



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 51

**An Act to amend the Act respecting
elections and referendums in
municipalities**

Introduction

**Introduced by
Mr Yvon Picotte
Minister of Municipal Affairs**

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EXPLANATORY NOTES

This bill amends the Act respecting elections and referendums in municipalities to allow cities with a population of 20 000 or over to establish a procedure which would permit the defeated mayoral candidate of a party to become the councillor of a district at the same general election.

According to this procedure, a candidate for the office of mayor would, jointly with another person called his "co-candidate", also be a candidate for the office of councillor of a district. If the candidate is victorious as mayoral candidate, his co-candidate becomes councillor of the district provided their ticket obtains the greatest number of votes at the election of the councillor for the district. If, on the contrary, he is defeated as mayor but the ticket wins the election in the district, he becomes councillor in preference to his co-candidate.

Bill 51

An Act to amend the Act respecting elections and referendums in municipalities

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 146 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, a municipality to which Chapter XIII applies may, by a by-law of its council, allow double candidacies in accordance with this paragraph; in such a case, the clerk shall transmit a certified copy of the by-law, as soon as possible after its coming into force, to the Minister of Municipal Affairs and to the chief electoral officer. If such a by-law is in force fifty-eight days before polling day, the candidate for the office of mayor of a party authorized under Chapter XIII may, jointly with another candidate of the party who is his co-candidate, also be a candidate for the office of councillor in an electoral district.”

2. Section 158 of the said Act is amended by inserting the words “and that he is a co-candidate, where that is the case” after the word “ticket” in the third line.

3. Section 163 of the said Act is amended by inserting the words “and, where that is the case, that he is a co-candidate”, after the word “question” in the fourth line of the first paragraph.

4. The said Act is amended by inserting, after section 167, the following section:

“167.1 The withdrawal of a co-candidate entails the withdrawal of the candidate with whom he is associated as a candidate for the

office of councillor. From the withdrawal of the latter as a candidate for the office of mayor or councillor, the co-candidate ceases to be a co-candidate and becomes the party's only candidate for the office of councillor in the district concerned.

The death of a person referred to in the first paragraph has the same effect as a withdrawal."

5. The said Act is amended by inserting, after section 168, the following section:

"168.1 Where, in the absence of an opponent, a candidate for the office of mayor is declared elected, his co-candidate ceases, from that time, to be a co-candidate and becomes the party's only candidate for the office of councillor in the district concerned.

Where the only candidates for the office of councillor in a district are the co-candidate and the candidate with whom he is associated, no poll is required and the returning officer shall declare the former or the latter elected according as the latter is elected or defeated as mayor."

6. Section 171 of the said Act is amended by inserting the words "and, where that is the case, the indication "co-candidate" after the word "ticket" in the second line of subparagraph 4 of the first paragraph.

7. Section 172 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The same applies to the indication of membership in an authorized party or recognized ticket or to the indication "co-candidate" unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn or the co-candidate has ceased to be such, or the name of the party or ticket appearing on the nomination paper is inaccurate."

8. Section 196 of the said Act is amended

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

"All circles, as the space between consecutive circles, must be of the same size.";

(2) by striking out the fourth paragraph;

(3) by replacing the sixth paragraph by the following paragraphs:

“Notwithstanding the foregoing, the particulars pertaining to a co-candidate must appear with those pertaining to the candidate with whom he is associated, in the following order: the name of the candidate associated with the co-candidate, the name of the co-candidate and his capacity, and the name of the party. These particulars must appear on the ballot paper in the alphabetical order of the surname of the candidate associated with the co-candidate and opposite a single voting circle; in order to do so, these particulars may be printed in a smaller type.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn or the co-candidate has ceased to be such, or the name of the party or ticket appearing on the nomination paper is inaccurate.”

9. Section 199 of the said Act is amended by adding, at the end, the following paragraph:

“In the case described in the first paragraph, or where a co-candidate otherwise ceases to be such when there is no time to take account of that fact on the ballot papers to be used for the election at which he is a candidate for the office of councillor, the returning officer shall cause the indication “co-candidate” and the particulars pertaining to the candidate associated with him to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.”

10. Section 222 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.”

11. The said Act is amended by inserting, after the heading of Division V of Chapter VI of Title I, the following section:

“228.1 For the purposes of this division, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.”

12. Section 256 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “For the purposes

of this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.”

13. The said Act is amended by inserting, after section 257, the following section:

“257.1 Where the candidate of an authorized party for the office of mayor is entitled to be declared elected both to that office and to the office of councillor of an electoral district, he shall be declared elected to the office of mayor and his co-candidate to that of councillor.

Where the candidate is entitled to be declared elected only to the office of councillor, he shall be declared elected in preference to his co-candidate.”

14. The said Act is amended by inserting, after section 292, the following section:

“292.1 If the court declares that the election of the candidate of an authorized party to the office of mayor is null, it may at the same time declare the candidate elected to the office of councillor of an electoral district in place of his co-candidate, unless the ground for the nullity of the election is the respondent’s ineligibility or the use by the respondent or, with his knowledge and consent, by another person, of a corrupt electoral practice.

Where the court declares elected to the office of mayor the candidate of an authorized party who has been declared elected to the office of councillor of an electoral district in preference to his co-candidate, it may at the same time declare the co-candidate elected as mayor in place of the candidate.”

15. Section 293 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be deemed to be reciprocal mandataries.”

16. Section 338 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, the second paragraph of section 146 does not apply to a by-election.”

17. Section 464 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “For the purposes of

this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.”

18. Section 615 of the said Act is amended by adding, at the end, the following paragraph:

“For the purposes of the first paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.”

19. Section 632 of the said Act is amended by inserting the words “, unless he does so in accordance with the second paragraph of section 146” after the word “time” in the second line of paragraph 6.

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