the final decision, after inquiry; he may confirm, amend or quash the decision of the treasurer.

CHAPTER VIII

FINAL PROVISIONS

Provisions continue to apply. **117.** The provisions of a general law or special act or of letters patent that apply to a municipality, or of a municipal by-law, concerning the matters contemplated in the chapters of this part that are applicable to this municipality, continue to apply, *mutatis mutandis*, to the extent that they are not inconsistent with these chapters.

Inoperative provision regarding insignia. **118.** A provision of a general law or special act, of letters patent or of a by-law, contemplated in section 117, that prohibits the provision or wearing of objects that proclaim a person's membership in or support of a party at the time of an election, is inoperative.

PART II

EXECUTIVE COMMITTEES

R.S., c. 193,
ss. 68a-68j,
added.

119. The Cities and Towns Act (Revised Statutes, 1964, chapter 193) is amended by inserting, after section 68, the following subdivision and sections:

“§ 5a.—*Executive Committee*”

Composi-
tion of the
executive
committee.

“**68a.** The council may, by by-law adopted by a two-thirds majority of the votes, create an executive committee of three members if the council is composed of from 15 to 20 councillors or five members if the council is composed of more than 20 councillors.

Chairman.

“**68b.** The mayor is, *ex officio*, chairman of the committee.

Other
members.

The other members of the committee are appointed, by resolution of the council, from among its members, for a one-year term; the term is renewable.

Deputy
chairman.

“**68c.** The chairman appoints, from among the other members of the committee, a deputy chairman to replace him when absent or unable to act.

Remunera-
tion.

“**68d.** Each member of the committee receives, as annual remuneration for his services in that capacity and over and above any other amount prescribed by this act, the amount of the annual remuneration of a councillor of the municipality.

Terms of
payment.

The council determines by resolution the terms of payment of this sum, one-third of which is paid as an indemnity for part of the expenses attaching to the office in question.

Quorum.

“**68e.** Two members of a committee of three, or three members of a committee of five, are a quorum.

Secretary.

“**68f.** The clerk is, *ex officio*, secretary of the committee.

Manager
attends.

“**68g.** The manager, if any, attends the committee meetings.

Functions
of the
committee.

“**68h.** The committee prepares and submits to the council:

- (a) draft by-laws;
- (b) the annual budget;
- (c) any request for the allocation of the proceeds of loans or for any other moneys required;
- (d) any request for the transfer of funds or moneys already voted;

(e) any report that recommends the granting of franchises or privileges;

(f) any report concerning the exchange or the lease by emphyteusis of an immovable that belongs to the city or the lease of the city's moveable or immovable property under a lease of more than one year;

(g) any report on any other subject submitted to it by the council that falls within the latter's jurisdiction;

(h) any plan for the classification of positions and the related salaries.

Account-ability.

68i. The committee must give an account of its work to the council and no report or decision has effect unless it has been adopted or ratified by the council.

Applicable provisions.

68j. Sections 68a to 68i apply to every city and town municipality

(a) to which Part I, or certain chapters of Part I, of the Act respecting the 1978 elections in certain municipalities and amending the Cities and Towns Act (1978, chapter 63) apply;

(b) that has no executive committee or administrative committee under its charter; and

(c) whose council is made up of at least 15 councillors.

Effect.

In such a municipality, the foregoing sections come into effect on the day following the general election held in accordance with the provisions contemplated in subparagraph a of the first paragraph."

PART III

FINAL PROVISIONS

Population of a municipality.

120. (1) Subject to section 11, for the application of this act, the population of a municipality is that given in the last census recognized as valid under section 4b of the Cities and Towns Act or section 16a of the Municipal Code, as the case may be, effective only from the date of publication of a Government order pursuant to this section.

Case of amalgamation or total annexation.

(2) In a case of amalgamation or complete annexation of a municipality, the population of the new municipality or of the annexing municipality is made up of the sum of the populations of all the municipalities involved in the amalgamation or affected by the annexation, as determined in accordance with this section.

Case of
partial
annexation.

(3) In the case of the annexation of part of a municipality or of a territory that does not have any local municipal organization, the population of the municipality affected by annexation is that which the Government may establish, if the *Ministre des affaires municipales* contends that the apparent effect of the annexation has been to increase the population of the municipality to 20 000, 50 000, 100 000, 250 000, 500 000 or 1 000 000 inhabitants or over, or to bring it below one of these figures, as the case may be.

Coming
into force
of order.

A Government order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Computed
population
is for the
interim.

(4) The population of a municipality as determined pursuant to subparagraph 2 or 3 following amalgamation or annexation is valid only until it is determined in accordance with subparagraph 1.

Municipal-
ity of
under
100 000
population.

121. A municipality having a population of 20 000 or over but under 100 000, whatever the act governing it may be, except a county municipality, where a general election must take place in 1978 under that act, may, in a by-law that its council adopts and puts into force in accordance with this act, decree that the following apply thereto:

(a) Part I of this act, or

(b) only chapters I, IV, V, VII and VIII of such Part.

Idem.

The provisions contemplated in paragraph *a* or paragraph *b* of the first paragraph, as the case may be, become effective in this municipality on the date of the coming into force of the by-law contemplated in the first paragraph.

Idem.

In the case where the municipal council decrees that Part I applies thereto, a certified copy of such a by-law must be transmitted without delay to the Standing Commission on Reform of the Electoral Districts.

Minister
responsible.

122. The *Ministre des affaires municipales* is responsible for the application of this act, except in respect of the powers and responsibilities it confers or imposes on the director general of elections and on the director general of the financing of political parties.

Coming
into force.

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