



NATIONAL ASSEMBLY

THIRD SESSION

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Bill 192

An Act to amend the Election Act

Introduction

Introduced by
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EXPLANATORY NOTES

The object of this bill is to amend the Election Act to enable an elector to obtain from the chief electoral officer an authorization to solicit and collect contributions to finance his election expenses.

To obtain such authorization, the elector must, in particular, undertake to be a candidate at the next election in the electoral division he indicates.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The headings of Title III and of Chapter I of Title III of the Election Act (R.S.Q., chapter E-3.3) are amended by replacing the words “INDEPENDENT CANDIDATES” by the word “ELECTORS”.

2. Section 41 of the said Act is amended by replacing the words “independent candidate” in the first line by the word “elector”.

3. Section 42 of the said Act is amended by replacing the words “independent candidate” in the first and fourth lines by the word “elector”.

4. Section 43 of the said Act is amended by replacing the words “independent candidate” in the first line of the third paragraph by the word “elector”.

5. Section 46 of the said Act is amended by replacing the words “independent candidate” in the second line of the second paragraph by the word “elector”.

6. The heading of Division V of Chapter I of Title III of the said Act is amended by replacing the words “INDEPENDENT CANDIDATE” by the word “ELECTOR”.

7. Section 59 of the said Act is replaced by the following sections:

“59. The chief electoral officer or any person designated by him shall grant an authorization to every elector who applies to him therefor in writing and who furnishes him with the following information:

(1) his name, the address of his domicile and his telephone number;

(2) an agreement to become a candidate at the next election;

(3) the name of the electoral division in which he will be or, as the case may be, is an independent candidate;

(4) the address to which communications intended for him must be sent;

(5) the address where the books and accounts pertaining to the contributions he will receive and the expenses he will incur are to be kept;

(6) the name, address and telephone number of his official representative.

The official representative of the elector shall be the official agent designated by the elector in his nomination paper.

“59.1 The application for authorization made by an elector shall be accompanied with the names, addresses and signatures of 100 electors of the electoral division asserting that they are sympathizers of that elector and that they support his application for authorization.

An elector who collects signatures shall declare under oath that he knows the persons whose names appear on the application, that they have affixed their signatures in his presence and that, to his knowledge, they are electors of the electoral division in which he will be or, as the case may be, is an independent candidate.

“59.2 The penalties applicable to a person supporting an application for authorization who is not an elector, who is not domiciled in the electoral division indicated or who signs for another person must be set forth in the application.”

8. Sections 60 to 62 of the said Act are replaced by the following sections:

“60. The authorization granted to an elector entitles his official representative to solicit and collect contributions until polling day.

“61. Any authorized elector who ceases to be a candidate in the electoral division indicated by him or who is not a candidate, shall notify the chief electoral officer who shall withdraw his authorization, and section 74 applies.

“62. The authorization granted to an elector who withdraws before polling day entitles his official representative to solicit and collect contributions for the sole purpose of defraying the debts arising from election expenses incurred by the elector before his withdrawal, and to dispose, in accordance with the second paragraph of section 441, of the sums and property remaining in the elector’s election fund on the day of his withdrawal.

Section 125 applies to such elector.

“62.1 The authorization granted to an elector who was not elected entitles his official representative to solicit and collect, after polling day, contributions for the sole purpose of defraying the debts arising from election expenses incurred by the elector.

“62.2 The authorization granted to an elector who has been elected entitles his official representative to solicit and collect contributions until the next polling day; the contributions shall be kept in his election fund. However, if he fails to pay all the debts arising from election expenses by 31 December in the year following the year in which the elector is elected, the authorization expires on that date.”

9. Section 63 of the said Act is amended by replacing the words “independent candidate” in the second line of the second paragraph by the word “elector”.

10. Section 64 of the said Act is amended by replacing the words “a candidate” in the fourth line of the first paragraph by the words “an elector”.

11. Section 65 of the said Act is amended by replacing the words “independent candidate” in the third line of the third paragraph by the words “authorized elector”.

12. Section 67 of the said Act is amended

(1) by replacing the words “independent candidate” in the third and fourth lines of the first paragraph and the word “candidate” in the fourth line of the same paragraph by the word “elector”;

(2) by replacing the words “independent candidate” in the second line of the fourth paragraph by the word “elector”.

13. Section 70 of the said Act is replaced by the following section:

70. The chief electoral officer shall withdraw the authorization of an elector

(1) who dies;

(2) who becomes the official representative of an authorized entity;

(3) who becomes the candidate of an authorized party;

(4) who was elected and who, subsequently, begins to sit as a member of an authorized political party.”

14. Section 71 of the said Act is amended by replacing the word “candidate” in the third line by the word “elector”.

15. Section 72 of the said Act is amended by replacing the words “a candidate” in the fourth line of the first paragraph by the words “an elector”.

16. Section 73 of the said Act is amended by replacing the words “authorized independent candidate” in the third line of the second paragraph by the words “authorized elector becoming an independent candidate”.

17. Section 74 of the said Act is amended by replacing the words “independent candidate” in the first line of the first paragraph and in the first line of the second paragraph by the word “elector”.

18. Section 91 of the said Act is amended by replacing the words “independent candidate” in the first line of the first paragraph by the words “authorized elector”.

19. Section 101 of the said Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) the names of the authorized parties and of the authorized electors;

“(2) the name of the official representative of each of those parties and electors;”.

20. Section 103 of the said Act is amended by replacing the words “a party or of a party authority” in the first line by the words “an authorized entity”.

21. Section 107 of the said Act is amended by adding the following paragraph:

“The official representative of an authorized elector shall also appoint such an auditor.”

22. Section 109 of the said Act is amended by adding the following paragraph:

“The official representative of an authorized elector shall also replace the auditor when the latter ceases to hold office.”

23. Section 110 of the said Act is amended by striking out the words “of an authorized party” in the first line.

24. Section 111 of the said Act is amended by adding the following paragraph:

“The same applies to the auditor of an authorized elector in respect of the books, accounts and documents pertaining to the sums collected for the promotion of his political program.”

25. Section 112 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The same applies to the audit of the financial report of an authorized elector, up to \$500.”

26. Section 117 of the said Act is amended by inserting the words “or of an authorized elector” after the word “authority” in the second line of the first paragraph.

27. Section 118 of the said Act is amended by striking out the words “party or of an authorized party” in the first and second lines.

28. Section 122 of the said Act is amended by replacing the words “independent candidate” in the first line of the first paragraph by the words “elector who was not elected”.

29. Section 123 of the said Act is amended

(1) by replacing the words “independent candidate” in the first line of the first paragraph by words “authorized elector who was not elected”;

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

30. Section 124 of the said Act is amended by replacing the words “a candidate” in the second line by the words “an authorized elector who was not elected”.

31. Section 125 of the said Act is replaced by the following section:

“125. Every authorized elector who is not elected becomes disqualified for the next general election and for any by-election if he has not discharged all the debts arising from his election expenses by 31 December in the year following the year of the election in which he was a candidate.

An authorized elector who is elected becomes, from that date, disqualified to sit and to vote in the National Assembly until he has discharged all his debts and filed a financial report in accordance with section 117.”

32. Section 127 of the said Act is amended by replacing the words “independent candidate” in the third line of the first paragraph by the words “authorized elector”.

33. Section 132 of the said Act is amended by replacing the last line of the first paragraph by the following: “authorized party authority and to each authorized elector at the level of the electoral division and to the public.”

34. Section 134 of the said Act is amended by replacing the words “of independent candidates” in the second and third lines of the second paragraph by the words “authorized electors”.

35. Section 235 of the said Act is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) an authorized elector to whom the first and second paragraphs of section 125 apply;”.

36. Section 441 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“441. On filing the return prescribed in section 432 or 434, the official agent of an authorized party, of a candidate of an authorized party or of an authorized independent candidate who was elected shall remit the sums or goods remaining in his election fund to the official

representative of the party, of the authority of that party at the level of the electoral division or of the authorized elector, as the case may be.”;

(2) by replacing the words “authorized independent candidate” in the first line of the second paragraph by the words “independent candidate who was not elected”.

37. Section 450 of the said Act is replaced by the following section:

450. The advance of an authorized elector is paid to him only if the authorized elector has become a candidate.”

38. Section 452 of the said Act is amended by striking out the word “authorized” in the second line.

39. Section 487 of the said Act is amended by replacing paragraph 1 by the following paragraph:

“(1) authorize parties, party authorities and electors;”.

40. Section 552 of the said Act is amended

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

“(2.1) every person who supports an elector’s application for authorization when the elector is not an elector of the electoral division in respect of which the application is filed;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) every person who uses another person’s signature as support on a nomination paper or on an elector’s application for authorization;”;

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

“(4.1) every elector who collects signatures of support and falsely declares that he knows the persons whose names appear on the application for authorization, that they signed in his presence or that they are electors in the electoral division in which he will be an independent candidate;”.

41. Section 564 of the said Act is amended by inserting the figure “62.1,” after the figure “62,” in the first line.

42. This Act comes into force on (*insert here the date of assent to this Act*).