

NATIONAL ASSEMBLY

ECOND SESSION

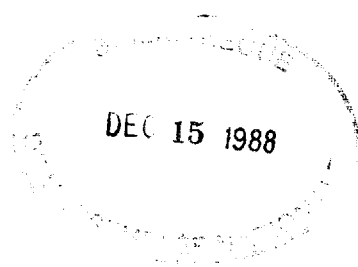
THIRTY-THIRD LEGISLATURE

Bill 104

Election Act

Introduction

Introduced by
Mr Michel Gratton
Minister for Electoral Reform



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EXPLANATORY NOTES

The object of this bill is to replace the Election Act and the Act respecting electoral representation, and in so doing to propose various amendments to the rules which presently govern elections.

In particular, it proposes amendments to the conditions to be fulfilled to be a qualified elector, so as to allow persons domiciled in Québec for six months or more, certain mentally handicapped persons and persons temporarily residing outside Québec and registered in a registry of electors outside Québec to vote.

With respect to the authorization and financing of political parties, the bill, among other provisions, increases the number of signatures required in support of a party to 1 000, shares out the annual government financing to all the authorized parties henceforth, on the basis of their share of the vote in the last general election, limits the maximum contribution an elector may make to a political party, including its party authorities, or to an independent candidate, to \$3 000 per year, and requires the annual financial report of every political party to list the names in alphabetical order of all electors in Québec who donated over \$100, with their residential addresses and the amount donated by each.

The bill also makes several modifications to the various stages of the electoral process itself. First of all, enumeration will no longer take place outside the election period, except in the year following any redrawing of electoral boundaries. The bill provides, further, that the enumerators must be able to meet directly the electors sheltered in any hospital centre or reception centre.

The revision of electoral lists will be carried out everywhere according to the same system, which is that presently in use in urban centres. The filing offices and boards of revisors will be situated in places accessible to handicapped people and a mobile filing office will be established in every electoral division to go to electors sheltered in reception centres or hospital centres who are unable to move about.

The bill introduces a special revision procedure to receive supplementary applications for entry or correction up to the Wednesday preceding polling day.

The bill requires every nomination paper to be accompanied with at least one hundred signatures of electors from the electoral division.

Advance polling will henceforth be available to anyone having reason to believe that it will be difficult for him to vote on polling day. In addition, a mobile polling subdivision will go about on the Monday of the advance polling to meet the electors sheltered in reception centres or hospital centres who are unable to go to vote because of infirmity.

Electors having been residing outside Québec for under ten years who are registered in the registry of electors outside Québec will vote by correspondence.

Returning officers will be required to establish polling stations in places of convenient access and, so far as possible, accessible to handicapped persons. There will also be a polling station in every hospital centre or reception centre that has adequate space.

Stricter limits will be placed on the cases where a person may be denied registration on the list of electors or where a ballot paper may be refused because the elector marked it incorrectly.

With respect to election expenses, the bill provides that the publication of interviews with party leaders or candidates or the broadcasting of public affairs programs, such as debates between the leaders or between candidates, are not election expenses. The distribution of books is also excluded, under certain conditions, from the definition of election expenses.

The bill also proposes to give the chief electoral officer to adapt a particular provision of the Act during the election period, in extraordinary circumstances, so that the object of the provision may be attained. This power of the chief electoral officer is subject to his giving proper notification of its exercise.

Among other amendments made to other Acts is that abrogating the present prohibition against selling liquor on polling day.

The bill makes numerous concordance amendments, particularly to the Referendum Act.

ACTS AMENDED BY THIS BILL:

(1) Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

(2) Act respecting the National Assembly (R.S.Q., chapter A-23.1)

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

(4) Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2)

(5) Taxation Act (R.S.Q., chapter I-3)

(6) Jurors Act (R.S.Q., chapter J-2)

(7) Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01)

(8) Act respecting liquor permits (R.S.Q., chapter P-9.1)

ACTS REPLACED BY THIS BILL:

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

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

Bill 104

Election Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

ELECTORS

CHAPTER I

QUALIFIED ELECTORS

1. Every person who

- (1) has attained eighteen years of age,
- (2) is a Canadian citizen,
- (3) has been domiciled in Québec for six months,
- (4) is not under curatorship, and
- (5) is not deprived of election rights, pursuant to section 567,

is a qualified elector.

Every person registered in the registry of electors outside Québec is deemed to be domiciled in Québec.

2. To exercise his right to vote, a person must be a qualified elector on polling day and be registered on the list of electors of the polling subdivision where his domicile is situated on the day the order instituting the election is issued or registered in the registry of electors outside Québec.

3. An elector who temporarily leaves his domicile to work or to study in another electoral precinct may be considered to be domiciled either in the polling subdivision of his domicile or in that where he resides for the purposes of his work or studies.

An elector staying in a hospital centre or reception centre may be considered to be domiciled either in his domicile or in the hospital centre or reception centre.

An elector is deemed to choose to be considered to be domiciled in the place where he is residing instead of his domicile if, at the time of revision of the list of electors, he files an application to that effect.

4. The chief electoral officer, the judges of the courts of justice, the Public Protector, the Auditor General and the members of the Commission de la représentation shall not engage in partisan work.

CHAPTER II

REGISTRY OF ELECTORS OUTSIDE QUÉBEC

5. The chief electoral officer shall maintain a registry of electors outside Québec and shall register therein the name of every person who has asked to be included in the registry and who

- (1) expects to be outside Québec on polling day;
- (2) is a qualified elector at the time of leaving Québec;
- (3) has been outside Québec for less than ten years;
- (4) intends to return to Québec.

6. To be included in the registry, a person must file with the chief electoral officer an application for registration, signed by the person, containing such information as the chief electoral officer may require, including

- (1) the address of the applicant's prior residence in Québec;
- (2) the date of leaving Québec;
- (3) a declaration of the applicant's intention to return to Québec;
- (4) proof of the applicant's identity by reference to documents of a class prescribed by the chief electoral officer, and
- (5) the applicant's mailing address outside Québec.

For the purposes of subparagraph 1 of the first paragraph, an applicant can choose as the address of residence either of the following:

(1) the address of the applicant's last ordinary place of residence in Québec;

(2) the address of the residence in Québec of the applicant's spouse, a relative or a dependent.

7. The chief electoral officer shall indicate in the registry the name of the electoral division of the address of the applicant's prior residence in Québec.

8. The chief electoral officer shall not register a person in the registry between the twenty-eighth day preceding the poll and polling day.

9. Registration in the registry must be renewed every year.

10. The chief electoral officer shall send a notice of renewal to every elector in the registry on or before 31 August each year. The notice shall contain the information appearing in the registry.

11. Before 31 December each year, the elector shall sign and return the notice of renewal to the chief electoral officer, indicating therein any changes in the information contained in the notice.

Where the elector does not receive a notice of renewal, he shall, before 31 December, send to the chief electoral officer a declaration signed by the elector bringing up to date the information contained in the registry.

12. The chief electoral officer shall strike from the registry the name of every elector who has ceased to be a qualified elector, who has been outside Québec for more than ten years, who has returned to Québec or who has failed to send a renewal of registration within the prescribed time.

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

The chief electoral officer shall send the list to the parties represented in the National Assembly, to every other authorized party that so requests and to every independent Member. He shall also send the list of electors for an electoral division to the returning

officer and candidates in that electoral division. The lists shall be sent at the prescribed time for transmission of the list of electors.

TITLE II

ELECTORAL REPRESENTATION

CHAPTER I

ELECTORAL DIVISIONS

14. Québec shall be divided into not fewer than 122 nor more than 125 electoral divisions, whose boundaries shall take into account the principle that the vote of each elector is of equal weight.

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

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

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

Notwithstanding section 16, the Îles-de-la-Madeleine described in Schedule I are an electoral division.

18. The Commission shall assign a name to each electoral division delimited by it, after consulting the Commission de toponymie established under the Charter of the French language (R.S.Q., chapter C-11).

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

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

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

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

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

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

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

23. The Commission shall take the necessary steps to ensure the best possible diffusion of the proposed boundaries of the electoral divisions submitted in its preliminary report.

24. Within six months following the tabling of its preliminary report, the Commission shall hear the representations made by the Members of the National Assembly and by interested individuals and organizations.

25. The preliminary report of the Commission shall be submitted to the Committee on the National Assembly for examination.

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

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

27. The Commission must hold public hearings in the various regions of Québec to examine the representations made to it by interested organizations and individuals, after giving notice of these hearings.

28. After considering the representations made to it by the Members of the National Assembly, and by individuals and organizations, the Commission shall submit a report indicating the boundaries of the electoral divisions to the President of the National Assembly, who shall table it before the Assembly.

Within five days following the tabling, the report shall be the subject of a debate limited to five hours carried on in one sitting or two consecutive sittings of the National Assembly; if it is not sitting, the debate, subject to the same time limits, shall take place in the Committee on the National Assembly, within ten days from the tabling of the report contemplated in the first paragraph, and all the Members may take part in the debate in respect of the report.

No motion, except a motion of adjournment, may be presented during the debate.

29. Not later than the tenth day following the debate, the Commission shall establish the boundaries of the electoral divisions and assign names to them.

The Commission shall publish the list of the electoral divisions in the *Gazette officielle du Québec*, indicating the name and boundaries of each; it may also mention the municipalities and Indian reserves included in each electoral division.

30. Publication of the list of electoral divisions in the *Gazette officielle du Québec* is absolute proof of its existence and of its content, and every person is required to take cognizance of it.

Notwithstanding the foregoing, the Commission shall take the necessary steps to ensure the best possible diffusion among the public

of the boundaries of the electoral divisions, and particularly of the changes made in relation to the previous boundaries.

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

32. The list of electoral divisions published in the *Gazette officielle du Québec* comes into force upon the dissolution of the National Assembly, unless the dissolution occurs before the expiry of three months from publication.

33. Upon publication in the *Gazette officielle du Québec* of the list of electoral divisions, the chief electoral officer shall assign one of the divisions to each returning officer in office and appoint a returning officer to each unassigned division, if any.

Appointments made under this section are effective until new returning officers are appointed in conformity with section 502.

CHAPTER II

ELECTORAL PRECINCTS AND POLLING SUBDIVISIONS

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

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

(1) of polling subdivisions comprising not over three hundred electors;

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

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

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

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

CHAPTER III

LIST OF ELECTORS FOLLOWING DELIMITATION

39. A list of electors shall be prepared and transmitted, in the manner described in Divisions I to III of Chapter III of Title IV, following the publication of the list of electoral divisions in the *Gazette officielle du Québec*.

40. Enumeration shall take place from the fourth Monday following Labour Day to Thursday of the same week.

Where, however, that period occurs less than three months after the publication of the list of electoral divisions in the *Gazette officielle du Québec*, enumeration shall take place within six months after that publication.

An order instituting a by-election suspends any enumeration under this chapter in every electoral division whose territory is included in that of the electoral division where the by-election is being held. The enumeration shall be resumed, after the by-election, from such time as the chief electoral officer considers opportune.

Every person who is a qualified elector on the last day fixed for enumeration may be entered on the list of electors in the enumeration.

TITLE III

AUTHORIZATION AND FINANCING OF POLITICAL PARTIES AND INDEPENDENT CANDIDATES

CHAPTER I

AUTHORIZATION OF PARTIES, PARTY AUTHORITIES AND INDEPENDENT CANDIDATES

DIVISION I

GENERAL PROVISIONS

41. Every political party, party authority or independent candidate wishing to solicit or collect contributions or to incur expenses or contract loans shall obtain an authorization from the chief electoral officer in accordance with this chapter.

42. A party, a party authority or an independent candidate soliciting authorization shall have an official representative designated in writing by the leader of the party or by the person designated in writing by the leader, or by the independent candidate, as the case may be.

The official representative so designated shall give confirmation in writing to the chief electoral officer that he accepts the office.

43. Only one official representative shall be appointed for each authorized entity.

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 division.

A political party, a party authority or an independent candidate holding an authorization under this chapter is an authorized entity.

44. From the publication of the list of electoral divisions in the *Gazette officielle du Québec*, the chief electoral officer may grant authorizations, taking into account the new electoral divisions.

From the publication referred to in the first paragraph, the official representative of a party may, in accordance with the second paragraph of section 43, appoint a delegate for each of the new electoral divisions.

45. A person cannot be an official representative or delegate if

- (1) he is not a qualified elector;
- (2) he is a candidate or the leader of a party; or
- (3) he is an election officer or an employee of an election officer.

46. An official representative or a delegate may resign by sending a written notice to that effect to the chief electoral officer and to the person designated under section 42, or, if none, to the leader of the party.

Where an authorized entity no longer has an official representative, another official representative shall be designated without delay and the chief electoral officer shall be so informed in writing.

The chief electoral officer shall publish, in the *Gazette officielle du Québec*, a notice of the resignation or replacement of an official representative or of a delegate.

DIVISION II

AUTHORIZATION OF A POLITICAL PARTY

47. A party which undertakes, through its leader, to present official candidates in at least ten electoral divisions at any general election may apply for authorization.

The application must be accompanied with the names, addresses and signatures of one thousand electors declaring that they are members or supporters of the party and in favour of the application for authorization.

48. A party applying for authorization shall furnish the following information to the chief electoral officer:

- (1) the name of the party;
- (2) the address to which communications intended for the party must be sent;
- (3) the addresses where the books and accounts pertaining to contributions the party will receive and the expenses it will incur are to be kept;
- (4) the name, address and telephone number of the party's official representative and those of his delegates, if any;

(5) the name, address and telephone number of the leader of the party;

(6) the addresses of not more than two permanent offices of the party, where applicable.

49. A party applying for authorization shall also declare, in a sworn statement made by its leader, the amount of the funds at its disposal, and that any money collected by it after 1 April 1978 was collected in accordance with this title.

The party shall remit to the chief electoral officer, together with its application for authorization, any sum of money collected after 1 April 1978 contrary to this title.

The chief electoral officer shall remit any sum received under the preceding paragraph to the Minister of Finance.

50. The chief electoral officer shall grant the authorization if the conditions provided in sections 47, 48 and 49 are met.

The chief electoral officer shall, 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 supporting.

51. An authorized party wishing to change its name shall, through its leader, apply therefor in writing to the chief electoral officer.

The chief electoral officer shall refuse to change the name of a party if the change involves the word "independent" or is likely to mislead the electors as to which party they are supporting.

DIVISION III

AUTHORIZATION OF A PARTY AUTHORITY

52. The chief electoral officer shall grant authorization to a party authority upon a written application of the leader of the authorized party or of the person designated in writing by the leader, and upon production of the following information:

(1) the name of the party authority;

(2) the address to which communications intended for the party authority must be sent;

(3) the addresses where the books and accounts pertaining to the contributions it will receive and the expenses it will incur are to be kept;

(4) the name, address and telephone number of the official representative of the party authority.

The organization of a political party at the level of an electoral division, of a region or of Québec is a party authority.

DIVISION IV

MERGER OF AUTHORIZED PARTIES

53. Where authorized parties wish to merge, their leaders shall obtain the authorization of the chief electoral officer.

54. The application for authorization to merge is made by means of a joint application in writing.

The joint application shall

(1) be accompanied, for each of the applying parties, with a balance sheet to which, for each of their party authorities, the cash balance, the amount of investment and the total amount of debt, on the date of the joint application, is attached;

(2) produce, in respect of the party that will result from the proposed merger, the information contemplated in section 48;

(3) indicate how each of the party authorities of the applying parties will be affected by the proposed merger;

(4) produce, for each of the party authorities of the party that will result from the proposed merger, the information contemplated in section 52;

(5) indicate the proposed date of merger.

55. The chief electoral officer shall refuse to authorize a merger where he has reasonable cause to believe that, as the case may be,

(1) the party and the party authorities that would result from a merger would not be able to discharge their outstanding liabilities; or

(2) the book value of the assets of the party and party authorities that would result from a merger would be less than their liabilities.

The chief electoral officer may require the applying parties or their party authorities to remit to him any book, account or document relating to their financial affairs. He may also require that the balance sheets of the applying parties be audited by an auditor.

56. From the merger, the parties and their party authorities cease to exist and are replaced by the party and the party authorities resulting from the merger.

The party and the party authorities resulting from a merger succeed to the rights and obligations of the merged parties and party authorities.

Each of the parties and of their party authorities shall forward to the chief electoral officer, within sixty days after the merger, the financial statement for the period that has elapsed from the preceding 31 December to the date of the merger.

57. The chief electoral officer shall publish a notice of any merger in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated in all parts of Québec.

The notice shall indicate the name of the official representative of the party resulting from the merger and, as the case may be, the names of its delegates. It shall, in addition, indicate the name of the official representative of each of its party authorities.

58. The official representatives of the party and party authorities resulting from the merger shall, not later than 1 April of the year immediately following that of the merger, file the financial statements required by sections 113 and 117 for that part of the fiscal year that has elapsed since the merger.

The financial statement of the party must be accompanied with an opening balance sheet on the date of the merger. The financial statement of each party authority resulting from the merger must indicate the cash balance on the date of the merger.

DIVISION V

AUTHORIZATION OF AN INDEPENDENT CANDIDATE

59. The chief electoral officer or any person designated by him shall grant an authorization to every independent candidate 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) the name of the electoral division in which he is a candidate;

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

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

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

The candidate's official representative is the official agent designated by him in his nomination paper.

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

After polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from his election expenses and to dispose, in accordance with the second paragraph of section 440, of the sums and property derived from his election fund.

61. The authorization granted to an independent candidate expires on 31 December of the year immediately following the election year unless an application for withdrawal of the authorization is filed before that date under section 67.

The authorization of an independent candidate who was elected and who has not discharged all the debts arising from his election expenses expires on the date of the filing of the return contemplated in the second paragraph of section 125.

62. In the case of an authorized independent candidate who withdraws before polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from election expenses incurred by the candidate before his withdrawal, and to dispose, in accordance with the second paragraph of section 440, of the sums and property remaining in his election fund on the day of his withdrawal.

Section 125 applies to the candidate.

DIVISION VI

MISCELLANEOUS PROVISIONS

63. The chief electoral officer may take any necessary measures to verify the accuracy of the information provided in support of an application for authorization.

The chief electoral officer, where he intends to refuse an application, shall give the party, party authority or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

64. Upon granting authorization to an entity, the chief electoral officer shall publish a notice of it in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority or a candidate, in the electoral division for which the authorization was granted.

The notice shall indicate the name of the official representative, and those of his delegates, if any.

65. The chief electoral officer shall keep registers of the entities he has authorized, setting out the information required under sections 48, 52 and 59.

Every authorized entity shall, without delay, furnish the chief electoral officer, in writing, with the information required for updating the registers.

The information shall be furnished by the leader of the party or the person designated by him in writing, under section 42, or, as the case may be, by the independent candidate.

66. Where the office of leader of an authorized party becomes vacant, the party shall, within thirty days, appoint an interim leader for the purposes of this Act and notify the chief electoral officer of the appointment.

DIVISION VII

WITHDRAWAL OF AUTHORIZATION

67. The chief electoral officer may, upon the written application of the leader, withdraw the authorization of a party or of any of its party authorities. He may, upon the written application of an authorized independent candidate, withdraw the authorization of the

candidate unless the candidate has not fully paid the debts arising from his election expenses.

The application must be accompanied with a closing financial report of the entity contemplated in the application, for the period that has elapsed from the date of authorization or the preceding 31 December, as the case may be, to the date of the application for withdrawal of authorization. The report shall include the same information as the annual financial report described in section 113.

The application must also be accompanied with the financial report for the preceding fiscal year if it has not been filed.

The reports shall be filed by the last official representative or, failing that, by the leader of the party or by the independent candidate.

68. The chief electoral officer may withdraw the authorization of an authorized entity which does not furnish him with the information required for the purposes of the updating of the registers provided for in section 65 or, as the case may be, which does not comply with Division IV of Chapter II, regarding the auditor, or whose official representative does not comply with Division III of Chapter II, regarding expenses of entities, or with Division V of Chapter II, regarding financial reports.

69. The chief electoral officer shall withdraw the authorization of a party which does not present official candidates in at least ten electoral divisions at a general election or the number of whose official candidates at the election falls below the required minimum.

70. The chief electoral officer shall withdraw his authorization from an independent candidate who dies.

71. The chief electoral officer, where he intends to withdraw his authorization from an entity under section 67 or 68, shall give the party, party authority or candidate, as the case may be, the reasons for his intention and an opportunity to be heard.

72. Upon withdrawing an authorization, the chief electoral officer shall publish a notice of it in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority or a candidate, in the electoral division or part of Québec for which the authorization was granted.

The notice that an authorization has been withdrawn shall indicate the name of the official representative and those of his delegates, if any.

73. The withdrawal of authorization from a party entails the withdrawal of authorization from all its party authorities.

Where the authorization of a party is withdrawn during the election period, the chief electoral officer may prescribe changes to ensure the transition from the status of party candidate to that of authorized independent candidate.

74. Where an independent candidate ceases to be authorized pursuant to an application filed under section 67, the sums and property remaining in his possession shall be remitted, without delay, by his official representative to the chief electoral officer, who shall remit them to the Minister of Finance.

If an independent candidate ceases to be authorized under sections 68 and 70, sections 76, 77, 79 and 80, adapted as required, apply.

75. Where a party authority ceases to be authorized, without the party being so affected, the sums and assets remaining in its possession shall be remitted to the official representative of the party by the person holding them.

The authority shall also file with the chief electoral officer, within sixty days after the withdrawal of authorization, the financial reports prescribed in section 67, unless the reports have already been filed.

The party shall succeed to the rights and obligations of the party authority which has ceased to be authorized.

76. Where a party ceases to be authorized, the sums and assets of the party and party authorities shall be remitted without delay to the chief electoral officer by the persons holding them.

The party and each of its party authorities shall also file with the chief electoral officer, within sixty days following the withdrawal of authorization, the financial reports required in section 67 and the name and full address of each of their creditors and the amount due to each creditor.

The chief electoral officer may require the party and its party authorities to remit to him any book, account or document relating to their financial affairs.

77. The chief electoral officer shall liquidate the assets of the party and those of each of its party authorities separately.

He shall discharge the debts of the party and party authorities up to the amount of their respective assets.

78. After complying with section 77, the chief electoral officer shall use any surplus of assets over liabilities of the party or of the party authorities to pay, *pro rata*, any creditors who have not been paid in full.

79. After payment of the debts, the balance, if any, shall be paid to the Minister of Finance.

80. For the purposes of the liquidation of the assets of a party and its party authorities which cease to be authorized, the chief electoral officer may open accounts in a bank, trust company or savings and credit union within the meaning of the Savings and Credit Unions Act (R.S.Q., chapter C-4) having an office in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

CHAPTER II

FINANCING OF PARTIES AND INDEPENDENT CANDIDATES

DIVISION I

PUBLIC FINANCING OF POLITICAL PARTIES

81. The chief electoral officer shall, every year, determine an allowance for each authorized party.

82. The allowance shall be computed by dividing between the authorized parties, proportionately to the percentage of the valid votes obtained by them at the last general election, a sum equal to the product obtained by multiplying the amount of 25 cents by the number of electors entered on the lists of electors used at that election.

83. The allowance shall be used to reimburse the expenses incurred by the parties for their current administration, the propagation of their political programs and the coordination of the political activities of their members; it shall be paid only if the expenses are actually incurred and paid.

84. The allowance shall be paid by cheque made to the order of the official representative of the party, upon production by him of a

demand for payment and of a statement in the form prescribed by the chief electoral officer.

The official representative shall keep the invoices, receipts or other vouchers for a period of two years. However, he shall remit them to the chief electoral officer, at his request.

85. Upon receipt of a certificate signed by the chief electoral officer setting out the amount he has paid to an official representative, the Minister of Finance shall reimburse the amount set out in the certificate to the chief electoral officer.

86. Any person may examine the documents contemplated in section 84 at the information centre of the chief electoral officer during regular working hours and make copies of them.

Within thirty days of the payment of the allowance, the chief electoral officer shall publish, in the *Gazette officielle du Québec*, a summary statement of every amount paid to the official representative of every party contemplated in this division.

DIVISION II

CONTRIBUTIONS

87. Only an elector may make a contribution.

He shall do so only in favour of an authorized entity and only in accordance with this division.

88. Sums of money donated to an authorized entity and services rendered and goods furnished to it free of charge for political purposes are deemed to be contributions.

The following are not deemed to be contributions:

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

(2) anonymous donations collected at a meeting or rally held for political purposes;

(3) amounts paid to a political party under any Act, and reimbursements and advances on reimbursements of election expenses contemplated in Chapter VI of Title IV;

(4) a loan granted for political purposes by an elector or a bank, trust company or savings and credit union at the current market rate

of interest at the time it is granted, or a guarantee granted by an elector as surety;

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

(6) at the option of the official representative of an authorized entity, an entrance fee to a political activity or rally, where the fee is not over \$50;

(7) air time on the radio or television or space in a newspaper, periodical or other printed matter made available free of charge outside an election period by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter to authorized political parties, provided he offers such service equitably as to quality and quantity to the parties represented in the National Assembly and to the parties which received at least 3% of the valid votes in the last general election;

(8) transfers of funds between

(a) the various authorized party authorities;

(b) an authorized party and any of its authorized party authorities; or

(c) an authorized party, any of its authorized party authorities and the official agent of an official candidate of the party.

89. Every sum of money, except sums spent in accordance with paragraphs 5, 6 and 7 of section 403 and with section 417, disbursed by a candidate for payment through his official agent of an election expense is deemed to be a contribution.

90. Every contribution must be made by the elector himself out of his own property.

91. The total of contributions to each party and independent candidate by the same elector during the same calendar year shall not exceed the amount of \$3 000. In the case of a party, the amount may be paid in whole or in part to one or another of its party authorities.

Goods and services furnished to an authorized entity 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.

In the other 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 ordinary course of business.

92. Contributions shall not be solicited except under the responsibility of the official representative of an authorized entity, or except through persons designated in writing by the official representative.

Every person authorized to solicit contributions shall, on demand, produce a certificate signed by the official representative, attesting his authority.

93. A contribution shall be made to no one except the official representative of the authorized entity for which it is intended, or the persons designated in writing by the official representative in accordance with section 92.

94. The delegate of the official representative of an authorized party has, for the electoral division for which he is appointed, the powers conferred on the party's official representative by sections 92, 93, 96 and 102.

95. Every contribution of money of over \$100 shall be made by cheque or other order of payment signed by the elector and drawn on his account in a bank, trust company or savings and credit union having an office in Québec.

96. For every contribution, the official representative or the person designated in accordance with section 92 shall issue a receipt to the contributor.

The receipt shall indicate the address of the elector's domicile.

97. The cheque or order of payment must be made to the order of the authorized entity.

98. On being cashed, a contribution is deemed paid by the elector who made it and received by the authorized entity for which it is intended.

99. The contributions of money and the funds collected in accordance with this division must be deposited with a bank, trust company or savings and credit union having an office in Québec and chosen by the authorized entity.

100. Every contribution made contrary to this division shall, as soon as the fact is known, be returned to the contributor if his identity is known; if it is not known, the money shall be remitted to the chief electoral officer who shall remit it to the Minister of Finance.

101. Twice a year, on the dates fixed after consultation with the advisory committee, the chief electoral officer shall publish a notice for the information of electors indicating, in particular,

- (1) the names of the authorized parties;
- (2) the name of each party's official representative;
- (3) the rules governing contributions.

DIVISION III

EXPENSES AND LOANS OF AUTHORIZED ENTITIES

102. The expenses of an authorized entity may be incurred only by the official representative or by a person designated by him in writing.

Every person authorized to incur expenses shall, on demand, exhibit a certificate signed by the official representative and attesting his authority.

103. The official representative of a party or of a party authority shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

104. Only the official representative of an authorized entity may contract a loan.

105. Every loan shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest.

Where an elector becomes surety for a loan, the deed of suretyship shall set out the name and address of the elector and the amount for which he became surety.

106. The official representative shall, at least once a year, pay the interest due on the loans he has contracted.

DIVISION IV

AUDITORS

107. The official representative of every authorized party, with the written approval of the leader of the party, shall appoint an auditor from among the persons having a legal right to practise public auditing in Québec.

108. No person may be an auditor if

- (1) he is not a qualified elector;
- (2) he is a Member of the National Assembly or of the Parliament of Canada;
- (3) he is an official agent or official representative;
- (4) he is a candidate in a current election;
- (5) he is the chief electoral officer, a returning officer, an assistant returning officer or one of his assistants.

Nor may any partner or member of the staff or personnel of a person described in subparagraphs 2 to 5 of the first paragraph be an auditor.

109. The official representative shall, with the written approval of the leader of the party, replace the auditor appointed by him upon the latter's ceasing to hold office.

110. The auditor of an authorized party shall proceed to examine the financial report made pursuant to section 113 and issue an auditor's report attesting, if such is the case, that,

(1) the financial report faithfully presents the financial position of the party on the date of the end of the fiscal year concerned and the income statement of its operations and the changes in its financial position for the fiscal year ended on that date, in accordance with generally recognized accounting principles, applied in the same manner as during the preceding fiscal year;

(2) the accounting procedures or policies of the party are in accordance with accepted accounting principles and with the directives issued by the chief electoral officer in that regard.

111. The auditor of a party shall have access to all the books, accounts and documents pertaining to the financial affairs of the party.

112. The chief electoral officer shall reimburse the authorized parties one-half of the cost incurred for the audit of the financial report contemplated in section 113, up to \$4 000.

Where the chief electoral officer requires the audit of a balance sheet that accompanies a joint application for a merger or a financial report produced following a merger under section 56, he shall reimburse one-half of the cost incurred for the audit, up to \$4 000.

Where the chief electoral officer requires the audit of a closing financial report, he shall appoint the auditor and directly discharge the cost of the audit.

DIVISION V

FINANCIAL REPORTS

113. The official representative of every authorized party shall, not later than 1 April each year, submit to the chief electoral officer a financial report for the preceding fiscal year containing a balance sheet, an income statement, and a statement of changes in the financial position of the party, prepared in accordance with generally recognized accounting principles.

114. The income statement shall include a general statement of revenues and total expenditures and indicate, in addition,

(1) the total sum of anonymous donations collected at meetings or rallies contemplated in subparagraph 2 of the second paragraph of section 88, and the nature, place and date of the meetings or rallies;

(2) the total sum of amounts collected under subparagraph 5 of the second paragraph of section 88;

(3) the total sum of amounts collected under subparagraph 6 of the second paragraph of section 88 as entrance fees to an activity or rally of a political nature, and the nature, place and date of the activity or rally;

(4) the number and the total sum of contributions of \$100 or less;

(5) the number and the total sum of contributions of over \$100.

115. The financial report shall indicate, furthermore,

(1) the financial institutions where the amounts of money collected by the party are deposited and the account numbers used;

(2) the total value of services rendered and goods furnished free of charge;

(3) for each elector whose total contribution exceeds \$100, the elector's name and full domiciliary address and the amount paid;

(4) the name and full domiciliary address of each elector who became surety and the amount for which he became surety;

(5) the total amount of the sums transferred or loaned between the party and party authorities or the official agent of an official candidate of the party or, during a referendum, the total sum of the amounts transferred or loaned to a national committee;

(6) a detailed statement of all amounts borrowed in accordance with subparagraph 4 of the second paragraph of section 88, the date of each loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in principal and of the payments of interest.

The information described in subparagraph 3 of the first paragraph shall be presented in alphabetical order of the names of the electors.

116. The annual financial report contemplated in section 113 is deemed submitted to the chief electoral officer only if it is accompanied with the auditor's report contemplated in section 110.

No auditor's report is required, however, in the case of a closing financial report, a balance sheet accompanying a joint application for a merger or a financial statement produced following a merger under section 56. The chief electoral officer may nevertheless require them.

117. Not later than 1 April each year, the official representative of an authorized party authority shall file a financial report for the preceding fiscal year with the chief electoral officer.

The report shall contain an income statement made in accordance with section 114 and the information prescribed in section 115.

118. The official representative of an authorized party or of an authorized party authority shall, for two years from the date of submitting the financial report, keep the receipts issued for contributions received. However, he shall remit them to the chief electoral officer, at his request.

119. Where the time limit fixed in section 113 or 117 expires during an election period, it is deferred to the ninetieth day after the date of the general election.

120. Where the time limit fixed in section 113 or 117 expires within ninety days after the date of a general election, it is deferred to the one hundred and twentieth day after the date of the general election.

121. Sections 119 and 120, adapted as required, apply at elections other than general elections with respect to authorized party authorities at the level of the electoral divisions where these elections are held.

122. The official representative of an authorized independent candidate shall, within ninety days after polling day, file a financial report at the office or residence of the returning officer or with the chief electoral officer.

The report shall contain an income statement prepared in accordance with section 114, and the information provided for in section 115. The report must be accompanied with a copy of each of the receipts issued for contributions received.

The financial report shall be filed at the same time as the return of election expenses provided for in section 431.

123. Where the official representative of an independent candidate, after filing the report and return contemplated in sections 122 and 431, has debts resulting from election expenses or holds sums or property from the election fund of the candidate, shall file a financial report at the office or residence of the returning officer or with the chief electoral officer.

The financial report must be filed in accordance with the second paragraph of section 122, accompanied with the same documents, not later than 1 April of the year following each fiscal year during which the candidate remained authorized.

124. On 31 December of the year following the year of the election, any sums remaining from the electoral fund of a candidate shall be remitted to the chief electoral officer, who shall remit them to the Minister of Finance.

125. Every independent candidate who, on 31 December of the year following the year of the election in which he was a candidate,

has not discharged all the debts resulting from his election expenses, becomes disqualified for the next general election and any by-election.

If the independent candidate has been elected, he becomes, on 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 122.

126. The information contained in the reports, returns and documents prescribed under this division is public information. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person may have access to them before the date of the expiry of the period prescribed for their filing. If filed after the date fixed, the documents shall be accessible upon their date of filing.

This section does not apply to receipts issued for contributions of \$100 or less.

Any person may examine the reports, returns and documents at the information centre of the chief electoral officer during regular working hours, and make copies of them.

127. If the financial report of an authorized entity is not filed within the fixed time, the leader of the party or, if he is not a Member, the House leader or, as the case may be, the independent candidate, if elected, becomes, ten days after the expiry of the prescribed time, disqualified to sit and to vote in the National Assembly until the financial report is filed.

Sections 441 to 443 and 447, adapted as required, apply to this division.

TITLE IV

ELECTION PERIOD

CHAPTER I

WRIT OF ELECTION

128. The holding of an election is instituted by an order of the Government addressed to the chief electoral officer. The order enjoins him to hold an election on the date fixed therein and indicates each electoral division in which an election must be held.

The chief electoral officer shall send a copy of the order to the returning officer of each electoral division in which an election must be held, and the returning officer shall comply with it.

129. At a general election, the election date is the same for all the electoral divisions.

130. Where the seat of a Member in the National Assembly becomes vacant, the order instituting the holding of a by-election must be issued not later than six months after it becomes vacant.

Once the order instituting the holding of a general election is issued, any order instituting the holding of a by-election becomes null.

131. The polling shall take place on the seventh Monday following the issue of the order instituting the election if the order is issued on a Monday, Tuesday or Wednesday, or on the eighth Monday if the order is issued on another day.

Notwithstanding the first paragraph, if the order is issued before 30 June following the preparation of the list of electors pursuant to section 39, the polling shall take place on the sixth Monday following the issue of the order, and that list shall be used for revision.

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

132. On receiving a copy of the order, the returning officer shall immediately establish a main office in an easily accessible place in the electoral division, and communicate the address to the chief electoral officer, to each party authority at the level of the electoral division and to the public.

The main office shall be open every day from 9:00 a.m. to 10:00 p.m. It must be accessible to handicapped persons and its material arrangements must be in accordance with the norms prescribed by the chief electoral officer.

133. The chief electoral officer shall publish an election calendar.

134. The returning officer shall send to every dwelling in his electoral division, not later than the twenty-second day preceding polling day, a notice indicating the place, dates and hours of the advance polling and a manual prepared by the chief electoral officer.

The manual shall inform citizens on the right to vote, the list of electors and revision of the list, the financing of political parties and of independent candidates, the control of election expenses, and voting procedures.

135. The returning officer shall send to every dwelling in his electoral division, not later than the second day preceding polling day, a reminder informing the electors of the place, date and hours of the polling, the number of their polling station, and the particulars that will be contained in the ballot paper.

CHAPTER II

ELECTION OFFICERS

136. Returning officers and their aides, assistant returning officers and their assistants, polling officers, enumerators, revisors, and the secretary and the assistant of a board of revisors are election officers.

Election officers are chosen from among the qualified electors.

Apart from the returning officer, who shall make an oath in accordance with section 508, the election officers shall make the oath provided in Schedule II before the returning officer or the person designated by him.

Election officers shall comply with the directives of the chief electoral officer.

137. The tariff of remuneration and expenses of election officers shall be fixed by government regulation.

The first ranking representative of a candidate who has recommended the appointment of a deputy returning officer or poll clerk shall receive, when he acts in a polling station, the same remuneration as the poll clerk.

The chief electoral officer may, in an election period, increase the amounts fixed by the tariff. The additional expenses resulting from the increase shall not exceed the amount established by government regulation.

138. No elector found guilty or convicted of a corrupt electoral practice may become an election officer for five years from the date of the judgment.

139. No election officer may engage in partisan work on the days prescribed by this Act for the carrying out of his duties.

140. In carrying out their duties of office, all election officers except the officer in charge of information and order may administer the oaths provided for in this Act, and they shall do so without charge.

141. The returning officer may dismiss any election officer who neglects to perform his duties, engages in partisan work or is not qualified to hold the office.

An enumerator who is dismissed is not entitled to any remuneration.

142. An election officer who ceases to perform his duties of office shall, so far as possible, be replaced in the same manner as he was appointed.

143. An election officer who no longer holds office shall return all the official documents in his possession to the chief electoral officer, in the case of the returning officer, or to the returning officer in the case of any other officer.

144. Every employer shall, upon written request, grant leave without pay to an employee who is an election officer to enable him to perform his duties.

Sections 250 to 255 apply to such an employer.

CHAPTER III

LIST OF ELECTORS

DIVISION I

ENUMERATION

145. Every person who is a qualified elector on polling day may be registered on the list of electors.

146. Enumeration shall take place from Monday to Thursday of the fifth week preceding that of the polling.

147. The list of electors of each polling subdivision shall be prepared by two enumerators.

148. The two enumerators shall be appointed by the returning officer, one on the recommendation of the authorized party that ranked first in the last election or of the independent Member elected as such, and the other on the recommendation of the authorized party that ranked second in the last election.

The independent Member elected as such in the last election is entitled to make the recommendation contemplated in the first paragraph only if his nomination paper has been received.

149. In a new electoral division, in an electoral division whose boundaries have been changed since the last election, in an electoral division in which no authorized party ranked second in the last election or where the independent Member has not filed his nomination paper, the chief electoral officer shall decide, according to the criteria prescribed by regulation, which parties or candidates are entitled to make the recommendations contemplated in section 148.

150. The recommendations shall be made by the party leader or the independent Member, as the case may be, or by the person he designates in writing for that purpose.

151. The recommendations must be received by the returning officer on or before Wednesday of the week preceding enumeration week. Where no recommendation is made or where the person recommended is not qualified for the office, the returning officer shall make the appointment without any other formality.

152. Enumerators are chosen from among the electors of the division or of an adjoining division if the person referred to in section 150 establishes, to the satisfaction of the returning officer, that he can only with difficulty recommend an elector of the electoral division.

153. The returning officer shall post up in his office and transmit to the authorized parties represented in the National Assembly, to any independent Member elected as such and to the candidates, the list of the enumerators he has appointed. The returning officer shall immediately inform them of any change that is made to the list.

154. Not later than the day before enumeration begins, the returning officer shall provide the enumerators with the directives of the chief electoral officer concerning the procedure to be followed in making the enumeration, the necessary material and a badge in the form prescribed by regulation, which shall be displayed by the enumerator while carrying out the enumeration.

The returning officer shall also inform each enumerator of the name and address of the other enumerator.

155. The enumerators shall work together; in no case may they act individually.

In the event of disagreement, the matter shall be submitted to the returning officer, who shall decide it immediately, and the enumerators shall be bound by his decision.

156. The enumerators shall visit every dwelling situated in the polling subdivision assigned to them, first between 9:00 a.m. and 6:00 p.m., and again between 7:00 and 10:00 p.m., unless they are certain that they registered every qualified elector on their first visit.

At each dwelling where the enumerators receive no answer on their first visit, they shall leave a card in the prescribed form indicating the date and time of their second visit.

157. In making house-to-house visits, the enumerators shall record the surname, given name, address, profession or occupation and age of each person who will be a qualified elector on polling day.

The person enumerated shall be registered on the list of electors of the polling subdivision where he has his domicile on the day the order is issued.

158. In no case may the enumerators enter the name of an elector unless the entry is requested at the domicile of the elector by the elector himself or, by reason of his absence or illness, by any person present who is a qualified elector.

159. The enumerators shall leave, for each elector registered on the list, a certificate of registration in the prescribed form, bearing their signatures.

160. If, after entering the name of a person on the list, either of the enumerators has reasonable grounds to believe that the person is not entitled to be registered thereon, he shall make a report thereof to the returning officer.

161. The enumerators shall prepare a statement in the prescribed form containing a list of unoccupied dwellings, places where the occupants refused to be registered, places where none of the occupants qualified as electors and places where, after two visits, they obtained no answer.

The enumerators shall forward the statement to the returning officer together with the list of electors.

162. The returning officer may establish, in cooperation with the director of a hospital centre or reception centre, the manner of proceeding with the enumeration at the centre in order to ensure that all the electors are registered on the list of electors.

The manner of proceeding with the enumeration must provide, in particular, for the enumerators to meet the electors who are at the centre.

163. The owner, administrator, superintendent or caretaker of a multiple-dwelling immovable and the director of a hospital centre or reception centre shall allow and facilitate access of the enumerators to the immovable or centre.

DIVISION II

PREPARATION AND DEPOSIT OF THE LIST OF ELECTORS

164. Following the enumeration, the enumerators shall draw up, on the prescribed form and according to the directives of the chief electoral officer, the list of electors for the polling subdivision assigned to them.

The enumerators shall enter on the list the name of each person to whom they have issued a certificate of registration.

165. A description of the polling subdivision in which the enumeration was made must appear on the list of electors.

166. The enumerators shall enter at the head of the list of electors the name of the electoral division and that of the local municipality as well as the number of the electoral precinct and that of the polling subdivision.

167. The enumerators shall prepare the list of electors according to the numerical or alphabetical order of street names, and according to the numerical order of addresses where dwellings are numbered, or the numerical order of cadastres in other cases; they shall also take account of the numerical order of apartments.

The enumerators shall insert, for each street, consecutively and without blanks or interlineations, the surname, given name, occupation or profession and age of each elector, placing his address before his name.

168. The enumerators shall ascertain that the entries opposite the name of each elector correspond to the certificate of registration and that the description of the polling subdivision is accurate.

169. No later than Saturday of the week during which an enumeration has taken place, the enumerators shall deposit the list of electors and the statement prepared under section 161 with the returning officer or the person designated by him to receive them.

The enumerators shall then attest under oath, according to the prescribed form, to the correctness of the list of electors.

DIVISION III

TRANSMISSION OF THE LIST OF ELECTORS

170. No later than Tuesday of the week following enumeration week, the returning officer shall transmit five certified copies of the list of electors for each polling subdivision to the authorized parties represented in the National Assembly, to any other authorized party that applies therefor and to any independent Member.

The returning officer shall transmit, at the same time, a copy of the statement prepared by the enumerators pursuant to section 161.

He shall also transmit five certified copies of the lists and of the statement to each candidate.

171. The returning officer shall transmit free of charge, to each municipality or school board that applies therefor and whose territory is comprised in whole or in part in the electoral division, a certified copy of the list of electors for each polling subdivision comprised in that territory.

172. The returning officer shall transmit to the sheriff of the judicial district comprised in whole or in part in the electoral division a certified copy of the list of electors for each polling subdivision of a municipality included in the list of municipalities forwarded to him by the sheriff pursuant to section 7 of the Jurors Act (R.S.Q., chapter J-2).

173. The lists of electors are certified by either the returning officer or the assistant returning officer.

174. The returning officer shall have the list of electors for each polling subdivision printed as soon as the enumeration is completed.

However, where the list prepared under section 39 is to be used for revision, it shall be printed only after the issue of the order instituting an election.

175. The lists of electors shall be printed according to the model and in accordance with the directives of the chief electoral officer. Age and occupation or profession are omitted from the printed lists of electors.

Each printed list of electors shall bear the name and address of the printer and, so far as possible, include the notice provided for in section 180.

176. Immediately after the lists of electors are printed, the returning officer shall send twenty copies of them to each candidate.

177. No later than the twenty-second day preceding polling day, the returning officer shall send to each dwelling a printed copy of the list of electors for the polling subdivision.

178. The persons referred to in section 163 shall allow and facilitate the distribution of the list of electors.

DIVISION IV

REVISION OF THE LIST OF ELECTORS

179. The revision of the list of electors shall take place from Monday of the third week to Thursday of the second week preceding that of the polling.

180. The chief electoral officer shall publish, in a newspaper circulated in the electoral division, a notice advising the electors as to the revision of the list and indicating the addresses of the filing offices and the hours during which the offices are open.

181. A person who finds that his name is not on the list of electors for the polling subdivision in which his domicile is situated on the day of the issue of the order instituting the election, although he is a qualified elector, may go to a filing office to file an application for entry.

A person who finds that his name is entered on a list of electors although he is not entitled thereto shall go to a filing office and there file an application to have his name struck.

182. Any person who files an application for entry of his name on the list of electors for a polling subdivision while he knows that his name is entered on the list of electors for another polling subdivision must attach an application to have his name struck from the list of electors for the polling subdivision where he was registered in the enumeration.

183. Any elector registered on the list of electors for a polling subdivision may, if he finds that the name of a person has been entered on the list of electors for the same polling subdivision although he is not entitled thereto, go to a filing office to file an application to have the name of the person struck.

The elector shall declare under oath that, to his knowledge, the person whose name he is requesting to be struck is not entitled to be registered on the list of electors for that polling subdivision.

184. Any error in the entry of the name or the designation of an elector on a list of electors may be corrected upon an application filed in a filing office by the elector.

185. The application for entry, striking or correction provided for in sections 181, 182 and 184 may be filed by an elector related or allied to or cohabiting with the person in respect of whom he makes the application.

186. Every application filed pursuant to sections 181 to 184 shall be made under oath, according to the prescribed form, not later than Saturday of the third week preceding that of the polling.

Every application shall clearly indicate the surname, given name, address, profession or occupation and age of the person making the application and of the person in respect of whom it is made.

187. Every application under section 182 to have the name of an elector in another electoral division struck from the list of electors shall be given to the returning officer on the same day; he shall immediately transmit the application to the returning officer of the other electoral division, who shall transmit it without delay to the revisors.

§ 1.—*Filing offices*

188. The returning officer shall establish, for all the polling subdivisions in his electoral division, the number of filing offices

determined by the chief electoral officer. He shall immediately inform the chief electoral officer, each candidate and each authorized party authority at the level of the electoral division of the selected places.

The filing offices shall be situated and distributed in such a way as to accommodate the electors of the polling subdivisions as equally as possible and shall be accessible to handicapped persons.

The office of the returning officer is a filing office.

189. The filing offices shall be open from 10:00 a.m. to 10:00 p.m. from Monday to Saturday of the third week preceding that of the polling.

190. The returning officer shall put in the filing office, at the disposal of the electors, a certified copy of the list of electors for each polling subdivision in the electoral division.

191. The returning officer shall also establish a mobile filing office which, at the request of any elector sheltered in a hospital centre or reception centre who is unable to move about, shall go to meet him to receive his application for entry or correction.

192. The returning officer shall appoint, for each office, the number of persons he considers necessary.

193. The persons appointed to act in a filing office shall have the following duties in particular:

- (1) to receive and assist every person wishing to make an application to have an entry made, struck or corrected;
- (2) to ascertain the nature of the application;
- (3) to receive the application and fill out the prescribed form;
- (4) to administer the oath to the applicant;
- (5) to give a copy of the application to the applicant.

194. Every evening, after the filing offices are closed, the persons appointed to act in them shall give all the applications duly filled out during the day to the returning officer.

§ 2.—*Board of revisors*

195. The returning officer shall establish, for every polling subdivision in his electoral division, the number of boards of revisors

determined by the chief electoral officer, and shall assign to each of them the polling subdivisions specified to him by the chief electoral officer. The selected places shall be accessible to handicapped persons.

The returning officer shall thereupon inform the chief electoral officer, each candidate and each authorized party authority at the level of the electoral division of the selected places.

196. Each board of revisors shall be composed of three revisors.

197. The revisors shall be chosen from among the electors of the electoral division or an adjoining electoral division.

198. Not later than Tuesday of the fourth week preceding polling day, the returning officer shall appoint two revisors in the manner prescribed in sections 148 to 150.

199. The recommendations must be received by the returning officer on or before Monday of the fourth week preceding that of the polling.

Where no recommendation is made or where the person recommended is not qualified for the office, the returning officer shall make the appointment without any other formality.

200. The two revisors appointed by the returning officer shall select and appoint the third revisor within three days following their appointment, failing which the returning officer shall select and appoint him himself.

When the two revisors have selected and appointed the third revisor, they shall immediately so notify the returning officer.

201. The revisor recommended by the authorized party that ranked first in the last election or by an independent Member of the National Assembly elected as such shall act as chairman of the board of revisors.

The revisor recommended by the authorized party that ranked second in the last election shall act as vice-chairman.

202. The returning officer shall post up in his office and transmit to the chief electoral officer, to each candidate and to each authorized party authority at the level of the electoral division, the list of revisors appointed to each board of revisors.

203. The returning officer shall appoint a secretary and two assistants to each board of revisors.

At the request of the board of revisors, the returning officer shall appoint such additional personnel as necessary.

Sections 198 and 199 apply to the appointment of assistants to the board.

204. The secretary of the board of revisors shall have the following duties in particular:

- (1) to enter all decisions of the board of revisors in its register;
- (2) to draw up notices of hearing;
- (3) to prepare statements of changes.

205. The assistants to the board of revisors shall have the following duties in particular:

- (1) to serve notices of hearing;
- (2) to serve summonses on witnesses;
- (3) to gather, at the request of the board of revisors, any information relevant to the making of a decision.

206. The assistants shall work together; in no case may they ever act individually. In the event of disagreement, the matter shall be submitted to the revisors who shall decide it immediately and the assistants are bound by the decision.

207. No later than the day before the work of the board of revisors begins, the returning officer shall give the revisors

- (1) the directives of the chief electoral officer concerning revision;
- (2) the certified list of electors and the statement of unoccupied dwellings for each polling subdivision assigned to them;
- (3) the reports made to him by enumerators pursuant to section 160;
- (4) the attestation of the enumerators contemplated in section 169;

(5) the register in which they enter all their decisions respecting the applications submitted to them.

208. Upon receiving applications for entry, striking or correction from the filing office, the returning officer shall transmit them to the board of revisors concerned.

209. The board of revisors shall sit from 10:00 a.m. to 12:30 p.m., from 2:30 p.m. to 5:30 p.m. and from 7:00 p.m. to 10:00 p.m. from Wednesday of the third week to Thursday of the second week preceding that of the polling.

If those hours are insufficient, the board of revisors shall take whatever additional time is necessary.

210. Two revisors constitute a quorum.

211. Every question submitted to the board of revisors shall be decided by a majority vote.

In the event of a tie-vote, the chairman or, in his absence, the vice-chairman shall have a casting vote.

212. The board of revisors shall, upon beginning its work, verify whether

(1) the lists of electors given to it are those of the polling subdivisions assigned to it;

(2) the name of the electoral division, the name of the local municipality, the number of the electoral precinct and the description and number of the polling subdivision appear on each list;

(3) the number of names of electors entered on each list of electors corresponds to that indicated on the attestation of the enumerators.

The board of revisors shall make the necessary corrections, rectify, if need be, the number of entries each of the lists of electors included before the revision and draw up a minute of its verification in the register.

213. The board of revisors shall then examine the applications for entry, striking or correction transmitted to it by the returning officer as well as the reports made by enumerators under section 160.

It shall receive the depositions on oath of all persons present who wish to be heard and, if need be, of their witnesses.

It shall maintain or dismiss each of the applications submitted and the secretary of the board shall note each of these decisions in the register.

214. The board of revisors and every revisor duly authorized by it may make an inquiry to ensure that a person whose name is already entered on the list of electors, or who applies for its entry thereon, is entitled to have it so entered. The person may be assisted by an advocate.

For the purposes of the inquiry, the board of revisors may summon witnesses.

The assistants to the board shall serve the summons on the person concerned or, if they cannot do so, they may leave it at his domicile.

A minute of the service shall be drawn up by the assistants in the prescribed form and reported to the board of revisors.

215. Before taking into consideration an application for the striking of a name from a list of electors or before dismissing an application for entry, the board of revisors shall convene the person concerned by way of a notice of one clear day.

The notice shall be served by the assistants to the board on the person concerned or, if it cannot be served on him, it shall be left at his address.

A minute of the service shall be drawn up by the assistants in the prescribed form and reported to the board of revisors.

216. If, when an application for the striking of a name is examined, the board of revisors concludes that the person concerned by the application is entitled to be registered on the list of electors for another polling subdivision in its territorial jurisdiction, the board of revisors must enter the name of the person on such latter list and strike it from the list on which it was originally entered.

If, however, the board of revisors concludes that the person concerned by the application must be registered on a list of electors subject to the jurisdiction of another board of revisors in the same electoral division, it shall transmit its decision to the latter board.

217. Where the board of revisors, after inquiry, comes to the conclusion that a person whose name is entered on the list of electors

is not entitled to be registered thereon, it shall strike that person's name from the list after causing notice to be served on him as in section 215.

218. The board of revisors may also, of its own initiative, correct the name or designation of any person registered on a list where, after inquiry, it comes to the conclusion that the name or designation is erroneous.

219. Where the board of revisors must decide whether a person is a Canadian citizen, the burden of proof shall be upon that person.

§ 3.—*Abstract of changes*

220. The board of revisors, upon completing its work, shall prepare an abstract in the prescribed form of each entry, striking and correction made on the list of electors for each polling subdivision assigned to it.

221. The board of revisors shall also certify, for each polling subdivision,

(1) the number of names entered on the list of electors before revision;

(2) the number of names that have been added, struck or corrected on the list;

(3) the total number of names appearing on the revised list of electors.

222. In addition, the board of revisors shall certify a sufficient number of copies of the abstracts provided for in sections 220 and 221 to enable the returning officer to give five copies of them to each candidate.

223. Not later than Saturday of the second week preceding that of the polling, the board of revisors shall give the abstracts, the certified copies of the abstracts and a copy of the revised list of electors to the returning officer.

224. The returning officer shall immediately transmit five certified copies of the abstracts he has received from the board of revisors to each candidate.

225. The returning officer shall transmit free of charge, to each municipality or school board that applies therefor and whose territory

is comprised in whole or in part in the electoral division, a certified copy of the abstract of changes made to the list of electors for each polling subdivision comprised in that territory.

226. If there is an insufficient number of abstracts, the returning officer may make copies, certify them and give them, free of charge, to the persons entitled to them.

DIVISION V

SPECIAL REVISION

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

228. The returning officer shall establish such number of boards of revisors as is necessary to examine the applications made pursuant to section 227.

229. The board of revisors shall sit on Wednesday and Thursday of the week preceding that of the polling.

The returning officer may, however, fix earlier additional sittings if the number of applications warrants.

230. The provisions of Division IV apply, adapted as required, except that the board is not required to observe the time limit prescribed in section 215.

231. The returning officer shall transmit to each candidate, not later than Friday preceding polling day, five certified copies of the abstracts of changes made pursuant to this division.

DIVISION VI

MISCELLANEOUS PROVISIONS

232. The chief electoral officer may, where circumstances so require, in particular, by reason of the area or distance involved, authorize the preparation or revision of a list of electors by any means deemed appropriate that he determines with the consent of the authorized parties represented in the National Assembly.

233. The official list of electors for each electoral division shall consist of

(1) the list of electors for each polling subdivision, prepared and revised in accordance with this chapter;

(2) the names contained in the registry of electors outside Québec as established in accordance with section 8.

CHAPTER IV

CANDIDATES

234. Any elector may be elected to the National Assembly.

235. Notwithstanding the preceding section, the following persons are not qualified to be elected:

(1) judges of the courts of justice;

(2) the official agent of a candidate or of a political party;

(3) Members of the Parliament of Canada;

(4) a person found guilty of an indictable offence punishable by two years of imprisonment or more, for the term of the sentence pronounced.

The following persons, also, are not qualified to be elected for the period fixed in this Act:

(1) a candidate at a previous election whose official agent has not produced a return of election expenses or the statement provided for in section 431;

(2) an independent candidate contemplated in section 125;

(3) a person contemplated in sections 127 and 441;

(4) a person found guilty or convicted of a corrupt electoral practice.

236. No person may be a candidate for election in more than one electoral division at the same time.

DIVISION I

NOMINATION PAPERS

237. A person wishing to be a candidate shall, not later than 2:00 p.m. on the sixteenth day preceding polling day, file a nomination paper at the main office of the returning officer.

238. A person wishing to be a candidate may designate a person to act in his name as his mandatary.

239. A nomination paper shall be in the form prescribed by regulation and signed by the person wishing to be a candidate. The person shall indicate his surname and given name, the address of his domicile, his date of birth, his occupation and his affiliation with an authorized party or, if he so wishes, the mention "independent". In addition, the nomination paper shall bear the name and signature of his official agent and, if he decides to appoint one, the name and signature of his mandatary.

240. Every candidate may offer himself as a candidate under his ordinary surname and given name provided that it is the name by which he is commonly known in political, professional or social life and that he is acting in good faith.

241. A person offering himself as a candidate shall attach to his nomination paper

(1) his act of birth or any other identification paper prescribed by regulation;

(2) a letter from the leader of an authorized party recognizing him as a candidate of that party;

(3) a photograph in accordance with the standards prescribed by regulation and bearing on the back the signatures of two electors of the electoral division who know him.

The two electors who sign the photograph thereby attest that the photograph is that of the person offering himself as a candidate and that the given name, surname and address appearing on the nomination paper are those of that person.

242. A nomination paper shall bear the signatures and addresses of a least one hundred electors in the electoral division for which the nomination paper is filed.

Only the person offering himself as a candidate or his mandatary is authorized to collect the signatures.

243. A person collecting supporting signatures shall declare under oath, before the returning officer, that he knows the persons whose names appear on the nomination paper, that they have affixed their signatures in his presence and that, to his knowledge, they are electors of that electoral division.

244. The penalties applicable to a person supporting a nomination who is not an elector or who is not domiciled in the electoral division or who signs for another person must be set forth on the form itself.

245. Upon the filing of a nomination paper, the returning officer shall verify whether it appears to meet the requirements of this division and whether all the required documents are attached to it. He shall then issue a receipt, which is proof of the nomination.

246. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the returning officer, during the election period, may allow an elector to examine, at the main office of the returning officer, any nomination paper received, and allow any candidate to obtain a copy of the nomination paper.

247. If the returning officer has received only one nomination paper at the end of the period for filing nomination papers, he shall declare the candidate elected and immediately inform the chief electoral officer.

DIVISION II

LEAVE OF CANDIDATES AND OFFICIAL AGENTS

248. Every employer shall, upon written request, grant a leave without pay to an employee who is a candidate or intends to become one. The request may be made at any time from the date of the order instituting the election.

The employee's leave begins on the day requested by the employee and ends on the thirtieth day following the expiry of the period for filing nomination papers if he is not a candidate, or if he is, on the thirtieth day following the declaration of election.

The employee may terminate his leave at any time.

249. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of a candidate. The request may be made at any time from the receipt by the returning officer of the nomination paper of the candidate for whom the employee acts as official agent.

The employee's leave begins on the day requested by the employee and ends on the one hundred and twentieth day following polling day.

The employee may terminate his leave at any time.

250. A leave may be full time or part time, according to the employee's request. Where an employee requests part-time leave, he shall specify the days and hours of his leave.

251. Notwithstanding any agreement or Act inconsistent herewith, an employee is entitled, throughout his leave as a candidate or official agent, to all the benefits attached to his employment, except his remuneration.

252. An employee who makes a written request to that effect at the beginning of his leave may, while on leave, continue to contribute to all the plans in which he participates, provided he pays the totality of the premiums, including the employer's contribution.

253. At the expiry of the leave, the employer shall reinstate the employee, with the conditions of employment prevailing before the beginning of the leave or conditions more favourable to the employee, as provided in the collective agreement or, failing that, the agreement between the employer and the employee, taking into account the benefits to which he continued to be entitled during his leave.

254. No employer may, by reason of a leave, dismiss, lay off, suspend, demote or transfer an employee or give him less favourable conditions of employment than he is entitled to or diminish any benefit attached to his employment and to which he is entitled.

Nor shall he subtract the duration of the leave from the period of vacation of the employee.

255. An employee believing himself the victim of a contravention of this division may file a complaint with the labour commissioner general appointed under the Labour Code (R.S.Q., chapter C-27). Sections 15 to 20, 49 to 51, 118 to 137, 139 to 140.1 and 150 to 152 of the Labour Code then apply, adapted as required.

An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of filing a complaint with the labour commissioner general. Sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code then apply, adapted as required.

Where a complaint is filed with the labour commissioner general and at the same time the grievance settlement and arbitration procedure is invoked, the arbitrator must refuse to hear the grievance.

DIVISION III

WITHDRAWAL OR DEATH OF A CANDIDATE

256. A candidate may withdraw if he files a declaration to that effect with the returning officer, signed by himself and by two electors of the electoral division in which he is a candidate.

257. The name of the candidate shall not appear on the ballot paper if the declaration of withdrawal is filed with the returning officer within three days after the expiry of the period for filing nomination papers.

Notwithstanding the foregoing, if the declaration is filed more than three days after the expiry of that period and it is impossible to print new ballot papers, the deputy returning officer shall strike the name of the candidate from every ballot paper.

258. If the candidate withdraws after the publication of the notice of a poll and there remains but one candidate, the returning officer shall declare the latter candidate elected and immediately inform the chief electoral officer.

259. Where a candidate dies between the twenty-first day preceding polling day and that of the close of the poll, polling day shall be postponed.

Nomination papers shall then be filed no later than the second Monday following the day of the death of the candidate, and the poll shall take place on the second subsequent Monday.

The returning officer shall, after informing the chief electoral officer, immediately publish, in the manner prescribed by regulation, a notice informing the electors of the new period for filing nomination papers and of the new polling date.

CHAPTER V

POLL

DIVISION I

NOTICE OF A POLL

260. At the end of the period for filing nomination papers, the returning officer, if he has received more than one nomination paper, shall publish a notice of a poll.

The notice of a poll shall set forth the surname and given name of each candidate, his political affiliation, if any, his address and the surname and given name of his official agent and of his mandatory, if any.

261. The notice of a poll shall be posted up in the office of the returning officer and a copy shall be transmitted to each candidate or his mandatory.

DIVISION II

ADVANCE POLLING

§ 1.—*General provisions*

262. The returning officer shall, no later than the twenty-eighth day preceding polling day, establish in his electoral division as many advance polling stations as he considers necessary, including mobile polling stations, and determine which polling subdivisions are attached to each. He shall immediately inform each candidate and each authorized party authority at the level of the electoral division.

The polling stations must be accessible to handicapped persons.

263. Except as otherwise provided, sections 304, 306 to 316, 319 to 328, 330, 331, 333 and 335 to 353, adapted as required, apply to advance polling.

264. Every advance polling station shall be open from 2:00 p.m. to 10:00 p.m. on Sunday and Monday of the week preceding polling day.

265. Election officers, handicapped persons, inmates and persons who have reason to believe that it will be difficult for them

to vote in their polling subdivision on polling day may vote in the advance poll.

266. The poll clerk shall enter in the poll book the surname, given name and address of every elector requesting to vote in the advance poll.

267. Every elector requesting to vote in the advance poll shall, before being admitted to vote, give under oath the reason which authorizes him to vote in the advance poll and sign the poll book.

268. On the first day, after the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 360.

The deputy returning officer shall place in separate envelopes the ballot papers that are in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers, the forms, and the list of electors; he shall then seal the envelopes. Those envelopes, except the envelope containing the list of electors, and the poll book shall be placed in the ballot box sealed by the deputy returning officer with a safety seal bearing a number.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes and of the ballot box.

The deputy returning officer shall then give the ballot box, the envelope containing the list of electors and a list of the electors who have voted to the returning officer or the person designated by him.

269. At the beginning of the second day, the deputy returning officer, in the presence of the poll clerk and of the representatives present, shall resume possession of the poll book and of the envelopes containing the forms, the unused ballot papers and the list of electors.

At the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 360. The deputy returning officer shall then proceed as in section 268, and give the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.

270. The returning officer shall transmit to the candidates, at the end of each day, the list of the electors of the electoral division who have voted in the advance poll.

271. If the list of electors on which the poll clerk has indicated that an elector has voted is lost or spoiled, the returning officer shall take possession of the poll book contained in the ballot box to draw up the list of the electors who have voted in the advance poll.

As soon as that list is drawn up, the returning officer shall replace the poll book in the ballot box, seal the ballot box and affix his initials to the seals.

Before acting under this section, the returning officer shall so notify each candidate or his mandatary; the latter may attend and may affix their initials to the seals.

272. From 8:00 p.m. on polling day, the deputy returning officer shall proceed with the counting of the votes assisted by the poll clerk, and in the presence of those representatives who wish to attend, at the place determined by the returning officer. Before proceeding with the counting of the votes, the deputy returning officer and the poll clerk shall make the oath provided for in Schedule II. The counting shall be effected in accordance with sections 361 to 368, adapted as required.

The deputy returning officer and poll clerk may be persons other than those appointed to act in the advance polling station; in that case, sections 311 and 312 do not apply.

§ 2.—*Special provisions governing the voting of inmates*

273. Every inmate has the right to vote at a general election.

To exercise his right to vote, an inmate must be registered on the list of electors of the house of detention in which he is detained. He shall exercise his right to vote in the advance polling station of that establishment.

His vote shall be counted in the electoral division of his domicile.

274. The director of a house of detention shall draw up the list of the inmates of that establishment who are electors. The list shall indicate the surname, given name, address of the domicile and age of each elector.

The director shall then ask every inmate if he wishes to be registered on the list of electors and verify with him the accuracy of the particulars concerning him.

Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the

Protection of personal information, the director shall transmit the list of electors to the chief electoral officer not later than the sixteenth day preceding polling day.

275. The returning officer of the electoral division in which the house of detention is situated shall establish in it, in cooperation with the director of the house of detention, as many advance polling stations as he considers necessary.

276. Each authorized party may, in accordance with sections 315 and 316, designate a representative.

277. The chief electoral officer shall cause the ballot papers for the electoral divisions where the inmates are domiciled to be printed, according to the model provided in Schedule III, and transmit them to the returning officer referred to in section 275.

The chief electoral officer shall also transmit to him the list of electors of the house of detention.

278. The returning officer referred to in section 275 shall give to the deputy returning officer, in a sealed ballot box, after affixing his initials to the seals, an extract from this Act and the regulations, the list of electors of the house of detention, a poll book and the ballot papers.

In addition, the returning officer shall give him the material required for the poll.

279. The advance polling station shall be open from 10:00 a.m. to 8:00 p.m. on Monday of the week preceding polling day.

280. At the close of the advance polling station, the procedure set out in section 269 shall be followed and the deputy returning officer shall give the ballot box and the envelope containing the list of electors to the chief electoral officer or the person designated by him.

281. The chief electoral officer shall establish as many stations as he considers necessary to proceed with the counting of the votes. He shall appoint, for each station, a deputy returning officer and a poll clerk.

The chief electoral officer shall appoint as deputy returning officer the person recommended by the party that received the greatest number of votes at the last general election.

He shall appoint as poll clerk the person recommended by the party that received the second highest number of votes at the last general election.

282. From 8:00 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed, for each advance polling station, with the counting of the votes in the presence of a representative designated by each authorized party. The counting shall be effected at the place determined by the chief electoral officer in accordance with sections 361 to 365, adapted as required.

283. After counting the votes for each electoral division, the deputy returning officer shall place in separate envelopes, for each division, the ballot papers given in favour of each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers and the unused ballot papers. He shall seal the envelopes and place them in another sealed envelope bearing the name of the electoral division concerned.

The deputy returning officer, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

The envelope, the poll book and the list of electors shall be placed in the ballot box.

284. The deputy returning officer shall draw up a statement of votes for each advance polling station in the form prescribed by regulation and an extract from the statement of votes for each electoral division.

The deputy returning officer shall seal the ballot box; the latter, the poll clerk and those representatives wishing to do so shall affix their initials to the seals.

The deputy returning officer shall then give the ballot box, the statement of votes and the extracts from the statement to the chief electoral officer or the person designated by him.

285. The chief electoral officer shall immediately communicate the results of the vote to every returning officer concerned and send him the extract from the statements of votes with which he is concerned.

286. To allow inmates to exercise their right to vote, the chief electoral officer may make any agreement he considers expedient with the warden of any house of detention established under an Act of the Parliament of Canada or of Québec.

§ 3.—*Special provisions governing mobile polling stations*

287. Notwithstanding section 307, the returning officer shall appoint only one deputy returning officer and one poll clerk to a mobile polling station.

288. Every mobile polling station shall be open and shall go to meet electors from 10 a.m. to 8 p.m. on Monday of the week preceding polling day.

289. Every elector who is sheltered in a hospital centre or a reception centre may vote at a mobile polling station if he applies therefor to the returning officer, if he is registered on the list of electors for a polling subdivision in the electoral division where the centre is situated, and if he is unable to move about to cast his vote.

290. The returning officer shall give to the deputy returning officer an extract from this Act and the regulations, a certified copy of the list of electors for each polling subdivision in the electoral division, a poll book, the required number of ballot papers and the material required for the poll in a sealed envelope.

291. The deputy returning officer shall ensure that voting is secret.

292. The director of a hospital centre or reception centre shall ensure that the mobile polling station is able to meet the electors.

§ 4.—*Special provisions governing the voting of electors outside Québec*

293. The chief electoral officer shall, no later than the twenty-fourth day preceding polling day, send to each elector whose name is entered in the registry of electors outside Québec a ballot paper in the form prescribed by Schedule IV, on which he shall indicate the name of the electoral division where the elector had his previous residence, the necessary envelopes, a list of the places where the elector may consult the list of candidates and a list of the places where the elector may transmit his ballot paper.

294. The chief electoral officer shall, no later than the fourteenth day preceding polling day, send the list of candidates to the places determined by order of the Government and to any other place he considers appropriate.

295. An elector shall cast a vote by writing on the ballot paper the given name and surname of the candidate of his choice. He may also identify the political party.

296. The elector shall place the ballot paper in an unidentified envelope, seal the envelope and place it in another envelope on which he shall write his name and the address of his previous residence.

297. The elector shall transmit his ballot paper to the chief electoral officer, to any place determined by order of the Government or to any other place designated by the chief electoral officer.

298. Only ballot papers received at the office of the chief electoral officer before the close of the polling stations on polling day may be counted.

299. Sections 281 to 285 apply to the counting of the votes cast by electors outside Québec.

300. No ballot paper may be rejected for the sole reason that the name of the candidate is misspelled.

DIVISION III

POLLING DAY

§ 1.—*Preparation for the poll*

POLLING STATIONS

301. The returning officer shall establish a polling station for each polling subdivision.

Notwithstanding the foregoing, the returning officer shall establish several polling stations for any polling subdivision with more than three hundred electors.

He shall inform each candidate of the place where the polling station of each polling subdivision is situated not later than the twelfth day before polling day.

302. The polling stations of an electoral precinct shall be grouped and situated in a place of convenient access. They shall, so far as possible, be accessible to handicapped persons.

303. Notwithstanding the grouping of polling stations prescribed in section 302, the returning officer shall, so far as possible,

locate a polling station in every hospital centre and reception center in his electoral division.

304. Municipalities, school boards or establishments established under the Act respecting health services and social services (R.S.Q., chapter S-5) shall allow the use of their premises free of charge for the establishment of polling stations.

305. Polling day is a holiday for pupils in every school of a school board situated in an electoral division in which an election is held.

Every educational institution shall, on polling day, grant leave to those pupils and students who are electors.

306. The chief electoral officer shall give such directives as he considers expedient to the returning officer on the manner of arranging and identifying a place where a polling station is established.

POLLING OFFICERS

307. Deputy returning officers, poll clerks and officers in charge of information and order are polling officers; they shall be chosen from among the electors of the electoral division.

308. The returning officer shall appoint an officer in charge of information and order at every place where a polling station is located.

The officer in charge of information and order shall have the following duties in particular:

(1) to receive the electors and direct them towards the polling station corresponding to their polling subdivision;

(2) to ensure accessibility to the polling stations and facilitate circulation therein;

(3) to ensure that only one person at a time is admitted to a polling station;

(4) to ensure that only the electors present on the premises of a polling station at closing time are admitted to exercise their right to vote;

(5) to ensure that only persons authorized to be present on the premises of a polling station are present;

(6) to inform the returning officer of any situation requiring his intervention.

309. In every polling station, the returning officer shall appoint, as deputy returning officer, the person recommended by the candidate of the authorized party whose candidate came first at the last election or by the independent Member elected as such if he is again a candidate.

He shall appoint, as poll clerk, the person recommended by the candidate of the authorized party whose candidate came second at the last election.

310. In a new electoral division, in an electoral division whose boundaries have been changed since the last election or in an electoral division in which no candidate of an authorized party came second at the last election or where persons who would have been entitled to recommend the person to be appointed as deputy returning officer or poll clerk are not candidates, the chief electoral officer shall decide, in accordance with the criteria provided by regulation, which candidates are entitled to make the recommendations provided for in section 309.

311. The recommendations must be received by the returning officer not later than the fourteenth day before polling day. Failing recommendations or when the person recommended is not qualified for that office, the returning officer shall make the appointment without other formality.

312. On the twelfth day before polling day, the returning officer shall post up in his office and transmit to each candidate the list of the deputy returning officers and poll clerks he has appointed.

He shall, without delay, inform the candidates of any changes to the list.

313. The deputy returning officer shall have the following duties in particular:

- (1) to see to the arrangement of the polling station;
- (2) to ensure that the polling is properly conducted and maintain order;
- (3) to facilitate the exercise of the right to vote and ensure the secrecy of the vote;

(4) to proceed with the counting of the votes;

(5) to transmit the results of the vote to the returning officer and give the ballot box to him.

314. The poll clerk shall have the following duties in particular:

(1) to enter in the poll book the particulars relating to the conduct of the polling;

(2) to assist the deputy returning officer.

REPRESENTATIVES

315. A candidate may designate a person and give him a power of attorney to represent him before the deputy returning officer or the officer in charge of information and order, or before each of them.

316. The power of attorney shall be signed by the candidate or his mandatary and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling and of the counting.

POLL RUNNERS

317. A candidate may also designate, on polling day, a person for each place where polling stations are established, and give him a power of attorney to collect a list of the persons who have already exercised their right to vote. That person may be the person he has designated as his representative before the officer in charge of information and order.

318. The power of attorney shall be signed by the candidate or his mandatary and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling.

BALLOT PAPERS AND BALLOT BOXES

319. The returning officer shall cause ballot papers to be printed in accordance with the model provided in Schedule III and according to the directives of the chief electoral officer.

The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.

320. The paper necessary for the printing of the ballot papers shall be provided by the chief electoral officer. It shall contain a thread which neither the chief electoral officer nor the maker may reveal.

321. The printer and the paper maker shall comply with the standards prescribed by regulation.

322. The ballot papers shall have a counterfoil and a stub both bearing the same number on the reverse. The ballot papers shall be numbered consecutively.

In addition, the ballot papers shall contain, on the reverse, a space reserved for the initials of the deputy returning officer, the name and address of the printer and the designation of the electoral division.

323. The ballot papers must allow each candidate to be clearly identified.

The ballot papers shall contain, on the obverse, in alphabetical order, first, the surname and given name of the candidate of each authorized party and then those of the other candidates; the given names and surnames must be spelled as in the nomination paper. The denomination of the authorized party must appear under the name of the candidate of that party; the indication "independent" must be entered under the name of the independent candidate if he has indicated it in his nomination paper.

Where two or more candidates have the same surname and given name, the returning officer shall draw lots to determine the order in which the surname and given name of each those candidates are to appear on the ballot paper.

324. The chief electoral officer shall cause ballot boxes to be made, in accordance with the standards fixed by him, in sufficient number for each electoral division.

The ballot boxes shall be made of durable material and be of uniform size and shape, and shall bear the official emblem of Québec.

325. Between the date of issue of the order instituting the election and that of publication of the notice contemplated in section 379, the returning officer shall have custody of the ballot boxes.

326. Within two days before the polling, the returning officer shall remit to each deputy returning officer, in a sealed ballot box, after affixing his initials to the seals, a summary of this Act and the regulations, the list of electors of the polling subdivision, the abstract

of changes made at the special revision, the list of the electors who voted in the advance poll, a poll book, the required number of ballot papers, but not over 25 more than the number of electors entered, the forms and the documents necessary for the counting of the votes.

In addition, the returning officer shall remit to each deputy returning officer the material required for the poll.

§ 2.—*The vote*

PRELIMINARY FORMALITIES

327. The officer in charge of information and order, the deputy returning officer and the poll clerk shall be present at the polling station one hour before the opening of the poll.

The representatives of the candidates may be present from the same moment. They may attend any operation conducted there.

328. The deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found in it and the material required for the poll, complying with the directives issued by the chief electoral officer.

329. Before the opening of the poll, the poll clerk, in the presence of the deputy returning officer and the representatives and on the basis of the list of the electors who voted in the advance poll in a mobile polling station shall indicate on the list of electors that those electors have voted.

330. The place where the polling stations are located and the polling officers shall be identified in the manner prescribed by regulation.

331. At the hour fixed for opening of the poll, the deputy returning officer and the poll clerk shall ascertain that there are no ballot papers enclosed in the ballot box, after which the ballot box shall be sealed and placed on the table of the polling station in full view of the polling officers.

POLLING HOURS

332. The polling shall take place from 10:00 a.m. until 8:00 p.m.

333. During the hours of polling, the chief electoral officer and the returning officer must be easily accessible to the candidates and their mandataries.

334. Every employer shall, while the polling stations are open, grant to any employee who is qualified to vote at least four consecutive hours for voting, not counting the time normally allowed for meals. No deduction of wages nor any penalty may be imposed on any employee by reason of this leave.

EXERCISE OF THE RIGHT TO VOTE

335. Not more than one elector may, at any time, be admitted to the polling station.

336. Each elector shall declare, to the deputy returning officer and the poll clerk, his surname, given name and address and, when so required, his age and occupation.

337. The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is entered on the list of electors of the polling subdivision and if his surname, given name, address and, where such is the case, his age and occupation, correspond to those appearing on that list.

Any elector whose designation differs slightly from that appearing on the list of electors may nevertheless be admitted to vote on making the oath in the form prescribed by regulation; an indication thereof shall be entered in the poll book.

338. An elector under whose name another person has already voted may nevertheless be admitted to vote on making the oath in the form prescribed by regulation; an indication thereof shall be entered in the poll book.

339. An elector whose name does not appear on the copy of the list of electors used at the polling station but appears on the revised list of electors in the possession of the returning officer or who produces the certificate of registration delivered to him under section 159 may obtain an authorization to vote, in the form prescribed by regulation, from the returning officer or his assistant.

An elector who has obtained an authorization under this section shall present it to the deputy returning officer and declare under oath that he is indeed the person who obtained it; an indication thereof shall be entered in the poll book.

340. The deputy returning officer shall give a ballot paper to the elector who is admitted to vote, after writing his initials in the space reserved for that purpose and detaching it from the counterfoil.

341. After receiving a ballot paper, the elector shall enter the polling booth, mark the ballot paper and fold it; he shall allow the initials of the deputy returning officer to be examined by the latter, the poll clerk and every representative of a candidate who wishes to do so; then, in full view of the persons present, the elector shall detach the stub and hand it to the deputy returning officer, who shall destroy it, and the elector himself shall place the ballot paper in the ballot box.

342. The elector shall mark the ballot paper by making, in one of the circles, a cross, an "X", a check mark or a line with a pen or, as the case may be, the pencil given to him by the deputy returning officer at the same time as the ballot paper.

343. As soon as an elector has voted, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

344. The deputy returning officer shall cancel any ballot paper if the initials appearing on the back of it are not his own, and the poll clerk shall enter an indication thereof in the poll book.

345. Where a ballot paper has been inadvertently marked or spoiled, the deputy returning officer shall require the elector to make an "X", a check mark or a line in each of the circles thereon. The deputy returning officer shall thereupon cancel the marked or spoiled ballot paper and give a new ballot paper to the elector.

346. An elector who declares under oath that he is unable to mark his ballot paper himself may be assisted

(1) by the deputy returning officer or the poll clerk, in the presence of the representatives;

(2) by an elector of the same electoral division, in the presence of the deputy returning officer or the poll clerk assigned to the polling station. The latter elector shall declare under oath that he has not assisted another elector during the poll.

In either case, an indication thereof shall be entered in the poll book.

347. At the request of any visually handicapped person, the deputy returning officer shall provide that person with a template, in accordance with the model prescribed by regulation, to enable him to vote without assistance. The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot paper and the indications entered under their names, where such is the case.

348. A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

349. Before the deputy returning officer remits a ballot paper, he, the poll clerk or the representative of a candidate may require a person to declare under oath, in the form prescribed by regulation, that

(1) he is a qualified elector;

(2) he was domiciled or had his residence in that polling subdivision on the day of issue of the order instituting the election;

(3) he has not already voted in the current election;

(4) he has received no benefit intended to engage his support in favour of a candidate;

(5) he has no ballot paper in his possession that may be used in the current election.

The poll clerk shall enter in the poll book the name of the person requiring the declaration and the reasons for the requirement.

350. In no case may a deputy returning officer give a ballot paper to a person who refuses to make the oath, and an indication thereof shall be entered in the poll book.

351. No person may, on the premises of a polling station, use any sign to indicate his political affiliation or support for or opposition to a party or candidate.

The building in which the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are considered to be the premises of the polling station.

352. If it is not possible for the polling to begin at the prescribed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, it shall be continued until it has lasted ten hours.

353. Any electors on the premises of a polling station at the hour of closing of the poll who have not voted may exercise their right to vote. The deputy returning officer shall thereafter declare the polling closed.

For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the hour of closing of the poll.

SECRECY OF VOTING

354. Voting is secret.

355. No elector may, on the premises of a polling station, indicate, in any manner, the name of the candidate in favour of whom he intends to vote or has voted.

356. No candidate, representative or election officer may, on the premises of a polling station, attempt to learn the name of the candidate in favour of whom an elector intends to vote or has voted.

357. No candidate, representative, election officer or elector who has given assistance to another elector may disclose the name of the candidate for whom the elector has voted.

358. No person may be compelled to disclose for whom he has voted.

§ 3.—*Proceedings after the vote*

359. After the close of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes. Every candidate and his representative may attend.

360. Before the ballot box is opened, the poll clerk shall enter in the poll book

(1) the number of electors who have voted;

(2) the number of spoiled or cancelled ballot papers and the number of unused ballot papers;

(3) the names of the persons who have performed duties as polling officers or representatives, indicating those entitled to remuneration.

361. The deputy returning officer, the poll clerk and the representatives shall use a tally sheet provided by the chief electoral officer for the counting of votes.

362. The deputy returning officer shall open the ballot box, count the votes by taking, one by one, the ballot papers placed in the ballot box and allow each person present to examine them.

363. The deputy returning officer shall declare valid every ballot paper marked in the manner prescribed in section 342.

Notwithstanding the foregoing, the deputy returning officer shall reject every ballot paper which

- (1) has not been furnished by him;
- (2) does not bear his initials;
- (3) has not been marked;
- (4) has been marked in favour of more than one candidate;
- (5) has been marked in favour of a person who is not a candidate;
- (6) has been marked elsewhere than in one of the circles;
- (7) bears fanciful or injurious entries;
- (8) bears a mark by which the elector can be identified.

No ballot paper contemplated in subparagraph 2 of the second paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors or the poll book, as the case may be, were placed in it.

The deputy returning officer shall, in full view of the persons present, then affix his initials to the reverse of every ballot paper that does not bear them, and shall enter, on each ballot, following his initials a note indicating that they were affixed as a correction. An indication thereof shall be entered in the poll book.

364. No ballot paper may be rejected by reason only that the stub is still attached to it. In such a case, the deputy returning officer shall detach the stub and destroy it.

Furthermore, no ballot paper may be rejected by reason only that the mark made in one of the circles by the elector extends beyond the circumference of the circle.

365. The deputy returning officer shall consider every objection raised by a candidate or the representative of a candidate in respect

of the validity of a ballot paper and make a decision immediately. The objection and the decision of the deputy returning officer shall be entered in the poll book.

366. After counting the ballot papers and drawing up a statement of votes, the deputy returning officer shall place, in separate envelopes, the ballot papers marked in favour of each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of votes. He shall then seal the envelopes.

The deputy returning officer, the poll clerk and those representatives who wish to do so shall affix their initials to the seals.

The envelopes, the poll book and the list of electors shall be placed in the ballot box.

367. The deputy returning officer shall deliver a copy of the statement of votes to the representative of each candidate and to the returning officer.

368. The deputy returning officer shall seal the ballot box, and he, the poll clerk and those representatives who wish to do so shall affix their initials to the seals.

369. The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

§ 4.—*Addition of votes*

370. The returning officer shall notify each candidate or his mandatary of the time when he is ready to proceed to the addition of the votes.

The addition, wherever possible, shall begin at 9:00 a.m. on the day following polling day; it shall take place at the main office of the returning officer, and any candidate, mandatary or elector may attend.

371. The returning officer shall proceed to the addition of the votes by using the statements of votes contained in the ballot boxes and compiling the votes cast in favour of each candidate in each polling subdivision of the electoral division.

He shall also use the abstract of the statement of votes contemplated in section 285 if he has received it at the time of the

addition or, failing that, he shall use the results communicated in accordance with that section.

372. If a statement of votes has not been placed in the ballot box or if the returning officer has not received a ballot box, he shall adjourn the addition of the votes until he obtains that statement or ballot box.

373. Any person present may apply for a re-addition of the votes if he shows that the returning officer has improperly added up the votes where the addition provided for in section 370 took place.

374. The returning officer shall declare elected the candidate who, when the addition is completed, has received the greatest number of votes.

He may then communicate the results of the addition to any person requesting them.

375. In the case of a tie-vote, the returning officer shall apply for a judicial recount in accordance with Division V of this chapter.

DIVISION IV

DECLARATION OF ELECTION AND PUBLICATION OF THE RESULTS

376. If no application for a judicial recount of the votes is filed within the time prescribed, the returning officer shall declare elected the candidate who has received the greatest number of votes. The returning officer shall send a copy of the declaration to each candidate.

The returning officer shall without delay transmit to the chief electoral officer the declaration of election and the result of the addition of the votes.

377. The returning officer shall thereafter transmit to the chief electoral officer a complete return of the election proceedings.

He shall also transmit to the chief electoral officer all the ballot papers, the statements of votes, the lists of electors and the poll books.

378. The chief electoral officer shall keep the documents transmitted to him by any returning officer for one year from their transmission or, if the election is contested, for one year from the decision on the contestation.

379. After transmitting a list of the candidates declared elected to the Secretary General of the National Assembly, the chief electoral officer shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating the surname and given name of each elected candidate, his political affiliation, the name of his electoral division and the date of receipt of the list by the Secretary General.

The candidate declared elected shall become a Member of the National Assembly from the receipt, by the Secretary General of the National Assembly, of the list of the candidates declared elected.

380. The chief electoral officer shall, as soon as possible after the election, publish a detailed return of the election, containing, in particular, the results for each electoral precinct, and also indicating the results of each polling subdivision.

He shall transmit the return to the Secretary General of the National Assembly.

DIVISION V

JUDICIAL RECOUNT

381. Any person may apply for a judicial recount of the votes if he has reasonable grounds to believe that a deputy returning officer has unlawfully counted or rejected ballot papers or has drawn up an incorrect statement.

382. Any candidate who came second, or his mandatary, may apply for a judicial recount where the majority is not over one-thousandth of the votes cast.

383. An application for a judicial recount is made by way of a motion to a judge of the Court of Québec of the judicial district in which all or part of the electoral division where the election was held is situated.

384. The motion must be presented within four days after the addition of the votes.

385. The recount shall begin within four days after the presentation of the motion and be carried out as rapidly as possible.

386. The judge shall give at least one clear day's notice in writing to the chief electoral officer and to the candidates of the day, time and place at which he will proceed to a recount of the votes.

The judge shall summon the returning officer and his assistant, and order the returning officer to bring the ballot boxes and the statement of the votes of his electoral division and, as the case may be, the abstract of the statement of votes contemplated in section 285. They must obey the summons.

Where a judicial recount is applied for in an electoral division in which the votes of inmates or of electors outside Québec have been counted, the chief electoral officer shall bring every envelope contemplated in section 283 bearing the name of that electoral division.

387. On the appointed day, the judge, in the presence of the returning officer and his assistant, shall examine the ballot papers and the other documents contained in the ballot box.

The persons contemplated in the first paragraph, those contemplated in section 386 and the mandataries of the candidates may examine the documents contained in the ballot box.

388. Sections 363 and 364 apply to a decision on the validity of a ballot paper and the judge may for that purpose take the measures he considers appropriate.

389. If a ballot box or the required documents are missing, the judge shall take the appropriate measures to ascertain the result of the vote. For that purpose, he is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37).

Every person testifying on that occasion before a judge has the same privileges and immunity as a witness before the Superior Court, and articles 307 to 309 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, adapted as required.

390. While the recount is in progress, the judge has the custody of the ballot boxes and their contents, and of all the other documents that have been transmitted to him.

391. Upon the conclusion of the recount, the judge shall compile the votes cast in favour of each candidate, verify or rectify any statement of votes and certify the results of the poll.

The judge shall return the ballot boxes to the returning officer and all the other documents used for the recount to the chief electoral officer.

392. The returning officer shall thereupon declare elected the candidate who received the greatest number of votes and section 376 applies, adapted as required.

393. In case of a tie-vote, a new election shall be held.

The returning officer, after informing the chief electoral officer, shall forthwith publish a notice in the form prescribed by regulation, informing the electors of the new period for filing nomination papers and the new polling date.

Nomination papers shall be filed not later than the second Monday following the day of the judge's decision, and the poll shall be held on the second subsequent Monday.

394. The judge shall award and fix the amount of the costs according to the tariff established by government regulation.

Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes shall be borne by the person who applied for the recount.

In the case contemplated in section 382, the person who applied for the recount shall pay no costs.

395. Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.

396. Where a judge fails to comply with this division, the aggrieved party may, within four days thereafter, apply to a judge of the Court of Appeal, by filing a motion in the office of the court, to issue an order enjoining the judge to comply and to proceed with and complete the recount.

397. If the motion appears to be founded, the judge of the Court of Appeal shall issue an order appointing the time, within the eight following days and a place for the hearing of the motion, and enjoining the interested parties to appear at such date and place.

The order and the motion giving rise to it shall be served in the manner determined by the judge.

398. At the appointed day and place, the judge of the Court of Appeal, or another judge of the same court, after hearing the parties present, shall issue such order as he considers justified by the facts; he may also award costs.

399. Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Appeal.

CHAPTER VI

CONTROL OF ELECTION EXPENSES

DIVISION I

ELECTION EXPENSES

400. For the purposes of this chapter,

(1) the election period commences on the day of issue of the order instituting the election and ends on polling day at the hour of closing of the polling stations;

(2) the word “candidate” includes any person who becomes a candidate.

401. The cost of any goods or services used for the following purposes during an election period is an election expense:

(1) to promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;

(2) to propagate or oppose the program or policies of a candidate or party;

(3) to approve or disapprove courses of action advocated or opposed by a candidate or party; or

(4) to approve or disapprove any act done or proposed by a party, a candidate or their supporters.

402. Expenditures incurred before an election period for the purchase or production of any writing, object, or advertising material or of any radio or television program used or broadcast during the election period for the purposes contemplated in section 401 also are deemed to be election expenses.

The expenses are deemed to have been incurred by the official agent during the election period if he authorized the use or broadcast.

The expenses shall be accounted for according to a method based on the frequency of use or broadcast during the election period compared to the frequency of use or broadcast before and during the election period.

403. The following are not election expenses:

(1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other publication, provided that they are published without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) the costs incurred for the sale at the regular price and promotion according to the ordinary rules of the market of any book whose publication and distribution are provided for, regardless of the order instituting the election;

(3) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;

(4) the necessary costs of holding a meeting in an electoral division for the selection of a candidate, including the cost of renting a hall, of convening the delegates and of the publicity made at the meeting; the costs cannot exceed \$3 000 nor include any other form of publicity;

(5) the reasonable costs incurred by a candidate for attending a meeting to select a candidate in an electoral division; the costs cannot include any publicity except that made by the candidate at the meeting;

(6) the reasonable expenses incurred by a candidate or any other person, out of his own money, for meals and lodging while traveling for election purposes, if the expenses are not reimbursed to him;

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

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

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

(10) the reasonable ordinary expenses incurred for the day-to-day operations of not more than two permanent offices of the party the addresses of which are entered in the register of the chief electoral officer;

(11) interest accrued from the beginning of the election period to the day occurring ninety days after polling day, on any loan lawfully granted to an official representative for election expenses, unless the official agent has paid the interest and declared it as an election expense in his return of election expenses.

404. To incur election expenses, an authorized party shall have an official agent.

The official representative of a party shall be the official agent of the party unless another person is designated in writing for that purpose by the leader of the party.

A person designated as the official agent by the leader of a party shall confirm in writing that he accepts the office.

The chief electoral officer shall publish the name of the official agent of a party in the *Gazette officielle du Québec*.

405. The official agent of an authorized party may, with the approval of the leader of the party, appoint the required number of deputies and authorize them to incur or authorize election expenses up to the amount fixed by him in their deed of appointment. That amount may be changed, in writing, at any time by the official agent before he files his return of election expenses.

All election expenses incurred by a deputy of the official agent are deemed to have been incurred by the official agent up to the amount fixed in the deed of appointment.

Every deputy shall furnish to the official agent of the party an itemized statement of the expenses incurred or authorized by him.

406. An official agent may, in writing, authorize an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. That amount may be changed by the official agent, in writing, at any time before he files his return of election expenses.

The advertising agency shall furnish to the official agent, within sixty days after polling day, an itemized statement of the expenses

incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors. The statement must be made in the form prescribed by the chief electoral officer.

407. Every candidate shall have an official agent.

408. Any official agent who resigns shall so notify the candidate and the returning officer in writing.

409. If the official agent designated in the nomination paper dies, resigns or becomes unable to act, the candidate shall forthwith appoint another such agent and notify the returning officer in writing of the appointment.

The candidate may also dismiss his official agent and appoint another in the same manner.

410. The returning officer shall, without delay, inform the chief electoral officer of every appointment and replacement of an official agent.

If an official agent is replaced before polling day, the returning officer shall post up a notice of the replacement with a notice of the poll; he shall transmit a copy of the notice of replacement to each candidate or his mandatary.

411. No person contemplated in section 45 may be appointed as an official agent.

412. During an election period, only the official agent of a candidate or of an authorized party or his deputy may incur or authorize election expenses.

413. In no case may an official agent or his deputy pay the cost of any election expense otherwise than out of an election fund.

No sums of money other than those held in accordance with Title III by an authorized entity may be paid into the election fund put at the disposal of an official agent.

The official agent shall deposit the sums paid into the election fund put at his disposal in an account at a Québec branch of a bank, trust or savings and credit union. The account shall be separate from that of the official representative.

414. The use or broadcast, during an election period, of any writing, object or advertising material or any radio or television

program contemplated in section 402 must be authorized by the official agent of a candidate or authorized party.

415. No person may accept or execute an order for election expenses not given or authorized by an official agent or in his name by his deputy or the advertising agency authorized by him.

416. No person may, for goods or services whose cost is wholly or partly an election expense, claim or receive a price different from his regular price for similar goods or services outside the election period nor may he accept a different remuneration or renounce payment.

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

417. Subject to paragraphs 5, 6 and 7 of section 403, any candidate may himself pay his personal expenses incurred on account of an election, up to the amount of \$2 000. The personal expenses that the candidate may so pay shall form part of his election expenses but must not include any publicity.

The candidate shall send an itemized statement to his official agent of his personal expenses paid in accordance with this section.

418. At a general election, the official agent of an authorized party, his deputy or the official representative of a party authority in an electoral division, if expressly authorized therefor by the official agent of the party, may, so long as no candidate of the party has filed his nomination paper in that electoral division and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses in the electoral division for an amount not exceeding \$3 000.

If, at the time of the polling, the party presents no candidate in the electoral division for which the expenses were authorized, the expenses are deemed to have been incurred by the party. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of the party and the person who authorized the expenses shall file an itemized statement thereof with him.

419. At a by-election, only the official representative of the party authority at the level of the electoral division where the election is being held may, so long as no candidate of the party has filed his nomination paper and before the expiry of the period prescribed for

the filing of nomination papers, authorize election expenses; in no case may the expenses exceed the amount of \$3 000.

If the party presents no candidate, the official representative shall include, in his annual financial report, all expenses he has so authorized. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of such party and the official representative shall file an itemized statement with him.

If the expenses incurred under this section include publicity, they shall be identified by the name and title of the official representative and by the name and address of the printer, where that is the case.

420. Every printer or manufacturer who furnishes any writing, object or advertising material relating to an election shall indicate his name and address and the name and title of the official agent or deputy, as the case may be, who caused it to be printed.

Every owner of a newspaper or other publication in which an advertisement is published shall indicate the name and title of the official agent or deputy, as the case may be, who caused it to be published.

Every radio or television broadcaster who broadcasts an advertisement shall indicate the name and title of the official agent or deputy, as the case may be, at the beginning or at the end of the advertisement.

421. Where the official agents of several candidates jointly make or incur any publicity expenses contemplated in section 420, the advertisement shall bear the name and title of each official agent or, with his consent, the name and title of the official agent of the party and the name and address of the printer, where that is the case.

422. During an election period, a radio, television or cable broadcaster and the owner of a newspaper, periodical or other publication may make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the leaders of the parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates of the same electoral division or to all the leaders of the parties represented in the National Assembly or which obtained at least 3% of the valid votes at the last general election.

423. No person may pay an every payment of election expense of \$50 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

424. Every person to whom an amount is due for an election expense shall present his claim to the official agent within sixty days after polling day. No election expense may be paid by the official agent if the claim is presented to him after the expiry of the prescribed time.

Where the official agent has died or resigned and has not been replaced, the claim shall be presented within the same time limit to the leader of the party or to the candidate himself, as the case may be.

After the expiry of the time prescribed in the first paragraph, the creditor has one hundred and twenty days to file his claim with the chief electoral officer, failing which his claim is prescribed.

425. Election expenses shall be limited so as never to exceed for a party, during a general election, 25 cents per elector for all the electoral divisions in which such party has an official candidate.

The election expenses for each candidate shall be limited so as never to exceed 80 cents per elector during a general election. However, in the electoral divisions of Duplessis, Rouyn-Noranda-Témiscamingue, Saguenay and Ungava, the maximum is increased by 20 cents per elector, and in the electoral division of Îles-de-la-Madeleine, the maximum is increased by 55 cents per elector.

During a by-election, the maximum limit of election expenses for each candidate is increased by 25 cents.

426. For the purposes of sections 425 and 456, the number of electors is the greatest of the following numbers:

(1) the number of electors appearing on the lists of electors used for the last election;

(2) the number of electors established by the Commission de la représentation;

(3) the number of electors appearing on the lists of electors after enumeration;

(4) the number of electors registered on the lists of electors after revision.

Each returning officer shall transmit a certificate to the chief electoral officer showing the number of electors, directly upon the conclusion of the enumeration and revision. He shall also inform each candidate of the number of electors in his electoral division.

At a general election, the chief electoral officer shall transmit, to the leader of each authorized party, the total number of electors listed for all the electoral divisions.

427. The official agent of an authorized party cannot incur election expenses during a by-election.

428. All publicity expenses are prohibited before the twenty-ninth day before polling day, except where no enumeration takes place during the election period.

429. Subject to sections 10 and 11 of the Public Service Act (R.S.Q., chapter F-3.1.1), nothing in this division relates to the services rendered by a member of the public service.

430. This division does not apply to services rendered by a member of an office staff or of the staff of a Member within the meaning of Division III.1 of Chapter IV of the Act respecting the National Assembly (R.S.Q., chapter A-23.1).

DIVISION II

RETURN OF ELECTION EXPENSES

431. The official agent of every candidate shall, within ninety days after polling day, deliver to the office or residence of the returning officer, or to the chief electoral officer, a return of all his election expenses in the form prescribed by the chief electoral officer.

The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

In the case of an independent candidate, the return must be filed at the same time as the financial report contemplated in section 122.

432. On receiving a return of election expenses from a candidate, the returning officer shall transmit the return, the solemn declaration and the invoices and vouchers to the chief electoral officer.

The returning officer shall make copies of all the documents before transmitting them to the chief electoral officer. He shall allow

any elector to examine them and make copies of them until such time as the documents from which the copies were made are destroyed or returned to the person concerned.

The chief electoral officer shall transmit to the returning officer a copy of any document delivered to him directly.

433. The official agent of every authorized party shall, within one hundred and twenty days after polling day, deliver to the chief electoral officer a return of his election expenses in the prescribed form.

The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

Where the official agent has appointed deputies under section 405, the return must be accompanied with the deeds of appointment and any change made to them.

434. The chief electoral officer shall publish a summary of the returns of election expenses prescribed in sections 431 and 433 within sixty days after the expiry of the time prescribed for their filing.

435. The chief electoral officer shall keep the returns, declarations, invoices, receipts and other vouchers provided for in sections 431 and 433 for a period of two years from their receipt. During that period, he shall permit any elector to examine the documents and make copies of them at the place designated by him for that purpose.

After the expiry of the period prescribed in the first paragraph, the chief electoral officer shall deliver the invoices, receipts and other vouchers to the leader of the party or to the candidates if they so request; if not, he may destroy them.

436. In addition to election expenses, the official agent shall indicate in the returns prescribed in sections 431 and 433 the source of the sums paid into the election fund put at his disposal.

437. The returns prescribed in sections 431 and 433 must be accompanied with an itemized statement in the form prescribed by the chief electoral officer, setting forth the names and addresses of the creditors who omitted to file their claims in the manner prescribed in the first paragraph of section 424 and, for each such claim, the amount of the debt and the date on which the goods and services were furnished.

The statement must be accompanied with a cheque drawn on the election fund, made to the order of the chief electoral officer for the total amount of the claims contemplated in the first paragraph.

438. The sums remitted to the chief electoral officer pursuant to section 437 shall be kept by him in a trust account and, if the creditors fail to file their claims with him within the time prescribed in the third paragraph of section 424, he shall remit the sums to the Minister of Finance.

439. Where a creditor files his claim with the chief electoral officer within the time prescribed in the third paragraph of section 424 and the sums remitted to him by the official agent to discharge the claim are insufficient, the chief electoral officer shall inform the official agent of that fact without delay; the official agent may contest that claim, in which case sections 444 and 445 apply.

If the claim is not contested by the official agent, the official representative of the authorized party authority at the level of the electoral division or of the party, as the case may be, shall forward to the chief electoral officer the necessary additional sum to enable him to discharge the claim.

440. On filing the return prescribed in section 431 or 433, the official agent of an authorized party or of a candidate of an authorized party shall remit the sums or goods remaining in his election fund to the official representative of the party or of the party authority at the level of the electoral division, as the case may be.

In the case of the official agent of an authorized independent candidate, he shall keep the remaining sums or goods in his election fund. The sums and goods may be used only for political, religious, scientific or charitable purposes.

441. If the return and the statement prescribed by section 431 or 433 are not filed within the time prescribed, the candidate or party leader, as the case may be, becomes, ten days after the expiry of the period prescribed, disqualified from sitting or voting in the National Assembly until the return and statement have been filed.

However, a judge may, on a motion made before the candidate or party leader is disqualified from sitting or voting, allow him to continue to sit or vote for an additional period of not more than thirty days.

442. Where a candidate or party leader becomes aware of any error in a return or declaration filed by him, he may correct it at any time within the period prescribed for filing such return or declaration.

After the period prescribed for filing the return or declaration, the candidate or party leader may obtain leave from the chief electoral officer to correct the error on establishing that it was made through inadvertence. However, if the correction is contested, leave must be obtained from a judge.

443. If a 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 filing of the return prescribed by section 431 or 433, the 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 declaration and grant an extension of time.

444. Before filing the return and declaration prescribed in sections 431 and 433, an official agent must have discharged all the claims received within the period prescribed in section 424 unless he contests them and indicates them as contested.

In no case may the official agent, the party leader or the candidate pay a claim so contested. Only the official representative may pay the claim in execution of a judgment of a competent court in favour of the creditor after the hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

The chief electoral officer may, if no party or candidate objects, authorize the official representative of an authorized entity to pay a contested claim if the refusal or failure to pay results from a *bona fide* error.

445. The chief electoral officer may refer to a judge any claim contested by an official agent. The case is heard and decided by preference.

446. Every payment made by the official representative after the filing of the return of election expenses following a decision of the chief electoral officer, a judgment rendered in respect of any expense contested pursuant to section 444, or on an application by the chief electoral officer under section 439, entails an automatic correction of the return of election expenses.

447. The judge having jurisdiction to decide an application under sections 441 to 445 is, in the case of a candidate other than a

party leader, a judge of the Court of Québec and, in the case of a party leader, the chief judge of that court.

No application under the first paragraph may be heard without a notice of at least three clear days to the chief electoral officer and to each of the other candidates in the electoral division or, in the case of a party leader, to each of the other leaders of authorized parties.

DIVISION III

ADVANCE ON THE REIMBURSEMENT OF ELECTION EXPENSES

448. The returning officer shall, without delay, transmit every nomination paper he receives to the chief electoral officer.

The chief electoral officer shall pay, without delay, to every candidate who will be entitled to reimbursement of election expenses under section 456, an advance on the reimbursement equal to 35% of the maximum election expenses fixed in the second paragraph of section 425 for the electoral division concerned.

449. The advance of an independent candidate is paid to him only if he is authorized.

450. Where, on the receipt of the results of the addition of the votes, the chief electoral officer is satisfied that a candidate is entitled to a reimbursement under section 456 and has received no advance on the reimbursement of election expenses under section 448, he shall, without delay, pay an advance on the reimbursement equal to 35% of the maximum election expenses fixed in the second paragraph of section 425 for the electoral division concerned.

451. The payment is made jointly to the candidate and his official representative in the case of an authorized independent candidate, or in the case of the candidate of an authorized party, jointly to the candidate and the official representative of the party authority at the level of the electoral division concerned; failing such a party authority, the payment is made jointly to the candidate and the official representative of the party.

452. On receipt of the return of election expenses of the official agent of the candidate to whom an advance on the reimbursement of election expense has been paid, the chief electoral officer shall verify whether the amount of the advance exceeds 50% of the election expenses stated in the return.

If the advance exceeds 50% of the total of the expenses, the chief electoral officer shall send, by registered or certified mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts.

The amount of the claim must be paid within thirty days of its receipt by the official representative.

453. If, after an audit of the return of election expenses of the official agent of the candidate to whom an advance was granted, the reimbursement to which the candidate is entitled under section 456 is greater than the advance he received, the chief electoral officer shall draw, to the order jointly to the candidate and to the official representative to whom the advance was granted, a cheque for an amount corresponding to the difference between the amount of reimbursement to which the candidate is entitled and the amount of the advance paid.

454. If, after an audit of the return of election expenses, the reimbursement to which the candidate is entitled is less than the advance he received, the chief electoral officer shall send, by registered or certified mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts, taking into account any sum received by the official representative following a claim pursuant to section 452.

The claim must be paid within thirty days of its receipt by the official representative.

455. For the purposes of sections 448 and 450, the number of electors is equal to the number of electors entered on the lists of electors after enumeration.

DIVISION IV

REIMBURSEMENT OF ELECTION EXPENSES

456. The chief electoral officer shall reimburse an amount equal to 50% of the election expenses incurred and paid in conformity with this Act, for each candidate

- (1) declared elected;
- (2) who obtained at least 20% of the valid votes;
- (3) who was elected at the last election;

(4) who is the candidate of either of the two parties whose candidates obtained the greatest number of votes at the last election in the electoral division; or

(5) who is entitled to make the recommendations provided for in section 309 or 310.

In the case of an independent candidate, no reimbursement may exceed the amount of the debts resulting from his election expenses.

The election expenses that may be reimbursed may in no case exceed the maximum amount fixed under the second paragraph of section 425.

TITLE V

CONTESTATION OF ELECTIONS

457. Any elector qualified to vote in an electoral division or any candidate in that division may contest the election held in the division if the election or the declaration pertaining to it is irregular, or if a corrupt electoral practice was used whereby it is alleged that the election of a Member is void.

458. An election is contested by way of a motion to the Court of Québec of the judicial district in which the electoral division where the election was held is situated in whole or in part.

459. The motion is presented within thirty days of the publication in the *Gazette officielle du Québec* of the notice contemplated in section 379 or within thirty days of a person's being found guilty of a corrupt electoral practice where such a practice was used after the declaration of election.

However, in the case of a corrupt electoral practice contemplated in paragraph 1 of section 558, the motion is presented within sixty days following the sending of the return contemplated in section 431 of this Act or within ninety days following the sending of the return contemplated in section 433 of this Act, as the case may be.

460. The motion must state the facts giving rise to it and the allegations must be supported by an affidavit.

The chief electoral officer and the returning officer for the division where the election is contested shall be made parties to the case.

461. The motion to contest the election shall be heard by three judges and the judgment shall be rendered by a majority of such judges.

If a judge who has heard the case dies before judgment or if he is unable, due to any circumstance, to participate in the judgment, and the other two judges are in agreement and are prepared to render judgment on the motion, these two judges may render judgment.

462. The motion shall be served on the parties and be accompanied with notice of not less than ten clear days of its date of presentation.

463. Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure, but the motion is heard and decided by preference.

464. The rules of proof are those in force in civil matters.

465. The vacancy of the seat of the dependant Member does not prevent the making of the motion or interrupt the hearing.

Convocation, prorogation or dissolution of the National Assembly does not suspend proceedings.

466. The court shall decide whether

- (1) the election is void;
- (2) the Member whose election is contested was duly elected or declared elected; or
- (3) another person was elected, indicating who that other person is.

467. If the hearing establishes

- (1) that a corrupt electoral practice was used by a candidate or, with his consent, by another person, the candidate shall be considered guilty of a corrupt electoral practice, and if he has been elected, his election is void;
- (2) that a corrupt electoral practice was used by the representative, mandatary or official agent of a candidate, the election of that candidate is void.

The election of a candidate shall not be declared void pursuant to subparagraph 2 of the first paragraph if it is established that the

deed is of minor gravity and could not have affected the result of the election, and if the candidate took reasonable precautions.

468. If the hearing establishes that a candidate, personally or through another person, committed an offence contemplated in section 556 or 557, the court shall subtract, from the number of votes which appear to have been given in favour of that candidate, one vote for each person who voted at that election and in respect of whom, according to the evidence, that candidate is guilty of that offence.

469. The election of a candidate shall not be declared void by reason of an offence against this Act, or the regulations hereunder, if it does not constitute a corrupt electoral practice and if the court comes to the conclusion that the offence could not have changed or significantly affected the result of the election.

470. No election may be declared void by reason of a failure to observe a formality prescribed for the procedure relating to the polling or to the counting of votes or by reason of the disqualification of an election officer if the election procedure has been conducted in accordance with the principles established under this Act and the inobservance or disqualification has not affected the result of the election.

471. No election may be declared void by reason of a failure to observe the prescribed time limits, unless the inobservance has affected the result of the election.

472. No election may be declared void by reason of the fact that a person who supports a nomination paper is not an elector or is not domiciled in the electoral division for which the nomination is filed.

473. Every person convicted of a corrupt electoral practice under this title is disqualified under section 567.

474. An appeal lies to the Court of Appeal from the final judgment rendered on the motion.

The appeal must be brought within fifteen days from the judgment.

No appeal lies from any interlocutory judgment.

475. The ordinary rules of the Code of Civil Procedure apply to the proceedings, but the appeal is heard by preference.

The judgment rendered by the Court of Appeal is final and no appeal lies from it.

476. Once the judgment acquires the status of *res judicata*, the chief electoral officer shall transmit a certified copy of that decision to the President or to the Secretary General of the National Assembly, who shall immediately inform the Members.

Where the decision changes the results of the election, the chief electoral officer shall proceed in accordance with section 379.

TITLE VI

ELECTORAL ORGANS

CHAPTER I

THE CHIEF ELECTORAL OFFICER

DIVISION I

APPOINTMENT

477. On a motion of the Prime Minister, the National Assembly, by a resolution approved by two-thirds of its Members, shall appoint a chief electoral officer chosen from among the electors and fix his salary and other conditions of employment.

478. The term of office of the chief electoral officer is seven years; notwithstanding the expiry of his term of office, the chief electoral officer shall remain in office until he is reappointed or replaced.

479. The chief electoral officer may resign at any time by giving notice in writing to the President of the National Assembly; he shall not be dismissed except by a resolution approved by two-thirds of the Members of the Assembly.

480. Before taking office, the chief electoral officer shall make the oath provided in Schedule II before the President of the National Assembly.

481. The chief electoral officer shall devote his time exclusively to the duties of his office.

482. If the chief electoral officer becomes incapacitated or in case of vacancy, the Government may, after consulting the leaders

of the authorized parties represented in the National Assembly, designate a person to perform the duties of the chief electoral officer for a period not exceeding six months, with such salary as it may fix.

The designated person shall also act as chairman of the Commission de la représentation.

483. The chief electoral officer may elect to contribute to a retirement plan if, before his appointment, he reaches an agreement on the terms of the plan with an authorized representative of the Government.

The order of the Government giving effect to the agreement contemplated in the first paragraph must be made within ninety days after the date of the chief electoral officer's appointment and has effect from the date of his taking office.

DIVISION II

FUNCTIONS AND POWERS

484. The function of the chief electoral officer is, in particular, to see to the administration of this Act.

He shall carry out every mandate which the National Assembly entrusts to him. The Government may consult him about any legislation pertaining to elections.

He may conduct an analysis and assessment of electoral procedures and conduct studies on the financing of political parties. After having sought the advice of the advisory committee, he may also carry out any other research he considers advisable.

485. In respect of this Act, the chief electoral officer shall, in particular,

- (1) ensure the training of the election officers;
- (2) supervise the progress of the enumeration, the revision and the voting;
- (3) issue directives for the administration of this Act;
- (4) receive complaints and make inquiries where he considers it necessary.

He may also prescribe the text of any forms and documents which serve for the administration of this Act.

486. In respect of the financing of political parties and the control of election expenses, the chief electoral officer shall, in particular,

(1) authorize parties, party authorities and independent candidates;

(2) verify that the parties, party authorities and candidates are complying with the provisions of the Act;

(3) receive and examine the financial reports and statements and returns of election expenses;

(4) inquire into the legality of expenditures incurred by an authorized entity, and election contributions and expenses.

487. In respect of public information, the chief electoral officer shall, in particular,

(1) provide any person applying therefor with advice and information regarding the administration of this Act;

(2) give the public access to the information, reports, returns or documents relating to this Act;

(3) maintain a public centre for information on this Act;

(4) regularly hold information meetings and conferences for the benefit of the political parties and the public;

(5) at the request of a political party, furnish the information required for the training of the representatives of candidates, while allowing the other parties to delegate observers;

(6) make any public advertisements he considers necessary.

488. The chief electoral officer may, at a by-election, test new voting procedures, following an agreement with the leaders of the authorized parties represented in the National Assembly.

The agreement shall describe the new voting procedures, refer to the provisions of this Act that it replaces and be signed by each of the persons concerned.

The agreement has force of law.

489. If, during the election period, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or

exceptional circumstance, a provision of this Act does not meet the demands of the resultant situation, he may adapt such provision in order to achieve its object.

However, he shall first inform the authorized parties, the candidates and the electors concerned of the decision he intends to make.

Within thirty days following polling day, the chief electoral officer shall transmit to the President of the National Assembly a report of the decisions he has made pursuant to this section. The President shall table the report in the National Assembly within thirty days of having received it or, if the National Assembly is not sitting, within thirty days of resumption.

490. The chief electoral officer, of his own initiative or at the request of another person, may inquire into the administration of this Act.

491. The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

492. Each time the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.

493. In respect of his inquiries, the chief electoral officer or any person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions. He has no power, however, to punish a person for contempt of court.

Articles 307 to 309 of the Code of Civil Procedure apply to witnesses heard at an inquiry.

DIVISION III

THE PERSONNEL OF THE CHIEF ELECTORAL OFFICER

494. The personnel required by the chief electoral officer shall be appointed and remunerated in accordance with the Public Service Act.

The powers conferred by the said Act on a deputy minister or on the chief executive officer of an agency are conferred on the

Government which may delegate them wholly or in part to the chief electoral officer.

495. The chief electoral officer may appoint two assistants to assist him in the carrying out of his duties. He shall determine the level of their position, and if, consequent upon such determination, the Public Service Act is not applicable to an assistant, it is hereby made applicable to him without any other formality.

The chief electoral officer may generally or specially delegate the exercise of the powers and duties conferred on him by this Act to his assistants. The act of delegation shall be published in the *Gazette officielle du Québec*.

496. The chief electoral officer may retain, on a temporary basis, the services of any persons he considers necessary, and fix their remuneration and expenses.

497. The chief electoral officer shall define the duties of the members of his personnel and direct their work.

No member of the personnel may engage in partisan work or act as an election officer.

498. Before taking office, the members of the personnel of the chief electoral officer shall make the oath provided in Schedule II before the chief electoral officer or the person he designates.

499. Documents and copies emanating from the chief electoral officer or his personnel are authentic if they are signed by the chief electoral officer or by a member of his personnel but, in the latter case, only to the extent determined by regulation.

500. No deed, document or writing binds the chief electoral officer or may be attributed to him unless it is signed by him or by a member of his personnel and, in the latter case, only to the extent determined by regulation.

CHAPTER II

THE RETURNING OFFICER

501. The chief electoral officer shall appoint a returning officer for each electoral division.

502. The appointment of a returning officer shall be made after a public competition among the qualified electors domiciled in the

electoral division concerned or in a contiguous electoral division, provided, in this latter case, that the person is able to carry out his duties in as satisfactory a manner as if he were domiciled in the electoral division for which he is appointed.

The competition shall be designed to allow impartial consideration of the merits of the candidates.

The selection shall be based on criteria of qualifications and competence and the appointment shall be made according to the order of merit of the candidates.

503. A notice of the competition shall be published by the chief electoral officer so as to allow every qualified person a reasonable opportunity to apply.

504. The term of office of a returning officer is ten years. Notwithstanding the expiry of his term of office, he shall remain in office until he is reappointed or replaced.

505. If a returning officer is absent or incapacitated or if the office of returning officer is vacant, the chief electoral officer may appoint a substitute for him. The substitute shall hold all the powers and duties of a returning officer.

Such an appointment ceases to have effect immediately upon the termination of the absence or incapacity or the appointment of a new returning officer.

506. The conditions of exercise of the duties of a returning officer shall be determined by regulation.

507. On the appointment of a returning officer, the chief electoral officer shall publish a notice of it in the *Gazette officielle du Québec*.

508. Before taking office, a returning officer shall make the oath provided in Schedule II before the chief electoral officer or the person designated by him.

509. On being appointed, the returning officer shall appoint an assistant returning officer, who shall not be his spouse nor be related or allied to him.

If the returning officer considers it necessary, he may, with the consent of the chief electoral officer, appoint one or more assistants to help the assistant returning officer in the exercise of his duties.

He may, in the same manner, appoint aides to assist him in the performance of his duties.

510. The assistant returning officer shall assist the returning officer in the exercise of his duties and replace him in case of his absence or while he is incapacitated, unless the chief electoral officer exercises his powers under section 505.

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

512. The chief electoral officer may dismiss a returning officer who fails to perform his duties, engages in partisan work or is not qualified to hold the office or who does not comply with one of the requirements of the office.

CHAPTER III

ADVISORY COMMITTEE

513. An advisory committee is hereby established.

514. The committee shall be composed of the chief electoral officer and of three representatives of each authorized party represented in the National Assembly.

The leader of each party shall designate the representatives of the party, at least one of whom shall be a Member of the National Assembly.

515. The committee shall be presided over by the chief electoral officer, who shall direct its activities and coordinate its work.

516. The majority of the members of the committee, including the chairman, are a quorum.

517. The chairman and the members of the committee are not remunerated.

Notwithstanding the foregoing, those members who are not Members of the National Assembly are entitled to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

518. At the request of the chairman or of one-third of its members, the committee may meet as often as necessary to carry out its duties and functions.

519. The function of the committee is to give advice on any question relating to this Act, except matters respecting electoral representation.

520. The committee may make the results of its work public.

521. The chief electoral officer shall consult the committee periodically with regard to the administration of this Act.

522. Prior to issuing any directive relating to the authorization and financing of political parties and independent candidates, and to the control of election expenses, the chief electoral officer shall submit it to the committee.

He shall do likewise with every directive he is authorized to issue, except during an election period.

CHAPTER IV

COMMISSION DE LA REPRÉSENTATION

DIVISION I

COMPOSITION OF THE COMMISSION

523. The "Commission de la représentation" is hereby established.

524. The Commission shall consist of the chief electoral officer, who shall be its chairman, and of two commissioners chosen from among persons who are qualified electors.

525. On a motion of the Prime Minister, the National Assembly, by a resolution approved by two-thirds of its members, shall appoint the commissioners.

526. The commissioners are entitled, for each day of sittings held under this Act, to a payment equal to 1 % of the minimum salary received annually by an administrator, Class V. The chairman of the Commission shall receive an annual remuneration equal to 25 % of that minimum salary.

The Government shall determine the allowances to which the commissioners are entitled by using as a basis allowances granted to persons holding similar offices.

527. The commissioners shall be appointed for a term of office of five years.

At the expiry of their terms, they shall remain in office until they are reappointed or replaced.

528. Before taking office, the other commissioners shall make the oath or solemn affirmation provided for in Schedule II, before the President of the National Assembly.

529. The commissioners may resign, at any time, by notifying the President of the National Assembly in writing.

They cannot be dismissed except by a resolution of the National Assembly approved by two-thirds of its Members.

530. If one of the commissioners is unable to act or if his office becomes vacant, the National Assembly shall, within sixty days, appoint a new commissioner, according to the mode of appointment provided in section 525.

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

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

DIVISION II

FUNCTIONS AND POWERS

531. The function of the Commission is to establish the boundaries of the electoral divisions of Québec, taking into account the principles and criteria of representation set out in Chapter I of Title II of this Act.

The Commission shall also carry out any other mandate that the National Assembly, on a motion of the Prime Minister, may entrust to it.

DIVISION III

ORGANIZATION OF THE COMMISSION

532. The Commission may appoint a secretary and fix his salary or his additional salary in the case where the person appointed is a public servant under the Public Service Act. It may also retain the services of any person.

533. Before taking office, the secretary shall make the oath or solemn affirmation provided for in Schedule II, before the chairman of the Commission.

534. The chairman shall direct the Commission and shall be responsible for its administration.

535. The chief electoral officer shall, in the discharge of his duties, provide the Commission with all required assistance, including that of his personnel.

The chairman shall supervise and direct his personnel.

The Commission has no other personnel than that provided by the chief electoral officer.

536. The chairman shall have an assistant. He shall choose him and determine his level of employment, and if, consequent upon such determination, the Public Service Act is not applicable to the assistant, it hereby becomes applicable to him without any other formality.

537. No member of the Commission, nor the assistant, nor the secretary, nor any member of the staff placed at the disposal of the Commission may be prosecuted for any official act performed in good faith in the exercise of his functions.

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

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

CHAPTER V

ANNUAL REPORT AND FINANCIAL PROVISIONS

540. The sums required for the administration of this Act, as well as the sums required for the carrying out of responsibilities assigned to the chief electoral officer and the Commission de la représentation by the Referendum Act (R.S.Q., chapter C-64.1) and by the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), are taken out of the consolidated revenue fund.

541. Not later than 30 September each year, the chief electoral officer and the Commission de la représentation shall make a report of their activities, including a financial report, for the preceding fiscal year to the President of the National Assembly.

The report shall, in particular, contain a statement of the complaints received and how each was dealt with, the informational and training activities carried on and requests for access to the lists of electors. The chief electoral officer may, in his report, recommend new election procedures or new rules regarding the financing of political parties.

The President of the National Assembly shall table the reports before the National Assembly within fifteen days of receiving them or, if it is not sitting, within fifteen days of resumption.

542. Each year, the chief electoral officer and the Commission de la représentation shall prepare the budgetary estimates and remit them to the President of the National Assembly before 1 April.

Where, during the fiscal year, the chief electoral officer or the Commission de la représentation foresees that the budgetary estimates will be exceeded for purposes other than those contemplated in section 544, they shall prepare supplementary estimates and remit them to the President of the National Assembly.

543. The National Assembly shall refer, to a parliamentary committee, the budgetary estimates of the chief electoral officer and of the Commission de la représentation, and they shall furnish the parliamentary committee with a preliminary financial report for the preceding fiscal year.

544. The committee may also study the expenditures made in view of a polling or at the time of a polling, and expenditures made

for any mandate that the National Assembly entrusted to the chief electoral officer or to the Commission de la représentation and which were impossible to include in the budget for the preceding fiscal year.

545. The committee shall approve the budget and table its report in the National Assembly.

546. The examination in parliamentary committee of the budget of the Commission de la représentation shall not take place while boundaries of electoral divisions are being established.

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

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

TITLE VII

REGULATIONS

548. The Government may, by regulation,

(1) establish a tariff of remuneration and expenses of election officers;

(2) establish a tariff of costs for a judicial recount;

(3) determine the maximum amount of the expenses that may be incurred by the chief electoral officer under the third paragraph of section 137.

549. The chief electoral officer shall draft regulations on those matters which must be provided for by regulation under this Act, except on those contemplated in section 548.

The draft regulations shall be submitted for approval to the Committee on the National Assembly.

A regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

TITLE VIII

PENAL PROVISIONS

550. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years:

(1) every enumerator or revisor who, in preparing a list of electors, knowingly enters on the list a name which should not be entered;

(2) every enumerator or revisor who, in preparing a list of electors, knowingly omits a name which should be entered on the list;

(3) every person who makes an application to enter a name which he knows to be fictitious or to be that of a deceased person or of a person not qualified as an elector;

(4) every person who makes an application for the striking of the name of a person whom he knows to be qualified as an elector;

(5) every person who, knowing that his name is entered on more than one list of electors, or on any list of electors despite his knowledge that he is not qualified as an elector, does not take the necessary steps to have his name struck from any list on which it is wrongfully entered;

(6) every owner, administrator, superintendent or caretaker of a multiple-dwelling immovable or director of a hospital centre or reception centre who limits, restricts or does not facilitate the access of his immovable to an enumerator or to a person responsible for the distribution of the lists of electors;

(7) every person appointed to act in a filing office who refuses or neglects to receive an application made to him or who refuses or neglects to transmit it to the returning officer;

(8) every revisor who refuses or neglects to examine an application submitted to him;

(9) every revisor who strikes the name of a person from the list of electors without causing the notice prescribed in section 215 to be sent to him;

(10) every person who, without authorization, discloses the list of electors or the information contained therein;

(11) every person who makes use of the list of electors for commercial or other profit-making ends.

551. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years:

(1) every person who offers himself as a candidate, knowing he is disqualified;

(2) every person who supports a nomination paper, when he is not an elector in the electoral division for which the nomination paper is filed;

(3) every person who uses the signature of others as support on a nomination paper;

(4) every candidate or every mandatory of a candidate who collects signatures of support and falsely declares that he knows the persons whose names appear on the nomination papers, that they signed in his presence or that they are electors in the electoral division;

(5) every person who collects signatures of support without being a candidate or mandatory;

(6) every candidate who signs more than one nomination paper;

(7) every person who presents himself as a candidate of an authorized party, when the letter contemplated in section 241 is false;

(8) every returning officer who accepts a nomination paper which is improper or not accompanied with all the required documents.

552. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years:

(1) every director of a hospital centre or reception centre who hinders access to a mobile polling station;

(2) every person who votes more than once at the same election;

(3) every deputy returning officer who permits a person to vote without being registered on the list of electors;

(4) every person who votes without being entitled to vote;

(5) every person who modifies or imitates the initials of the deputy returning officer;

(6) every person who acts as the representative of a candidate when his power of attorney is false;

(7) every deputy returning officer who remits a ballot paper to a person who refuses to make the oath required;

(8) every deputy returning officer who knowingly admits to vote a person who has already voted;

(9) every election officer who arrives late at the polling station in order to delay the opening of the poll.

553. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years:

(1) every person who falsifies the statement of votes;

(2) every person who knowingly destroys a ballot paper before the end of the period for the contestation of the election;

(3) every returning officer who makes a fraudulent declaration or issues a fraudulent declaration of election.

554. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years:

(1) every person who performs duties reserved to the election officers without being qualified therefor, without being officially appointed or without making the oath required;

(2) every person who hinders the work of an election officer;

(3) the chief electoral officer and every member of his personnel or election officer who fraudulently neglects or refuses to act or acts against this Act;

(4) every election officer who, having been dismissed or having ceased to carry out his duties, refuses to return the official documents in his possession to the returning officer or to the chief electoral officer.

555. The following persons are liable to a fine of \$100 to \$1 000 for a first offence and of \$200 to \$2 000 for every subsequent offence within five years, in the case of a natural person, or, in the case of a legal person, to a fine of \$300 to \$3 000 for a first offence and of \$600 to \$6 000 for every subsequent offence within five years:

(1) every employer who contravenes section 144, 248 to 254 or 334;

(2) every employer who uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that office after having accepted it;

(3) every person who, illegally and without right, counterfeits, manufactures, removes, uses, destroys, gives, sells or issues any badge to be used by the enumerators;

(4) every person who knowingly spreads false news of the withdrawal of a candidate;

(5) every person who knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper.

556. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any procedure relating to the vote, or alters or attempts to alter the results of the election, is liable, in the case of a natural person, to a fine of \$1 000 to \$10 000 or, in the case of a legal person, to a fine of \$3 000 to \$30 000.

557. The following persons are liable to a fine of \$1 000 to \$10 000:

(1) every candidate or every person who later becomes a candidate who, in order to influence the vote of an elector, obtains or attempts to obtain, by himself or through another person, his vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit;

(2) every person who, in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate.

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food and non-alcoholic beverages to electors or a person working to promote the election of a candidate at an election;

(2) to any person other than an official agent who, at his own expense, provides food and non-alcoholic beverages at a private meeting of electors held to promote the election of a candidate at an election; or

(3) to any person accepting food or non-alcoholic beverages.

558. Every official agent is liable to a fine of \$1 000 to \$10 000 who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 425;

(2) files a false report, return or statement;

(3) produces a falsified invoice, receipt or other voucher;

(4) after filing his report or return, pays a claim otherwise than as permitted by section 444.

559. Every candidate or party leader who allows any election expense to be incurred or paid for otherwise than as permitted by this Act is liable to a fine of \$1 000 to \$10 000.

560. Every person who solicits or collects contributions or incurs expenses without holding an authorization from the chief electoral officer is liable to a fine of \$1 000 to \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of \$3 000 to \$30 000.

561. The Member who sits or votes in the Assembly contrary to section 125, 127 or 441 is liable to a fine of \$500 for each day on which he so sits or votes.

562. Every person who fails to file a report or return prescribed by Titles III and IV or to pay within the prescribed time a claim made by the chief electoral officer under section 452 or section 454 is liable to a fine of \$50 for each day of delay.

563. Every person who contravenes any of sections 62, 64, 66, 74, 76, 87 to 93, 95 to 97, 99, 100, 102 to 106, 407, 409 and 412 to 423 is liable to a fine of \$100 to \$10 000.

564. Every person who contravenes any provision of this Act or the regulations hereunder for which no other penalty is provided is liable to a fine of not more than \$500.

565. Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence if he knew or should have known that his conduct would probably result in aiding to commit the offence.

Every person who, through encouragement or advice or by his orders, incites another person to commit an offence is guilty of the offence, and of any other offence the other person commits if he knew or should have known that his conduct would probably result in the commission of the offences.

The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.

566. Any offence described in any of paragraphs 1, 2, 3 and 4 of section 550, in any of paragraphs 2, 3, 4 and 8 of section 552, in paragraph 1 or 3 of section 553, in paragraph 3 of section 554, in paragraph 4 of section 555 or in sections 556 to 559 is a corrupt electoral practice.

Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 558, the judge may rule that the alleged offence is not a corrupt electoral practice if, pursuant to a judgment rendered under the second paragraph of section 444, the election expenses incurred or authorized by the official agent exceed the maximum fixed by section 425 and if the refusal or failure to pay the contested expense arises from an error in good faith.

567. Every person who is found guilty of an offence that is a corrupt electoral practice loses, for a period of five years from the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by an order of the Government or by a resolution of the National Assembly.

Furthermore, where the person found guilty of an offence contemplated in section 556 or 557 is a Member of the National Assembly, his election is void.

568. Only the chief electoral officer or the person generally or specially authorized by him for that purpose may bring proceedings for an offence described in this Title.

Proceedings are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

Any proceedings must be brought within two years of the date of the offence. However, where a document that must be produced under this Act reveals that an offence has been committed, proceedings may be brought within two years following the date of production.

TITLE IX

AMENDMENTS AND MISCELLANEOUS, TRANSITIONAL AND
FINAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROVISIONS

569. Sections 59 and 65 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information do not apply to the transmission of a list of electors or of an abstract of changes or to the disclosure of personal information carried out in accordance with this Act. Nor is the chief electoral officer or any municipality or school board required to record information included in the list of electors in the personal information file provided for in the said Act.

Notwithstanding paragraph 5 of section 59 of the said Act, the chief electoral officer may, upon written request, grant a person or agency authorization to receive communication of nominative information, collected pursuant to this Act, for study, research or statistics purposes, without the consent of the persons concerned. Authorization is granted in accordance with the criteria set forth in section 125 of the said Act.

570. No warrant of arrest may be executed against an election officer on polling day.

571. No elector qualified to vote is bound to appear as a witness before a judge or court on polling day.

572. Except with respect to a matter of jurisdiction, no extraordinary recourse or provisional remedy provided in the Code of Civil Procedure lies against the chief electoral officer, any member of his personnel or any election officer, or against the Commission de la représentation, any of its members or any member of its personnel, in the performance of his or its duties.

A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to this section.

CHAPTER II

TRANSITIONAL PROVISIONS

573. This Act replaces the Election Act (R.S.Q., chapter E-3.2) and the Act respecting electoral representation (R.S.Q., chapter R-24.1).

574. The chief electoral officer in office on (*insert here the date of coming into force of this Act*) shall remain in office and the provisions applicable to his salary, dismissal and pension remain in force with respect to him.

575. Every person in office on (*insert here the date of coming into force of this Act*) and appointed under a provision replaced by this Act continues to hold office until the expiry of the term for which he was appointed or until he is replaced or until he ceases to perform his duties according to law. The person is deemed, where such is the case, to have been appointed under the corresponding provision of this Act.

The first paragraph does not prevent a person from continuing to perform his duties, notwithstanding the expiry of the term for which he was appointed, until he is replaced or reappointed, where the law so provides.

576. All regulations, orders and directives made or issued under the Election Act (R.S.Q., chapter E-3.2) shall continue to be in force until they are repealed, replaced or amended by regulations, orders or directives made or issued under this Act.

577. All authorizations granted to parties, party authorities or independent candidates under the Election Act (R.S.Q., chapter E-3.2) before (*insert here the date of coming into force of this Act*) remain in force under this Act.

578. Proceedings relating to an offence under the Election Act (R.S.Q., chapter E-3.2) shall be brought or continued in accordance with that Act.

579. Appropriations granted to the chief electoral officer under the Election Act (R.S.Q., chapter E-3.2) and to the Commission de la représentation under the Act respecting electoral representation are hereby transferred to them without other formality.

CHAPTER III

AMENDMENTS AND FINAL PROVISIONS

580. The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), amended by section 660 of chapter 57 of the statutes of 1987, is again amended by striking out, in Schedule A, the following:

“Election Act
(chapter E-3.2)

Sections 61 to 155”

581. Section 1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended

(1) by replacing the words “Act respecting electoral representation (chapter R-24.1)” in the second and third lines by the words “Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)”;

(2) by replacing the words “section 290 of the Election Act (chapter E-3.2)” in the fifth and sixth lines by the words “section 379 of the said Act”.

582. Section 17 of the said Act is amended by replacing the words “Election Act (chapter E-3.2), except the situation contemplated in paragraph 4 of the second paragraph of section 165” in the second and third lines of subparagraph 9 of the first paragraph by the words “Election Act, except the situation contemplated in subparagraph 4 of the second paragraph of section 235”.

583. Section 1 of the Referendum Act (R.S.Q., chapter C-64.1) is amended by replacing the words “Election Act (chapter E-3.2)” in subparagraph 1 of the first paragraph by the words “Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)”.

584. Section 13 of the said Act is amended by replacing the words “section 35 of the Act respecting electoral representation (chapter R-24.1)” in the second and third lines of the fourth paragraph by the words “section 33 of the Election Act”.

585. Section 16 of the said Act is amended

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

“16. The lists of electors shall be prepared in accordance with Chapter III of Title IV of the Election Act and, where required, in accordance with the relevant provisions of Appendix 2, and they are the only official lists that may be used for a referendum.”;

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

“Notwithstanding the foregoing, where the writ is issued before 30 June following the preparation of the list of electors under section 39 of the Election Act, that list shall be the list of electors used for the referendum and it shall be revised in accordance with Appendix 2.”

586. Section 17 of the said Act is repealed.

587. Section 18 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the second and third lines by the words “Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)”.

588. Section 28 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the third line of subparagraph *e* of the first paragraph by the words “Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)”.

589. Section 37 of the said Act is amended by replacing the words “Title VIII of the Election Act (chapter E-3.2)” in the second and third lines of subparagraph *b* of the first paragraph by the words “Title III of the Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)”.

590. Section 42 of the said Act is amended by replacing the words “Title IX of the Election Act (chapter E-3.2)” in the fifth line of the third paragraph by the words “Title V of the Election Act”.

591. Section 43 of the said Act is amended

(1) by replacing the words “Election Act (chapter E-3.2)” in the third line of the first paragraph by the words “Election Act”;

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

“The chief electoral officer has with respect to national committees and their agents powers similar to those granted to him

by the Election Act with respect to the authorization and financing of political parties, their party authorities and representatives and with respect to the control of election expenses.”

592. Section 44 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the second and third lines of the first paragraph by the words “Election Act”.

593. Section 45 of the said Act is amended

(1) by replacing the words “Election Act (chapter E-3.2)” in the second line of the first paragraph by the words “Election Act ”;

(2) by replacing the words “sections 481 and 482 of the Election Act” in the second and third lines of the third paragraph by the words “sections 550 and 551 of the Election Act”.

594. Appendix 2 to the said Act is replaced by the text set forth in Schedule V.

595. Section 53 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing the words “Election Act (chapter E-3.2)” in the third and fourth lines of the first paragraph by the words “Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)”.

596. Section 69 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the fourth line of the first paragraph by the words “Election Act”.

597. Section 97 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the third line of the first paragraph by the words “Election Act”.

598. Section 301 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the third line of the first paragraph by the words “Election Act”.

599. Section 383 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the second and third lines of subparagraph 7 of the first paragraph by the words “Election Act”.

600. Section 389 of the said Act is amended by replacing the words “Election Act (chapter E-3.2)” in the third line of subparagraph 9 of the first paragraph by the words “Election Act”.

601. Section 524 of the said Act is amended by replacing the words "Election Act (chapter E-3.2)" in the third line of the first paragraph by the words "Election Act".

602. Section 776 of the Taxation Act (R.S.Q., chapter I-3), amended by section 67 of chapter 4 of the statutes of 1988, is again amended by replacing the words "Election Act (chapter E-3.2)" in the fifth line of the second paragraph by the words "Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)".

603. Section 1 of the Jurors Act (R.S.Q., chapter J-2) is amended by replacing the words "Election Act (chapter E-3.2)" in the second line of paragraph *e* by the words "Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)".

604. Section 8 of the said Act is amended by replacing the words "annually by the returning officer in pursuance of the Election Act (chapter E-3.2)" in the third and fourth lines by the words "by the returning officer pursuant to the Election Act".

605. Section 9 of the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01) is amended by replacing the words "Election Act (chapter E-3.2)" in the second line of the second paragraph by the words "Election Act (*insert here the chapter number of this Act in the compilation of the statutes of Québec*)".

606. Section 64 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is replaced by the following section:

64. Notwithstanding any general law or special Act, a permit may be used on a municipal or school polling day."

607. This Act comes into force on (*insert here the date of assent to this Act*), except subparagraph 4 of the first paragraph of section 1, which will come into force on any later date fixed by the Government.

SCHEDULE I

ELECTORAL DIVISION OF ÎLES-DE-LA-MADELEINE

(Section 17)

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

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

SCHEDULE II

(Sections 136, 272, 480, 498, 508, 528, 533)

OATH OF OFFICE

I, *given name and surname*, solemnly declare that I will fulfil the duties assigned to me under the Election Act faithfully and honestly without fear of or favour towards any one, and that I will not reveal, unless expressly authorized, anything that may come to my knowledge by reason of my office.

SCHEDULE III


(Sections 277 and 319)

BALLOT PAPER

OBVERSE

	Marie BONENFANT political affiliation	<input type="radio"/>
	Jean-Charles BUREAU political affiliation	<input type="radio"/>
	Pierre-A. LARRIVÉE independent	<input type="radio"/>

REVERSE

No	No	 National Assembly	Deputy returning officer's initials Electoral division of: 21 June 1979 Lucien Lamothe, Printer 117, rue Notre-Dame est Montréal
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SCHEDULE IV


(Section 293)

BALLOT PAPER FOR ELECTORS OUTSIDE QUÉBEC

OBVERSE

		I VOTE FOR <hr/> Given name and surname of the candidate <hr/> Political affiliation	
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REVERSE

No	No	 National Assembly	<hr/> Deputy returning officer's initials	Electoral division of	21 June 1979	Lucien Lamoine, Printer 117, rue Notre-Dame est Montreal
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SCHEDULE V

(Section 596)

REFERENDUM ACT

“APPENDIX 2

(Sections 16, 17, 44, 45)

PROVISIONS APPLICABLE TO THE HOLDING OF A REFERENDUM

ELECTION ACT *(insert here the chapter number of this Act in the compilation of the statutes of Québec)*

SECTIONS

AMENDMENTS

- 1 Strike out the second paragraph.
- 2 Strike out the words “or registered in the registry of electors outside Québec”.
- 3
- 4
- 46 Replace the first paragraph by the following paragraph:
“**46.** An official agent may resign by sending a written notice to that effect to the chairman of the national committee.”

Replace the words “an authorized entity no longer has an official representative” in the second paragraph by the words “a national committee no longer has an official agent”.

Replace the words “an official representative or of a delegate” in the third paragraph by the words “an official agent”.
- 60 Replace the section by the following section:
“**60.** The official agent of a national committee is authorized to solicit and collect contributions until polling day.

After polling day, the official agent is authorized to solicit and collect contributions only for the purpose of paying the debts arising from his regulated expenses

and to dispose, in accordance with the second paragraph of section 440, of the sums and property derived from his referendum fund.”

66 Replace the section by the following section:

“66. Where the chairman of a national committee resigns, he shall so notify the chief electoral officer in writing without delay.”

87 Strike out the second paragraph.

88 Replace the first paragraph by the following paragraph:

“88. Sums of money donated to a national committee and services rendered and goods furnished to it for the purposes of promoting an option submitted to a referendum are deemed to be contributions.”

Strike out subparagraphs 2 and 3 of the second paragraph.

Replace subparagraph 4 of the second paragraph by the following subparagraph:

“(4) a loan granted to a national committee at the current market rate of interest at the time it is granted by an authorized political party;”.

Strike out subparagraphs 5 and 6 of the second paragraph.

Replace subparagraph 7 of the second paragraph by the following subparagraph:

“(7) air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to national committees by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter, provided he offers such service equitably as to quality and quantity to each national committee;”.

Replace subparagraph 8 of the second paragraph by the following subparagraph:

“(8) transfers of funds between:

(a) an authorized party and the referendum fund of a national committee;

(b) the referendum fund of a national committee and the referendum fund put at the disposal of a local agent."

90

91 Replace the first paragraph by the following paragraph:

"91. The total of contributions by the same elector in the same referendum shall not exceed the amount of \$3 000. The amount may be paid in whole or in part to one or another of the national committees."

Replace the words "an authorized entity" in the second paragraph by the words "a national committee".

92 Replace the first paragraph by the following paragraph:

"92. Contributions shall not be solicited except under the responsibility of the official agent of a national committee, or except through persons designated in writing by the official agent."

Replace the word "representative" in the second paragraph by the word "agent".

93 Replace the words "representative of the authorized entity" by the words "agent of the national committee".

94 Replace the section by the following section:

"94. The local agent has, for the electoral division for which he is appointed, the powers conferred on the official agent of the national committee by sections 92, 93 and 96."

95

96 Replace the word "representative" by the word "agent".

97 Replace the words "authorized entity" by the words "national committee".

98 Replace the words "authorized entity" by the words "national committee".

99 Replace the words "authorized entity" by the words "official agent".

100

- 104 Replace the words “representative of an authorized
entity” by the words “agent of a national committee”.
- 105
- 131
- 132 Replace the words “party authority at the level of the
division” in the first paragraph by the words “national
committee, to each official delegate”.
- 133 Replace the word “election” by the word
“referendum”.
- 134 Replace, in the second paragraph,
(1) the words “political parties and of candidates” by
the words “national committees”;
(2) the words “election expenses” by the words
“regulated expenses”.
- 135 Replace the words “particulars that will be contained
in” in the fourth and fifth lines by the words “question
that will appear on”.
- 136
- 137 Strike out the second paragraph.
Replace the word “election” in the third paragraph by
the word “referendum”.
- 138
to
147
- 148 Replace the section by the following section:
“148. The two enumerators shall be appointed by the
returning officer, one on the recommendation of the
national committee having the greatest number of
Members in the National Assembly and the other on
the recommendation of the national committee having
the second greatest number of Members in the
National Assembly.”
- 150 Replace the section by the following section:
“150. The recommendations are made by the official
delegate.
For the purposes of this Act, the expression “official
delegate” means the person appointed as such by the

chairman of a national committee to represent him in an electoral division."

151

152

153

Replace the section by the following section:

"153. The returning officer shall post up in his office and transmit to each official delegate the list of the enumerators he has appointed.

The returning officer shall immediately inform the official delegates of any change that is made to the list."

154

to

169

170

Replace the words "the authorized parties represented in the National Assembly, to any other authorized party that applies therefor and to any independent Member" in the first paragraph by the words "each official delegate".

Strike out the third paragraph.

171

to

175

176

Replace the word "candidate" by the words "official delegate".

177

to

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188

Replace the words "candidate and each party authority at the level of the electoral division" in the first paragraph by the words "national committee and each official delegate".

189

to

194

195 Replace the second paragraph by the following
paragraph:

“The returning officer shall thereupon inform the chief
electoral officer, each national committee and each
official delegate of the selected places.”

196
to
200

201 Replace the section by the following section:

“201. The revisor recommended by the national
committee having the greatest number of Members in
the National Assembly shall act as chairman of the
board of revisors.

The revisor recommended by the national committee
having the second greatest number of Members in the
National Assembly shall act as vice-chairman.”

202 Replace the words “candidate and to each party
authority at the level of the electoral division” by the
words “national committee and each official delegate”.

203
to
221

222 Replace the word “candidate” by the words “official
delegate”.

223

224 Replace the word “candidate” by the words “official
delegate”.

225
to
230

231 Replace the word “candidate” by the words “official
delegate”.

232

233 Replace the word “election” by the word
“referendum”.

248 Replace the first and second paragraphs by the following paragraphs:

“248. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the chairman of a national committee or as an official delegate. The request may be made at any time from the date of the writ instituting the holding of a referendum.

The employee’s leave begins on the day requested by the employee and ends on the thirtieth day following polling day.”

249 Replace the first and second paragraphs by the following paragraphs:

“249. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of a national committee. The request may be made at any time from the date of the writ instituting the holding of a referendum.

The employee’s leave begins on the day requested by the employee and ends on the ninetieth day following polling day.”

250
to
255

260 Replace the section by the following section:

“260. Upon receipt of a copy of the writ, the returning officer shall publish a notice of poll.

The notice of poll shall set forth

- (1) the text of the question put to the electors;
- (2) the days and hours of polling at advance polling stations;
- (3) the day and hours of polling at polling stations;
- (4) the name of every national committee and, for each of them, the given name and surname of the chairman and of the official agent, and, for the division, the given name and surname of the official delegate and of the local agent.”

261 Replace the words “candidate or his mandatary” by the words “official delegate”.

- 262 Replace the words “candidate and each party authority
at the level of the electoral division” in the first
paragraph by the words “official delegate”.
- 263 Replace the figure “316” by the figures “309, 311 to
316”.
- 264
- 265 Strike out the word “, inmates”.
- 266
to
269
- 270 Replace the words “the candidates” by the words “each
official delegate”.
- 271 Replace the words “candidate or his mandatary” in the
third paragraph by the words “official candidate”.
- 272
- 273 Replace the words “general election” in the first
paragraph by the word “referendum”.
Strike out the word “advance” in the second
paragraph.
Replace the words “of his domicile” in the third
paragraph by the words “where the house of detention
is situated”.
- 274 Replace the word “sixteenth” in the third paragraph
by the word “eighth”.
- 275 Strike out the word “advance” in the first paragraph.
- 276 Replace the words “authorized party” by the words
“official delegate of a national committee”.
- 278
- 279 Replace the section by the following section:
“**279.** The polling station shall be open from 10 a.m.
to 8 p.m. on polling day.”
- 280 Replace the section by the following section:
“**280.** At the close of the polling station, the
procedure set out in sections 359 to 369 shall be
followed and the deputy returning officer shall give the
ballot box and the envelope containing the list of

electors to the returning officer or the person designated by him."

286
to
292

301 Replace the word "candidate" in the third paragraph by the words "official delegate".

302
to
304

305 Replace the words "an election" in the first paragraph by the words "a referendum".

306
to
308

309 Replace the section by the following section:

"309. In every polling station, the returning officer shall appoint, as deputy returning officer, the person recommended by the official delegate of the national committee which has the greatest number of Members in the National Assembly.

He shall appoint, as poll clerk, the person recommended by the official delegate of the national committee which has the second highest number of Members in the National Assembly.

Where the two national committees have an equal number of Members in the National Assembly, the chief electoral officer shall determine, by a drawing of lots, which committee is deemed to have the highest number of Members or, as the case may be, the second highest number of Members in the National Assembly."

311

312 Replace the word "candidate" in the first paragraph by the words "official delegate".

Replace the word "candidates" in the second paragraph by the words "official delegates".

313
314

- 315 Replace the section by the following section:
“315. The official delegate of each national committee may designate a person and give him a power of attorney to represent the national committee before the deputy returning officer or the officer in charge of information and order, or before each of them.”
- 316 Replace the words “candidate or his mandatary” by the words “official delegate”.
- 317 Replace the words “A candidate” by the words “The official delegate of each national committee”.
- 318 Replace the words “candidate or his mandatary” by the words “official delegate”.
- 319 Strike out the words “in accordance with the model provided in Schedule III and” in the first paragraph.
- 320
to
322
- 323 Replace the section by the following section:
“323. The ballot paper must contain on the obverse a space specially reserved for the wording of the question.”
- 324
to
326
- 327 Replace the word “candidates” in the second paragraph by the words “national committees”.
- 328
to
332
- 333 Replace the words “candidates and their mandataries” by the words “chairmen of national committees and their official delegates”.
- 334
to
340
- 341 Replace the word “candidate” by the words “national committee”.

342
to
346

347

Replace the words “then indicate to him the order in which the candidates appear on the ballot paper and the indications entered under their names, where such is the case” by the words “read the question and indicate to him the order in which the options appear on the ballot paper”.

348

349

Replace the word “candidate” in the first paragraph by the words “national committee”.

Replace the word “election” in subparagraph 3 of the first paragraph by the word “referendum”, the words “a candidate” in subparagraph 4 of the first paragraph by the words “an option” and the word “election” in subparagraph 5 of the first paragraph by the word “referendum”.

350

351

Strike out the word “political” and replace the words “a party or candidate” in the first paragraph by the words “one of the options submitted to the referendum”.

352
to
354

355

Replace the section by the following section:

“355. No elector may, on the premises of a polling station, indicate, in any manner, the option in favour of which he intends to vote or has voted.”

356

Replace the section by the following section:

“356. No official delegate, representative or election officer may, on the premises of a polling station, attempt to learn the option in favour of which an elector intends to vote or has voted.”

357

Replace the section by the following section:

“357. No official delegate, representative, election officer or elector who has given assistance to another elector may disclose the option for which the elector has voted.”

358 Replace the word “whom” by the words “which option”.

359 Replace the word “candidate” by the words “official delegate”.

360
to
362

363 Replace the word “candidate” in subparagraph 4 of the second paragraph by the word “option” and the words “a person who is not a candidate” in subparagraph 5 of the second paragraph by the words “an option which is not one of the options submitted to the referendum”.

364

365 Replace the words “a candidate or the representative of a candidate” by the words “an official delegate or his representative”.

366 Replace the word “candidate” in the first paragraph by the word “option”.

367 Replace the word “candidate” by the words “official delegate”.

368

369

370 Replace the words “candidate or his mandatary” in the first paragraph by the words “official delegate”.

Replace the words “candidate, mandatary” in the second paragraph by the words “official delegate”.

371 Replace the word “candidate” in the first paragraph by the word “option”.

Strike out the second paragraph.

372

373

374 Replace the words “declare elected the candidate who” in the first paragraph by the words “announce the option which”.

376 Replace the words “declare elected the candidate who” and the word “candidate” in the first paragraph by the

words “issue a declaration indicating the option which” and the words “official delegate”, respectively.

- 377 Replace the word “election” in the first paragraph by the word “referendum”.
- 378 Replace the word “election” by the word “referendum”.
- 379 Replace the section by the following section:
“379. The chief electoral officer shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating, for each electoral division, the number of votes for each of the options appearing on the ballot paper.”
- 380 Replace the word “election” which appears twice in the first paragraph by the word “referendum”.
- 401 Replace the section by the following section:
“401. All the expenditures incurred during a referendum period to promote or oppose, directly or indirectly, an option submitted to a referendum are regulated expenses.”
- 402 Replace the words “an election period”, the words “the election period” and the words “election expenses” in the first paragraph by the words “a referendum period”, the words “the referendum period” and the words “regulated expenses”, respectively.
 Replace the word “election” in the second paragraph by the word “referendum”.
 Replace the word “election” which appears twice in the third paragraph by the word “referendum”.
- 403 Replace the word “election” in the first paragraph by the word “regulated”.
 Replace the word “election” wherever it appears in paragraph 1 by the word “referendum”.
 Replace the word “election” in paragraph 3 by the word “referendum”.
 Strike out paragraphs 4 and 5.
 Replace the words “a candidate or any other” and the word “election” in paragraph 6 by the word “any” and the word “referendum”, respectively.

Strike out paragraph 7.

Strike out the words "other than a candidate" in paragraph 8.

Replace the words "a candidate or a party" in paragraph 9 by the words "an option submitted to the referendum".

Replace the words "the party" in paragraph 10 by the words "an authorized party".

Replace the words "election period", the word "representative", the words "election expenses", which appear twice, and the words "election expense" in paragraph 11 by the words "referendum period", the word "agent", the words "regulated expenses" and the words "regulated expense", respectively.

404

Replace the words "election expenses, an authorized party" in the first paragraph by the words "regulated expenses, a national committee".

Replace the second paragraph by the following paragraph:

"The official agent shall be appointed by the chairman of the national committee who shall notify it to the chief electoral officer."

Replace the words "leader of the party" in the third paragraph by the words "chairman of the national committee".

Replace the words "a party" in the fourth paragraph by the words "a national committee".

405

Replace the first paragraph by the following paragraphs:

"405. The official agent of a national committee may, with the approval of the chairman of the national committee, appoint the required number of deputies and, for each electoral division, a local agent.

The official agent may give them a mandate to incur or authorize regulated expenses up to the amount he fixes in their deed of appointment. The amount may be changed at any time, in writing, by the official agent before he files his return of regulated expenses."

Replace the word "election" in the second paragraph by the word "regulated".

Replace the word "party" in the third paragraph by the words "national committee".

406 Replace the first paragraph by the following paragraph:

"406. An official agent or local agent may, in writing, authorize an advertising agency to incur or order regulated expenses up to the amount he fixes in the authorization. That amount may be changed, by the official agent or the local agent, as the case may be, in writing, at any time before he files his return of regulated expenses."

Insert the words "or the local agent, as the case may be" after the word "agent" in the second paragraph.

409 Replace the section by the following section:

"409. If the official agent dismisses a local agent, he shall notify it in writing to the returning officer. He may appoint another local agent."

410 Replace the words "an official agent" in the first paragraph by the words "a local agent".

Replace the words "an official agent" and the words "candidate or his mandatary" in the second paragraph by the words "a local agent" and the words "official delegate", respectively.

411 Replace the section by the following section:

"411. No person may act as the official agent of a national committee, his deputy or a local agent unless he is qualified to vote."

412 Replace the section by the following section:

"412. During a referendum period, only the official agent of a national committee, his deputy or a local agent may incur or authorize regulated expenses."

413 Replace the section by the following section:

"413. An official agent, his deputy or a local agent shall pay the cost of regulated expenses only out of a referendum fund."

- 414 Replace the section by the following section:
“414. No writing, advertising material or radio or television program contemplated in section 402 may be used during a referendum period except by the official agent of a national committee, his deputy or a local agent, or with their authorization.”
- 415 Replace the section by the following section:
“415. No person may accept or execute an order for regulated expenses not given or authorized by the official agent of a national committee, his deputy, a local agent or authorized advertising agency.”
- 416 Replace the words “election expenses” and the words “election period” in the first paragraph by the words “regulated expenses” and the words “referendum period”, respectively.
- 420 Replace the words “or deputy” in the first, second and third paragraphs by the words “, deputy or local agent”.
- 421 Replace the words “the official agents of several candidates”, the word “official” and the word “party” by the words “several local agents”, the word “local” and the words “national committee”, respectively.
- 423 Replace the word “election” in the first paragraph by the word “regulated”.
- 424 Replace the first and second paragraphs by the following paragraphs:
“424. Every person to whom an amount is due for regulated expenses shall present his claim to the official agent or the local agent not later than sixty days after polling day. In no case may the regulated expenses be paid by the official agent or the local agent if the claim is presented to him after that period has expired.
 Where the official agent or local agent has died or resigned and has not been replaced, the claim shall be presented within the same time to the chairman of the national committee or to the official agent, as the case may be.”

- 425 Replace the section by the following section:
- “425.** Regulated expenses shall be limited so as never to exceed for a national committee, during one referendum, 50 cents per elector for all the electoral divisions.”
- 428 Replace the word “election” by the word “referendum”.
- 429
- 430
- 433 Replace the first paragraph by the following paragraph:
- “433.** The official agent of each national committee and, through him, each local agent he has appointed shall, within ninety days after polling day, deliver to the chief electoral officer a return of the regulated expenses incurred or authorized by them.”
- 434 Replace the word “election” and the words and figure “sections 431 and” by the word “regulated” and the word “section”, respectively.
- 435 Replace the words and figure “sections 431 and” in the first paragraph by the word “section”.
- Insert, after the first paragraph, the following paragraph:
- “The receipts issued for the contributions, for any amount whatever, must however remain confidential.”**
- Replace the words “leader of the party or to the candidates” and the words “they so request” in the second paragraph by the words “chairman of the national committee” and the words “he so requests”, respectively.
- 436 Replace the section by the following section:
- “436.** In addition to regulated expenses, the official agent and the local agent shall indicate in the returns prescribed in section 433 the source of the sums paid into the referendum fund put at their disposal.

They shall also indicate

(1) the financial institutions with which the sums collected by the national committee have been deposited and the account numbers used;

(2) the total amount of contributions of \$100 or less;

(3) the total amount of contributions of over \$100;

(4) the total value of the goods and services furnished free of charge;

(5) the total of the amounts transferred or loaned by the official representative of an authorized party."

437 Replace the words and figure "sections 431 and" in the first paragraph by the word "section".

Replace the word "election" in the second paragraph by the word "referendum".

438

439 Replace the second paragraph by the following paragraph:

"If the claim is not contested by the official agent, he shall forward to the chief electoral officer the necessary additional sum, out of his referendum fund, to enable him to discharge the claim."

440

Replace the section by the following section:

"440. On filing the return prescribed by section 433, the official agent of a national committee shall keep the remaining sums or goods in his referendum fund.

The sums and goods may be used only for political, religious, scientific or charitable purposes."

442

Replace the words "a candidate or party leader" in the first and second paragraphs by the words "the chairman or official agent of the national committee".

443

Replace the words "a candidate or party leader" in the first paragraph by the words "the chairman or official agent of a national committee".

Strike out the figure and word "431 or" in the first paragraph.

444 Replace the section by the following section:

“444. Before filing the return and declaration prescribed in section 433, an official agent and a local agent must have discharged all the claims received within the period prescribed in section 424 unless they contest them and indicate them as contested.

In no case may the official agent, the local agent or the national committee pay a claim so contested. Only the official agent may pay the claim in execution of a judgment of a competent tribunal in favour of the creditor after the hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

The chief electoral officer may, if no national committee objects, authorize the official agent of a national committee to pay a contested claim if the refusal or failure to pay results from *bona fide* error.”

445 Insert the words “or local agent” after the word “agent”.

446 Replace the word “representative” and the words “return of election expenses” by the word “agent” and the words “returns of regulated expenses”, respectively.

447 Replace the section by the following section:

“447. The judge having jurisdiction to decide an application under sections 442 to 445 is the chief judge of the Court of Québec.

No such application may be heard without a notice of at least three clear days to the chief electoral officer and to the chairman of each national committee.”

484 Strike out the second and third paragraphs.

485

486 Replace the section by the following section:

“486. In respect of the financing of national committees and the control of regulated expenses, he shall, in particular,

(1) verify that the national committees, official agents and their deputies and local agents are complying with the provisions of the Act;

(2) receive and examine the return of regulated expenses;

(3) inquire into the legality of contributions and regulated expenses."

487 Replace, in paragraph 5, the words "political party" by the words "national committee", the word "candidates" by the word "committees" and the word "parties" by the words "national committees".

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495 Strike out the first paragraph.

In the second paragraph, change in French; no change necessary in English.

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552 Replace the words "at the same election" in paragraph 2 by the words "in the same referendum".

Replace the word "candidate" in paragraph 6 by the words "national committee".

553 Replace the word "election" in paragraph 2 by the word "referendum".

Strike out the words "of election" in paragraph 3.

554

555 Strike out paragraph 4.

556 Replace the word "election" by the word "referendum".

557 Replace the word "candidate" in subparagraph 2 of the first paragraph by the words "official delegate".

Replace the words "a candidate" in subparagraph 2 of the first paragraph by the words "an option".

Replace the word "election" in the second paragraph by the word "regulated".

Replace the words “the election of a candidate at an election” in subparagraphs 1 and 2 of the third paragraph by the words “an option submitted at a referendum”.

558 Insert, after the word “agent”, the words “or any local agent”.

Replace the word “election” in paragraph 1 by the word “regulated”.

559 Replace the words “candidate or party leader” by the words “chairman or official delegate of a national committee” and the word “election” by the word “regulated”.

562 Replace the section by the following section:

“562. Every person who fails to file a report or return of regulated expenses is liable to a fine of \$50 for each day of delay.”

563 Replace the section by the following section:

“563. Every person who contravenes any of sections 66, 87, 88, 90 to 93, 95 to 97, 99, 100, 104, 409, 412 to 416, 420, 423 and 429 is guilty of an offence and is liable, in addition to costs, to a fine of not less than \$100 and of not more than \$10 000.”

564

565

566 Strike out the following in the first paragraph: “, in paragraph 4 of section 555”.

Replace the word “election” in the second paragraph by the word “regulated” and insert after the word “agent” the words “or the local agent”.

567 Strike out the second paragraph.

568

to

572

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