

ASSEMBLÉE NATIONALE DU QUÉBEC

---

**Bill 9**

**Election Act**

*(Reprint)*

---

First reading .....	
Second reading .....	
Third reading .....	

---

M. MARC-ANDRÉ BÉDARD

Ministre d'État à la réforme électorale

---

### EXPLANATORY NOTES

*This bill revises the Election Act, while retaining certain provisions regarding electoral lists, and replaces the Act respecting provincial controverted elections. Its main objects are:*

- (1) to establish the conditions required to be an elector;*
- (2) to provide that any elector, except certain persons whom it identifies, may be elected to the Assemblée nationale du Québec;*
- (3) to prescribe the methods to be followed for the various stages of the election and for the exercise of the right to vote;*
- (4) to determine the procedure of recount and of contestation of an election;*
- (5) to define the functions and powers of the director general and the election officers;*
- (6) to entrust the director general with the responsibility of framing the regulations provided for by this bill, subject to their approval by the Standing Committee on the Assemblée nationale du Québec.*

# Bill 9

## Election Act

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

### TITLE I

#### INTERPRETATION

**1.** In this act, unless the context indicates otherwise,

(1) “official agent”, “authorized association” and “authorized party” have the same meaning as in the Act to govern the financing of political parties (R.S.Q., c. F-2);

(2) “electoral division”, “electoral precinct” and “polling subdivision” mean a territorial division effected in view of the election of a member to the Assemblée nationale du Québec in accordance with the Act respecting electoral representation (1979, c. *insert here the chapter number of Bill 10*).

For the purposes of this act, the word “oath” includes a solemn affirmation.

### TITLE II

#### ELECTORS

**2.** To be an elector, a person must, on the date fixed for the polling,

(1) be of the full age of eighteen years;

(2) be a Canadian citizen;

(3) have been domiciled in Québec for at least twelve months; and

(4) not be under any disqualification to vote provided by this act nor under any other legal disqualification.

**3.** The director general of elections, and the director general of financing of political parties or his assistants do not have the right to vote.

The persons referred to in the first paragraph, the judges of the courts of justice, the Public Protector and the members of the Commission de la représentation shall not engage in partisan work.

**4.** For the purposes of this act, the domicile of a person is at the same place as under the Civil Code, as to the exercise of his civil rights.

However, a person who has left his principal establishment in Québec for more than one year is deemed to have changed his domicile, except where he exercises a function outside Québec for the Gouvernement du Québec or the Canadian Government.

**5.** An inmate retains his domicile notwithstanding his detention.

**6.** The domicile of a woman separated *de facto* is determined as if she were unmarried.

**7.** To exercise his right to vote, an elector must be entered on the electoral list.

He shall exercise his right to vote at the polling station of the polling subdivision where his domicile is situated at the end of the period for revision of the electoral list.

**8.** A person who temporarily leaves his domicile to work, to study or to be hospitalized in another locality shall vote in the polling subdivision of his domicile or in that where he resides for the purposes of his work, studies or hospitalization.

The person referred to in the first paragraph is deemed to have made his choice if, at the time of revision, he requests the entry of his name on the electoral list of the polling subdivision where he resides.

## TITLE III

## CANDIDATES

**9.** Any elector may be elected to the Assemblée nationale du Québec.

**10.** However, the following persons are disqualified:

- (1) judges of the courts of justice;
- (2) the official agent of a candidate or of a political party during an election;
- (3) a candidate at a previous election whose official agent has not produced, within the prescribed period, the return or statement provided for in the Act to govern the financing of political parties and who has not been excused for the delay by order of a judge;
- (4) members of the Parliament of Canada;
- (5) a person sentenced to imprisonment, for the term of the sentence pronounced;
- (6) persons mentioned in sections 55, 57, 58 and 59 of the Legislature Act (R.S.Q., c. L-1).

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

**12.** A person who has held the office of director general of elections, director general of financing of political parties or member of the Commission de la représentation shall not be a candidate at an election, unless he had ceased to hold that office at least three months before the date on which the Government instituted the election.

## TITLE IV

## ELECTION PERIOD

## CHAPTER I

## WRITS OF ELECTION

**13.** The holding of an election is instituted by a writ of the Government addressed to the director general of elections. This writ enjoins him to hold an election on the date fixed therein and indicates each division in which an election must be held.

The director general shall send a copy of the writ to the returning officer of each division contemplated, and the returning officer must comply with it.

**14.** At general elections, the election date is the same for all the electoral divisions.

**15.** Where the seat of a member in the Assemblée nationale du Québec becomes vacant, the writ of election must be issued not later than six months after the vacancy.

**16.** An election takes place on the fifth Monday following the issue of the writ of election, unless it is a holiday, in which case the election takes place on the following day.

**17.** On receiving a copy of the writ, the returning officer shall immediately establish an official office in an easily accessible place in the electoral division, and communicate the address to the director general of elections, to each authorized association and to the public.

The official office must be open from nine o'clock in the morning until ten o'clock in the evening.

**18.** The director general of elections shall publish an election calendar in the form provided in Schedule A.

**19.** The returning officer shall send to every dwelling in his electoral division, not later than the twenty-second day preceding that of the polling, a notice indicating the place, the dates and the hours of the polling for advance polling, and a manual prepared by the director general of elections in cooperation with the director general of financing of political parties. This manual informs citizens on the right to vote, the electoral list and its revision, the financing of political parties and of candidates and the terms and conditions of participation in the vote.

**20.** The returning officer must send to every dwelling in his electoral division, not later than the second day preceding polling day, a reminder of the place, the date and the hours of the polling and of the particulars that will be contained in the ballot paper.

## CHAPTER II

## NOMINATION PAPERS

**21.** A person wishing to offer himself as a candidate must, not later than two o'clock in the afternoon of the sixteenth day preceding polling day, file a nomination paper at the official office of the returning officer.

**22.** A person wishing to offer himself as a candidate may designate a person to act in his name as his mandatory.

**23.** The nomination paper must be made in the form prescribed by regulation and be signed by the person wishing to offer himself as a candidate. That 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, failing that, the mention "independent" if he so wishes. In addition, he shall indicate the name of his official agent and, if he chooses to appoint one, the name of his mandatory.

**24.** A candidate may offer himself as a candidate under his ordinary surname or 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.

**25.** A person offering himself as a candidate must 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 the party's candidate and confirming his affiliation with that party, where such is the case; and

(3) a photograph in accordance with the standards prescribed by regulation and bearing on the back the signature of two electors 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 indicated in the nomination paper are those of that person.

**26.** A nomination paper must bear the signatures and addresses of at least sixty electors of the electoral division for which the nomination paper is filed.

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

**27.** The person collecting supporting signatures shall declare under oath that he knows the signatories, that they have affixed their signatures in his presence and that, to his knowledge, they are electors of that electoral division.

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

**29.** The returning officer must immediately receive the nomination paper if it is complete and if all the required documents are attached to it.

He shall then give a receipt, which is proof of the nomination.

**30.** An elector may examine any nomination paper received, at the official office of the returning officer. A candidate may obtain a copy of that nomination paper.

**31.** An employer must, upon request, grant leave without pay to an employee who is a candidate or who acts as the official agent of a candidate. The period of leave begins on the date on which the nomination paper is received by the returning officer and ends on the eighth day after polling day. The employee may terminate that leave at any time.

An employer shall not, by reason of that leave, dismiss an employee or subtract the leave so granted from the employee's period of vacation.

**32.** If the returning officer has received only one nomination paper at the end of the period provided for the filing of nomination papers, he shall return the candidate as elected and immediately inform the director general of elections.

## CHAPTER III

### PROCLAMATION

**33.** At the end of the period for the filing of nomination papers, the returning officer shall draw up a proclamation.

**34.** The proclamation shall set forth, in the form provided in Schedule B, the surname and given name of each candidate, his political affiliation where that is the case, his address and the surname and given name of his official agent and of his mandatory, if any.

**35.** The proclamation shall be posted up in the official office of the returning officer and transmitted to each candidate or his mandatary.

## CHAPTER IV

### WITHDRAWAL OR DEATH OF A CANDIDATE

**36.** A candidate may withdraw his candidacy if he delivers to the returning officer a declaration to that effect, signed by himself and by two electors of the electoral division in which he is a candidate.

**37.** The name of the candidate must 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 provided for the filing of nomination papers.

However, 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 must strike off the name of the candidate from every ballot paper.

**38.** If, after the withdrawal, there remains but one candidate, the returning officer shall return him as elected and immediately inform the director general of elections.

**39.** Where a candidate dies between the twenty-first day preceding polling day and the close of the poll, the polling day is postponed.

Nomination papers must then be filed not later than the second Monday following the day of the death of the candidate and the election takes place on the second subsequent Monday.

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

## CHAPTER V

## ELECTION

## DIVISION I

## ADVANCE POLLING

## SUBDIVISION I

## GENERAL PROVISIONS

**40.** The returning officer must, before the twenty-eighth day preceding polling day, establish in his electoral division as many advance polling stations as he considers necessary and determine which polling subdivisions are attached to each; he shall immediately inform each candidate and each authorized association.

**41.** Except as otherwise provided, sections 66 to 114 apply to advance polling, *mutatis mutandis*.

**42.** The advance polling station shall be open from two o'clock in the afternoon until ten o'clock in the evening, on Sunday and Monday of the week preceding polling day.

**43.** Election officers, handicapped persons, inmates or persons who have reason to believe they will be absent from the polling subdivision or unable to vote therein on polling day may vote in the advance poll.

**44.** A person having reason to believe he will be absent from the polling subdivision or unable to vote therein on polling day and wishing to vote in the advance poll must, before he receives a ballot paper, sign an affidavit to that effect, indicating his surname, given name, address and age, and take the oath, in the forms prescribed by regulation; these acts shall be indicated in the poll book.

**45.** On an elector's being admitted to vote in an advance polling station, the poll clerk shall enter his surname, given name and address in the poll book.

**46.** 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 116.

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 electoral list; he shall then seal the envelopes. These envelopes, except the envelope containing the electoral list, and the poll book shall be placed in the ballot box sealed by the deputy returning officer.

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

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

At the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 116. The deputy returning officer shall then proceed as in section 46, and remit the ballot box and the envelope containing the electoral list to the returning officer or the person designated by him.

**48.** If the electoral list 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 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 must notify each candidate or his mandatary of it; the latter may attend and may affix their initials to the seals.

**49.** From eight o'clock in the evening 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 agents who wish to attend, at the official office of the returning officer. The counting shall be effected in accordance with sections 117 to 124, *mutatis mutandis*.

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 74 and 75 do not apply.

**50.** The returning officer shall immediately send to the candidates the list of the electors of the electoral division who have voted in the advance poll.

## SUBDIVISION II

### SPECIAL PROVISIONS ON THE VOTING OF INMATES

**51.** Every inmate has the right to vote at general elections.

To exercise his right to vote, an inmate must be entered on the list of the 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.

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

The warden shall then ask every inmate if he wishes to be entered on the list of electors and verify with him the correctness of the information concerning him.

He shall send the list of electors to the director general of elections within eight days after the issue of the writ.

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

He shall appoint the polling officers for each of these stations in accordance with sections 72 and 73.

**54.** Each authorized party may, in accordance with sections 78 to 81, designate an agent.

**55.** The director general of elections shall send, to the returning officer contemplated in section 53, the ballot papers of the various electoral divisions in which the inmates are domiciled.

He shall also send to him the list of the electors of the house of detention.

**56.** The returning officer contemplated in section 53 shall remit to the deputy returning officer in a sealed ballot box, after affixing his initials to the seals, a copy of this act and the regula-

tions, the list of the electors of the advance polling station, a poll book, the ballot papers and the forms.

In addition, he shall remit to him the objects necessary for the poll.

**57.** The advance polling station shall be open from ten o'clock in the morning until eight o'clock in the evening, on Monday of the week preceding polling day.

**58.** At the close of the advance polling station, the procedure set out in section 47 shall be followed and the deputy returning officer shall remit the ballot box and the envelope containing the list of electors to the director general of elections or the person designated by him.

**59.** The director general of elections shall designate as many persons as he considers necessary to proceed with the counting of the votes. These persons are deemed to be election officers.

**60.** From eight o'clock in the evening on polling day, the person designated shall proceed, for each advance polling station, with the counting of the votes in the presence of an agent designated by each authorized party. The counting of the votes is effected at the office of the director general of elections in accordance with sections 117 to 121, *mutatis mutandis*.

**61.** After counting the votes of each electoral division and drawing up a statement of the poll for each of them, in the form prescribed by regulation, the person designated shall place in separate envelopes, for each division, the ballot papers assigned to each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of the poll. He shall seal the envelopes and place them in another sealed envelope bearing the name of the division concerned.

These envelopes, the poll book and the list of electors shall be placed in the ballot box sealed by the designated person.

The designated person and those agents wishing to do so shall affix their initials to the seals of the envelopes and of the ballot box.

**62.** The designated person shall draw up a statement of votes for each advance polling station, in the form prescribed by regulation, and remit a copy to the representative of each authorized party and to the director general of elections.

He shall also remit the ballot box to the director general of elections or the person designated by him.

**63.** The designated person shall immediately communicate the results of the vote to every returning officer concerned and send him the abstract of the statement of votes with which he is concerned.

**64.** To allow inmates to exercise their right to vote, the director general of elections 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 the Legislature.

## DIVISION II

### PREPARATION FOR THE POLL

#### SUBDIVISION I

##### POLLING STATIONS

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

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

**66.** The polling stations of an electoral precinct must be grouped in one public place. However, if the returning officer considers it preferable by reason of the area of the electoral precinct, or if the director general of elections considers it preferable by reason of the presence of a hospital centre or a reception centre in the electoral precinct, the returning officer may establish these stations at more than one place.

**67.** A municipality, a school board and an establishment established under the Act respecting health services and social services (R.S.Q., c. S-5) must allow the use of their premises free of charge for the establishment of polling stations.

**68.** Polling day is a holiday in every public educational establishment situated in an electoral division in which an election is held.

Every educational establishment must, on polling day, grant leave to those students who are electors.

**69.** The director general of elections shall give such instructions as he considers expedient to the returning officer on the manner of arranging and identifying a place where a polling station is established.

## SUBDIVISION II

## POLLING OFFICERS

**70.** 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.

**71.** The returning officer shall appoint an officer in charge of information and order at every place where there is a group of polling stations and at every place where there is only one polling station.

**72.** 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 nominated.

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

**73.** In a new electoral division, in a division whose boundaries have been changed since the last election or in a division in which no candidate of an authorized party came second at the last election, the director general of elections shall decide, in accordance with the criteria provided by regulation, which candidates are entitled to make the recommendations provided for in section 72.

**74.** The recommendations must be sent to the returning officer not later than the fourteenth day preceding polling day. Failing recommendations or when the person recommended is not qualified for that function, the returning officer shall make the nomination without other formality.

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

He shall immediately inform the candidates of any changes to the list.

**76.** The functions of the deputy returning officer are, 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 remit the ballot box to him.

**77.** The functions of the poll clerk are, 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.

### SUBDIVISION III

#### AGENTS

**78.** A candidate may designate a person and give him a mandate by 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.

**79.** 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.

**80.** The candidate may assist his agent in the exercise of his functions and may himself be present wherever his agent is authorized to act.

**81.** The agent must declare under oath, in the form prescribed by regulation, that he will not disclose the name of the candidate for whom a person has voted in his presence.

### SUBDIVISION IV

#### BALLOT PAPERS AND BALLOT BOXES

**82.** The returning officer shall cause ballot papers to be published in accordance with the model provided in Schedule C and the directives of the director general of elections.

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

**83.** The paper necessary for the printing of the ballot paper shall be provided by the director general of elections. This paper shall contain a thread which neither the director general nor the maker may reveal.

**84.** The printer and the paper maker must comply with the standards provided by regulation.

**85.** The ballot paper shall be provided with a counterfoil and a stub both bearing the same number on the reverse. The ballot papers shall be numbered consecutively.

**86.** The ballot paper must permit each candidate to be clearly identified.

It must 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; these given names and surnames shall be spelled as in the nomination paper. The name of the authorized party shall appear under the name of the candidate of that party; the indication "independent" shall be entered under the name of the independent candidate if he has indicated it in his nomination paper.

It must 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.

**87.** The director general of elections shall cause ballot boxes to be made, in accordance with the standards he may fix, in sufficient number for each electoral division.

These ballot boxes shall be made of durable material and of uniform size and shape; they must bear the official emblem of Québec.

**88.** Between the date of issue of the writ of election and that of publication of the notice contemplated in section 134, the returning officer shall have custody of the ballot boxes.

Outside that period, the returning officer shall give custody of the ballot boxes for an electoral division to the sheriff of the judicial district or the registrar of the registration division in which the division is situated.

**89.** Not later than the day preceding the polling, the returning officer shall remit to the deputy returning officer, in a sealed ballot box, after affixing his initials to the seals, a copy of this act and the regulations, the electoral list of the polling subdivision, the list of the electors who voted in the advance poll, a

poll book, the required number of ballot papers, but not over twenty-five more than the number of electors entered, the forms and the documents necessary for the counting of the votes.

In addition, he shall remit to him the objects necessary for the poll.

### DIVISION III

#### THE VOTE

#### SUBDIVISION I

##### PRELIMINARY FORMALITIES

**90.** 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 opening.

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

**91.** 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 objects necessary for the poll, complying with the directives issued by the director general of elections.

**92.** The place where the polling stations are situated and the polling officers must be identified in the manner prescribed by regulation.

**93.** At the time fixed for the opening of the poll, the deputy returning officer and the poll clerk must see that the ballot box contains no ballot paper. It shall then be sealed and placed on the table of the polling station so as to be visible to the polling officers.

#### SUBDIVISION II

##### TIME OF VOTING

**94.** The polling shall take place from ten o'clock in the morning until eight o'clock in the evening.

**95.** During polling hours, the director general of elections and the returning officer must be easily accessible to candidates and their mandataries.

**96.** An employer must grant to an elector in his employ, during the hours the polling stations are open, at least four

consecutive hours to vote, not counting the time normally allowed for meals. No deduction of wages nor any penalty may be imposed on the employee by reason of this leave.

### SUBDIVISION III

#### EXERCISE OF THE RIGHT TO VOTE

**97.** Not more than one voter may be admitted to the polling station at the same time.

**98.** The elector shall indicate, to the deputy returning officer and the poll clerk, his surname, given name and address and, when so required, his age.

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

The deputy returning officer, after initialling a ballot paper in the space reserved for that purpose, and detaching the stub, shall remit the ballot paper to the elector admitted to vote.

**100.** After receiving a ballot paper, the elector shall enter the polling booth, mark the ballot paper in one of the circles and fold it; he shall leave the polling booth, and allow the initials of the deputy returning officer to be examined by the latter, the poll clerk and every agent of a candidate who wishes to do so; then, the elector, in view of the persons present, shall detach the counterfoil and remit it to the deputy returning officer, who shall destroy it, and the elector himself shall place the ballot paper in the ballot box.

**101.** The elector shall mark the ballot paper by making a cross, an "X", a check mark or a line with a black lead pencil remitted to him by the deputy returning officer at the same time as the ballot paper.

**102.** As soon as an elector has voted, the poll clerk shall indicate it on the electoral list in the space reserved for that purpose.

**103.** If the initials appearing on the back of the ballot paper are not those of the deputy returning officer, he must cancel it and the poll clerk must indicate it in the poll book.

**104.** The deputy returning officer shall give a new ballot paper to an elector who has inadvertently marked or spoiled his ballot paper, and cancel the marked or spoiled ballot.

**105.** An elector who declares under oath that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted by either the deputy returning officer or the poll clerk in the presence of the agents, or by an elector of the same electoral division who declares under oath that he has not assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence. In either case, an indication of it is made in the poll book.

The oath shall be taken in the form prescribed by regulation.

**106.** The deputy returning officer must provide a visually handicapped 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.

**107.** Before the deputy returning officer remits a ballot paper, he, the poll clerk or the agent of a candidate may require a person to declare under oath, in the form prescribed by regulation, that he is an elector. The poll clerk shall indicate the name of the person requiring the declaration and the reasons for the requirement, in the poll book.

**108.** A deputy returning officer shall not give a ballot paper to a person who refuses to take an oath, and this must be indicated in the poll book.

**109.** An elector under whose name a person has already voted may nevertheless be admitted to vote after making the oath in the form prescribed by regulation; this must be indicated in the poll book.

**110.** An elector whose name does not appear on the copy of the electoral list used in the polling station although it is on the revised electoral list in the possession of the returning officer, may obtain an authorization to vote, in the form prescribed by regulation, from the returning officer or the poll clerk.

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

**111.** On the premises of a polling station, no person may use anything to signify his political affiliation or express his support of a party or a candidate.

**112.** The returning officer and the deputy returning officer have, in the exercise of their functions, all the powers of a justice of the peace.

**113.** If it is not possible for the polling to begin at the fixed 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.

**114.** Any electors on the premises of a polling station at the close of the poll who have not been able to exercise their right to vote before the appointed time may exercise their right to vote, and the deputy returning officer shall declare the polling closed after they have voted.

#### DIVISION IV

##### PROCEEDINGS AFTER CLOSE OF POLL

**115.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes. The candidates and their agents may attend.

**116.** Before opening the ballot box, the poll clerk shall enter in the poll book

- (1) the number of electors having voted;
- (2) the number of ballot papers spoiled or cancelled and the number of unused ballot-papers; and
- (3) the names of the persons who have exercised functions as polling officers or agents, indicating those entitled to remuneration.

**117.** The deputy returning officer, the poll clerk and the agents shall use the compiling sheet provided by the director general of elections for the counting of the votes.

**118.** 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.

**119.** The deputy returning officer shall declare valid every ballot paper which an elector has marked in one of the circles in the manner provided in section 101.

However, the deputy returning officer shall reject every ballot paper which

- (1) has not been furnished by him;
- (2) does not bear the initials of the deputy returning officer;
- (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; or
- (8) bears a mark allowing the elector to be identified.

**120.** No ballot paper may be rejected for the sole reason that the counterfoil has not been detached. In such a case, the deputy returning officer shall detach the counterfoil and destroy it.

**121.** The deputy returning officer shall consider every objection raised by a candidate or the agent of a candidate regarding the validity of a ballot paper and decide it immediately. The objection and the decision of the deputy returning officer shall be entered in the poll book.

**122.** After counting the ballot papers and drawing up a statement of the poll as in Schedule D, the deputy returning officer shall place, in separate envelopes, the ballot papers assigned to each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of the poll. He shall then seal the envelopes.

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

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

**123.** The deputy returning officer shall seal the ballot box, and he, the poll clerk and those agents wishing to do so shall affix their initials to the seals.

**124.** The deputy returning officer shall draw up a statement of the votes as in Schedule E and remit a copy of it to the agent of each candidate and to the returning officer.

**125.** The deputy returning officer shall remit the ballot box to the returning officer or to the person designated by the latter to receive it.

## CHAPTER VI

## ADDITION OF VOTES

**126.** The returning officer shall notify each candidate or his mandatory of the time when he is ready to proceed with the addition of the votes.

The addition shall begin, as far as possible, at nine o'clock in the morning on the day following polling day; it shall take place in the official office of the returning officer and any candidate, mandatory or elector may attend.

**127.** The returning officer shall proceed with the addition of the votes by using the statements of the poll contained in the ballot boxes and compiling the votes expressed in favour of each candidate in each polling subdivision of the electoral division.

He shall also use the abstract of the statement of the votes contemplated in section 63 if he has received it at the time of the addition or, if he has not received it, he shall use the results communicated in accordance with that section.

**128.** If a statement of the poll has not been placed in the ballot box or if the returning officer has been unable to obtain a ballot box, he shall adjourn the addition of the votes until he obtains that statement or ballot box.

If it appears impossible to obtain them, he shall use the statement of the votes that was remitted to him or, if he does not have it, that of the deputy returning officer or of an agent, and he shall continue with the addition.

**129.** 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 to any person requesting it the results of the addition.

**130.** In the case of a tie-vote, the returning officer shall apply for a recount of the votes in accordance with Title VI.

## CHAPTER VII

DECLARATION OF ELECTION AND  
PUBLICATION OF THE RESULTS

**131.** If no application for a recount of the votes is filed within the time allowed, the returning officer shall transmit to the director general of elections a return on the conduct of the addition, the results of the addition of the votes and the declaration indicating the name of the elected candidate.

The returning officer shall send a copy of the declaration to each candidate.

He shall also transmit, to the director general of elections, all the ballot papers, the statements of votes, the statements of the poll, the electoral lists and the poll books.

**132.** The director general of elections shall keep the documents transmitted to him by the returning officer for one year from the transmission of these documents or, if the election is contested, for one year from the decision on the contestation.

**133.** The director general of elections shall enter the names of the candidates declared elected and the official results of the poll in a register.

**134.** After transmitting a list of the candidates declared elected to the Secretary General of the Assemblée nationale du Québec, the director general of elections shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating the surnames and given names of the elected candidates, their political affiliations and the names of their respective electoral divisions.

From the publication of that notice, an elected candidate is a member of the Assemblée nationale du Québec.

**135.** The director general of elections must, 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 of the Assemblée nationale du Québec.

## TITLE V

## SECRECY OF VOTING

**136.** Voting is secret.

**137.** No elector may, at the place where the polling station is located, let it be known, in any manner, in favour of whom he proposes to vote or has voted.

**138.** No candidate, agent or election officer may, at the place where the polling station is located, attempt to learn the name of the candidate in favour of whom an elector proposes to vote or has voted.

**139.** No candidate or agent, nor any election officer or elector who gave assistance to another elector, may communicate the name of the candidate for whom an elector has voted.

**140.** No person may be compelled to state for whom he voted.

## TITLE VI

## JUDICIAL RECOUNT

**141.** Any reliable person may demand a recount of the votes if he shows that a deputy returning officer has unlawfully counted or rejected ballot papers or has drawn up an incorrect statement of the number of ballot papers assigned to one of the candidates.

**142.** The candidate who came second, or his mandatary, where the majority is not over one thousand of the votes cast, may demand a recount.

**143.** The demand for a recount is made by way of a motion to a judge of the Provincial Court of the judicial district in which the electoral division where the election was held is situated in whole or in part, filed in the office of that court.

**144.** The motion must be presented within four days of the counting of the votes.

**145.** The recount must begin within four days from the presentation of the motion and be carried out as rapidly as possible.

**146.** The judge shall give a notice of not less than one clear day to the director general of elections and to the candidates of the day, time and place where he is to proceed to a recount of the votes.

The judge shall summon the poll clerk and the returning officer, and order the returning officer to bring the ballot boxes and the statement of the votes of his electoral division and, where such is the case, the abstract of the statement of the votes contemplated in section 63. They must comply with that order.

Where a recount is demanded in an electoral division in which the votes of inmates have been counted, the director general of elections must bring every envelope contemplated in section 61 that is identified by the name of that division.

**147.** On the appointed day, the judge, in the presence of the returning officer and poll clerk, shall examine the ballot papers and the other documents contained in the ballot box.

They, the persons mentioned in section 146 and the mandatories of the candidates may examine the documents contained in the ballot box.

**148.** Sections 119 and 120 apply to a decision on the validity of a ballot paper and the judge may for that purpose take the means he considers advisable.

**149.** If a ballot box or the required documents are missing, the judge shall take the appropriate means 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., c. 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 apply, *mutatis mutandis*.

**150.** While the recount is in progress, the judge has the custody of the ballot boxes and their content, and of all the other documents that have been remitted to him.

**151.** Immediately upon the completion of the recount, the judge shall compile the votes cast in favour of each candidate, verify or rectify any statement of the poll and statement of votes and certify the result of the vote.

The judge shall remit the ballot boxes to the returning officer, and all the other documents used for the recount, to the director general of elections.

**152.** The returning officer shall thereupon declare elected the candidate who received the greatest number of votes and section 131 applies, *mutatis mutandis*.

**153.** If there is a tie-vote a new election is held.

The returning officer, after informing the director general of elections shall immediately publish a notice in the form prescribed by regulation informing the electors of the new period for the filing of nomination papers and the new election date.

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

**154.** The judge shall award the costs and fix their amount according to such tariff as the Government may prescribe by regulation.

Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes are assumed by the petitioner.

In the case contemplated in section 142, the petitioner pays no costs.

**155.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Provincial Court.

**156.** If the judge fails to comply with this title, the aggrieved party may, within the four succeeding days, petition a judge of the Court of Appeal, by a petition filed in the office of that court, to issue an order enjoining the judge to comply and to proceed with and complete the recount.

**157.** If the petition appears to be founded, the judge of the Court of Appeal shall issue an order fixing any of the eight succeeding days and a place for the hearing of the petition, and enjoining the interested parties to appear at such date and place.

The order and the petition giving rise to it shall be served in such a manner as may be determined by the judge.

**158.** At the fixed day and place, the judge of the Court of Appeal, or another judge of the same court, after hearing the parties who are present, shall issue the order he considers justified by the facts; he may also award the costs as he thinks advisable.

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

## TITLE VII

## CONTESTATION OF ELECTIONS

**160.** An elector qualified to vote in an electoral division or a 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.

**161.** An election is contested by way of a motion to the Provincial Court of the judicial district in which the electoral division where the election was held is situated in whole or in part.

**162.** The motion must be presented within thirty days of the publication in the *Gazette officielle du Québec* of the notice contemplated in section 134 or thirty days of a person's being found guilty of a corrupt electoral practice where such a practice was used after the election was declared.

However, in the case of a corrupt electoral practice contemplated in section 119 of the Act to govern the financing of political parties, the motion must be presented within sixty days following the sending of the return contemplated in section 112 of that act or within ninety days following the sending of the return contemplated in section 113 of that act, as the case may be.

**163.** The motion must state the facts giving rise to it; allegations must be supported by an affidavit.

The director general of elections and the returning officer for the division where the election is contested must be made parties to the case.

**164.** 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.

**165.** The summons is made by way of a writ to which is attached, to stand in lieu of a declaration, the motion contemplated in section 163.

**166.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure but the motion must be heard and decided by preference.

**167.** The rules of proof are those in force in civil matters.

**168.** The fact that the respondent has accepted a post which disqualifies him to sit in the Assemblée nationale du Québec or has abandoned his seat as a member does not prevent the making of the motion or interrupt the hearing.

Convocation, prorogation or dissolution of the Assemblée nationale du Québec does not suspend proceedings.

**169.** 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.

**170.** If the hearing establishes

- (1) that a corrupt electoral practice was used by a candidate or, with his knowledge and consent, by another person, the candidate must 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 agent, mandatory or official agent of a candidate, the election of that candidate is void.

The election of a candidate must 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, in good faith, took reasonable precautions to carry on an honest campaign for election.

**171.** If the hearing establishes that a candidate, personally or through another person, committed an offence contemplated in section 222 or 223, the court must 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.

**172.** The election of a candidate shall not be declared void by reason of an offence against this act, or the regulations here-

under, that does not constitute a corrupt electoral practice, if the court comes to the conclusion that the offence could not have changed or significantly affected the result of the election.

**173.** Every person found guilty of a corrupt electoral practice under this title is disqualified under section 229.

**174.** 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.

**175.** The ordinary rules of the Code of Civil Procedure apply to the procedure but the appeal must be heard by preference.

The judgment rendered by the Court of Appeal is final and no appeal lies from it.

**176.** Once the judgment acquires authority as a decided case, the director general of elections shall transmit a certified true copy of that decision to the President or to the Secretary General of the Assemblée nationale du Québec, who shall immediately inform the members.

Where the decision changes the results of the election, the director general shall proceed as in section 133 or 134.

## TITLE VIII

## DIRECTOR GENERAL OF ELECTIONS AND ELECTION OFFICERS

## CHAPTER I

## THE DIRECTOR GENERAL OF ELECTIONS

## DIVISION I

## APPOINTMENT

**177.** On a motion of the Prime Minister, the Assemblée nationale du Québec, by a resolution approved by two-thirds of its members, shall appoint a director general of elections chosen from among the electors and fix his salary.

**178.** The term of office of the director general is seven years and may be renewed; notwithstanding the expiry of his term of office, the director general shall remain in office until he is reappointed or replaced.

**179.** The director general may resign at any time by giving notice in writing to the President of the Assemblée nationale du Québec; he shall not be dismissed except by a resolution approved by two-thirds of the members of that assembly.

**180.** Before taking office, the director general shall make the oath provided in Schedule F before the President of the Assemblée nationale du Québec.

**181.** The director general shall devote his time exclusively to the duties of his office; he may, however, carry out any other mandate entrusted to him by the Assemblée nationale du Québec.

**182.** If the director general is temporarily incapacitated or in case of vacancy, the Government may, after consulting the leaders of the authorized parties represented in the Assemblée nationale, designate a person to perform the duties of the director general for a period not exceeding six months, with such salary as it may fix.

## DIVISION II

## FUNCTIONS AND POWERS

**183.** The function of the director general is to see to the application of this act; he is responsible, in particular,

- (1) with respect to the supervision of elections, for
  - (a) ensuring the training of the election officers;
  - (b) supervising the conduct of the voting;
  - (c) issuing directives for the application of this act;
  - (d) receiving complaints concerning the application of this act and making inquiries where he considers it advisable;
- (2) with respect to the information of the public, for
  - (a) giving any person requesting it any advice and information relating to the application of this act;
  - (b) maintaining an information centre on this act and making the information relating to elections available to the public;
  - (c) examining and assessing election procedures;
  - (d) holding information sessions and conferences at regular intervals for the benefit of the political parties and the public;
  - (e) furnishing, at the request of a political party, the information necessary for the training of the agents of candidates, while allowing other political parties to delegate observers;
  - (f) making any advertisement he considers necessary.

**184.** The director general may, at a by-election, test new electoral procedures, following an agreement with the leaders of the authorized parties represented in the Assemblée nationale du Québec.

The agreement must give a description of the new electoral procedures and refer to the provision of this act being replaced by it; it shall be signed by each of the persons concerned.

The agreement has force of law.

**185.** The director general, of his own initiative or at the request of another person, may inquire into the application of this act.

**186.** The director general 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.

**187.** Each time the director general refuses to make or to pursue an inquiry at the request of a person, he must notify that person and give the reasons therefor in writing.

**188.** In respect of his inquiries, the director general is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q.,

c. C-37). He cannot, however, condemn a person for contempt of court.

Articles 307 to 309 of the Code of Civil Procedure apply to witnesses heard at an inquiry.

**189.** Not later than 30 June each year, the director general shall make a report of his activities for the preceding year to the President of the Assemblée nationale du Québec.

That report must, in particular, contain a statement of the complaints received and how each was dealt with, and the informational and training activities carried on and, where appropriate, recommend new electoral procedures.

### DIVISION III

#### THE PERSONNEL OF THE DIRECTOR GENERAL

**190.** The personnel required by the director general shall be appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

The powers conferred under this act on a minister with portfolio, a minister responsible for an agency, a deputy minister or the chief executive officer of an agency are conferred on the Government, which may delegate them, in whole or in part, to the director general of elections.

**191.** Striking is prohibited for the members of the personnel of the director general of elections.

**192.** During an election period, the director general may retain, on a temporary basis, the services of any persons he considers necessary; he shall fix their remuneration and expenses.

Expenses made under the first paragraph shall not exceed the amount determined by government regulation.

**193.** The director general shall define the duties of the members of his personnel and direct their work.

No member of the personnel may engage in partisan work.

**194.** Before taking office, the members of the personnel of the director general must make an oath as in Schedule F before the director general.

**195.** Documents and copies emanating from the director general or his personnel are authentic if they are signed by the director general or by a member of his personnel but, in the latter case, only to the extent determined by regulation.

## CHAPTER II

## ELECTION OFFICERS

**196.** The returning officer, the election clerk and his assistants and polling officers are election officers; they are chosen from among the persons qualified to vote.

Before taking office, the returning officer shall make an oath as in Schedule F before the director general of elections or the person designated by him; the other election officers shall make that oath before the returning officer or the person designated by him.

Election officers must comply with the directives of the director general of elections.

**197.** The tariff for the remuneration and expenses of election officers shall be fixed by government regulation.

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

The director general 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.

**198.** No elector convicted of a corrupt electoral practice may become an election officer for five years following the day he was released from a house of detention or, where there is no imprisonment, the date of his conviction.

**199.** From the time he is sworn in, no election officer may engage in partisan work.

**200.** 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 must do so gratuitously.

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

**202.** If an election officer ceases to perform his duties of office, he shall be replaced, if practicable, in the same manner as he was appointed.

**203.** An election officer who no longer holds office must return all the official documents in his possession to the director general of elections in the case of the returning officer, or to the returning officer in the case of another officer.

**204.** Every employer must, on demand, grant leave to an employee who is an election officer to enable him to perform his duties; the employer is prohibited from dismissing an employee for that reason.

The leave thus obtained shall not be subtracted from the period of vacation to which the employee is entitled. The employer is not required to remunerate his employee for his period of leave.

### CHAPTER III

#### THE RETURNING OFFICER

**205.** A returning officer is appointed by the Government for each electoral division, on the recommendation of the director general of elections.

**206.** The director general of elections shall make his recommendation after selecting by public competition three persons qualified as electors domiciled in the electoral division or in a contiguous division.

That competition must be devised to allow impartial consideration of the merits of the recommended persons.

**207.** A notice of competition must be published by the director general so as to allow every qualified person a reasonable opportunity to apply.

**208.** The term of office of a returning officer is five years, and may be renewed.

**209.** The conditions of exercise of the duties of a returning officer shall be determined by regulation.

**210.** On the appointment of a returning officer, the director general shall publish a notice of it in the *Gazette officielle du Québec*.

**211.** On being appointed, the returning officer shall appoint an election clerk. That person must not be his spouse, his ascendant or descendant, his brother, sister, father-in-law, step-father, mother-in-law, step-mother, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

If he considers it necessary, the returning officer, with the consent of the director general, may appoint one or more assistants to assist the election clerk.

**212.** The election clerk shall assist the returning officer in the exercise of his duties and replace him in case of absence or inability to act.

**213.** The returning officer, under the authority of the director general of elections, is responsible, in the electoral division to which he is appointed, for the application of this act and the training of the polling officers.

**214.** The director general of elections may dismiss a returning officer who neglects his duties, engages in partisan work or is not qualified to hold the office.

**215.** The returning officer shall remain in office until he is reappointed or replaced.

## TITLE IX

### PENAL PROVISIONS

**216.** Every person who

- (1) offers himself as a candidate, knowing he is disqualified;
- (2) supports a nomination paper, when he is not an elector and is not domiciled in the electoral division for which the nomination paper is filed;
- (3) signs as a candidate more than one nomination paper;
- (4) presents himself as a candidate of an authorized party, when the letter contemplated in section 25 is false;
- (5) knowingly spreads false news of the withdrawal of a candidate;
- (6) is a returning officer and accepts a nomination paper which is incomplete or not accompanied with all the required documents,

is guilty of an offence.

**217.** Every person who

- (1) votes more than once at the same election;
- (2) permits a person to vote without being registered on the electoral list;
- (3) votes without being entitled to vote;

(4) knowingly prints or uses a false ballot paper, or alters or counterfeits a ballot paper;

(5) modifies or imitates the initials of the deputy returning officer;

(6) acts as the agent of a candidate when his power of attorney is false;

(7) is a deputy returning officer and remits a ballot paper to a person refusing to take the oath required;

(8) is a deputy returning officer and knowingly admits to vote a person who has already voted;

(9) is an election officer and arrives late at the polling station in order to delay the opening of the poll,

is guilty of an offence.

**218.** Every person who

(1) falsifies the statement of votes or the statement of the poll;

(2) knowingly destroys a ballot paper before the end of the period for the contestation of the election;

(3) is a returning officer and makes a fraudulent declaration or issues a fraudulent declaration,

is guilty of an offence.

**219.** Every person who

(1) performs duties reserved to the election officers without being qualified as an elector, without being officially appointed or without making the oath required;

(2) is the director general of elections, one of his officers or an election officer and fraudulently neglects or refuses to act, or acts against this act,

is guilty of an offence

**220.** Every employer who contravenes section 31, 96 or 204 is guilty of an offence.

**221.** Every person who is guilty of an offence contemplated in sections 216 to 220 is liable, in addition to costs,

(1) for a first offence, to a fine of not under 100 dollars nor over 1 000 dollars in the case of a natural person and, in default of payment, imprisonment for not over three months and, in the case of an artificial person, a fine of not under 300 dollars nor over 3 000 dollars;

(2) for a subsequent offence within five years, to a fine of not under 200 dollars nor over 2 000 dollars in the case of a natural person and, in default of payment, imprisonment for not over six months or, in the case of an artificial person, a fine of not under 600 dollars nor over 6 000 dollars.

**222.** 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 an operation related to the vote, or alters or attempts to alter the results of the election, is guilty of a corrupt practice.

**223.** Every person who

(1) being a candidate or later becoming a candidate, 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; or who,

(2) 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,

is guilty of an offence.

Every gift made or promised during an election period by a candidate or a person later becoming a candidate, or in his name or stead, is deemed to have been made in order to influence the vote of an elector.

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election;

(2) to a person other than an official agent who, at his own expense, provides food such as sandwiches, cake and cookies and beverages such as tea, coffee, milk or soft drinks at an assembly of electors meeting to promote the election of a candidate at an election; or

(3) to a person accepting any of the food or beverages mentioned in subparagraph 1 or 2 of this paragraph.

**224.** Every person who votes or attempts to vote by falsely assuming the name and qualifications of an elector or by borrowing the name of a fictitious or deceased person, is guilty of a corrupt practice.

**225.** Every person who is guilty of an offence contemplated in sections 222 to 224 is liable to a fine of not under 100 dollars nor over 1 000 dollars and imprisonment for one to twelve months; in default of payment of the fine, the person is liable to additional imprisonment for not over three months.

**226.** Whoever contravenes a provision of this act or the regulations for which no penalty is provided, is guilty of an offence and liable to a fine of not over 200 dollars and, in default of payment, imprisonment for not over two months.

**227.** Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself guilty of the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not the latter has been prosecuted or found guilty.

**228.** Every offence mentioned in paragraph 5 of section 216, in paragraph 1 of section 217, in paragraphs 1 and 3 of section 218, in paragraph 2 of section 219 and in sections 222 to 224 is a corrupt electoral practice.

**229.** Every person who is found guilty of an offence that is a corrupt electoral practice loses, for a period of five years from the date of 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 in council of the Gouvernement or by a resolution of the Assemblée nationale du Québec.

Furthermore, where the person found guilty of an offence contemplated in section 222 or 223 is a member of the Assemblée nationale du Québec, his election is void.

**230.** Proceedings under this title are instituted pursuant to the Summary Convictions Act (S.R.Q., c. P-15) by the director general of elections or by any person generally or specially authorized by him for such purpose.

## TITLE X

## REGULATIONS

**231.** The director general of elections shall frame draft regulations on those matters which must be provided for by regulation under this act, except on those contemplated in section 232.

The draft regulations shall be submitted to the approval of the Standing Committee on the Assemblée nationale du Québec.

Once approved with or without amendment by the committee, the regulations shall be published in the *Gazette officielle du Québec*, and they come into force on the date of such publication or any later date fixed therein.

**232.** The Government may, by regulation,

(1) establish a tariff of costs for a recount;

(2) establish a tariff of remuneration and expenses of polling officers;

(3) determine the maximum amount of the expenses that may be incurred by the director general of elections under section 192;

(4) determine the maximum amount of the expenses that may be incurred by the director general of elections under the third paragraph of section 197.

The regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on a later date fixed therein.

## TITLE XI

## MISCELLANEOUS AND FINAL PROVISIONS

**233.** No election may be declared invalid by reason of non-compliance with the provisions of this act as to the taking of the poll or the counting of the votes or by reason of the lack of qualification of an election officer, if the election was conducted in accordance with the principles laid down in this act and the non-compliance or lack of qualification did not affect the result of the election.

**234.** No election may be declared invalid by reason of non-compliance with the time allowed for an act, unless the non-compliance has affected the result of the election.

**235.** No election may be declared invalid by reason that a person supporting a nomination paper is not an elector or is not domiciled in the electoral division for which the nomination paper is filed.

**236.** No warrant of arrest may be executed against an election officer on polling day.

**237.** No elector qualified to vote is bound to appear as a witness before a judge or court on polling day.

**238.** The Superior Court and the judges of that Court have no jurisdiction over any matter arising from the application of this act, except in suits for damages.

**239.** No extraordinary recourse or provisional remedy provided for in the Code of Civil Procedure lies against the director general of elections, any member of his personnel or any election officer.

A judge of the Court of Appeal may, on motion, summarily annul any writ, order or injunction issued or granted contrary to this section.

**240.** Section 8 of the Legislature Act (R.S.Q., c. L-1) is replaced by the following section:

**“8.** No member may take his seat in the Assemblée nationale before notice of his election has been published in the *Gazette officielle du Québec* by the director general of elections.”

**241.** Sections 9 and 10 of the said act are repealed.

**242.** Section 11 of the said act is replaced by the following section:

**“11.** Every member of the Assemblée nationale must keep the qualifications required by the Election Act (1979, c. *insert here the chapter number of Bill 9*) to be eligible.”

**243.** Section 12 of the said act is repealed.

**244.** Section 14 of the said act is amended by replacing the first paragraph by the following paragraph:

**“14.** Every person who infringes section 13 is guilty of an offence and liable to a fine of one thousand dollars for each day he sits or votes.”

**245.** Sections 15 to 20 of the said act are repealed.

**246.** Section 22 of the said act is replaced by the following section:

“**22.** The secretary shall enter the resignation of the member in the Journals of the House.”

**247.** Section 23 of the said act is amended by striking out the second paragraph.

**248.** Section 24 of the said act is amended by striking out the second paragraph.

**249.** Section 26 of the said act is replaced by the following section:

“**26.** No member may resign his seat while his election is lawfully contested, nor until after the time during which it may be contested.”

**250.** Sections 27 and 28 of the said act are repealed.

**251.** Section 29 of the said act is replaced by the following section:

“**29.** If a vacancy occurs after a general election and before the first meeting of the new Legislature, the election to be held under a writ issued pursuant to the vacancy does not affect the rights of any person entitled to contest the previous election; and the report of the court appointed to try such previous election, if in favor of any other candidate than the person returned therefor, shall void the subsequent election and entitle the candidate, so declared duly elected at the previous election, to take his seat as if no subsequent election had taken place.”

**252.** Section 31 of the said act is replaced by the following section:

“**31.** Every Assemblée nationale shall continue for five years from the publication, after a general election, of the notice referred to in section 134 of the Election Act; but the Lieutenant-Governor always has the right of dissolving it sooner if he thinks fit.”

**253.** Sections 62 and 63 of the said act are replaced by the following sections:

**“62.** If any person, declared ineligible in the terms of this subdivision as a member of the Assemblée nationale, or disqualified from sitting or voting therein, is nevertheless elected and returned as such, his election and the return thereof are null and void.

**“63.** If any member of the Assemblée nationale becomes disqualified under this subdivision to sit or vote therein, his election becomes void and his seat vacant.”

**254.** Section 93 of the said act is amended by replacing subsection 1 by the following subsection:

**“93.** (1) A member who has been expelled by order of the Assemblée nationale under section 66 is only entitled to repayment of his contributions, including the additional contribution provided for in subsection 2 of section 87.”

**255.** The said act is amended:

(1) by replacing the words “electoral district” in section 71 and in paragraphs *b* and *c* of subsection 2 of section 82 by the words “electoral division”;

(2) by replacing the words “electoral district” in paragraph *d* of subsection 2 of section 82 by the words “electoral division”.

**256.** The Election Act (R.S.Q., c. E-3) is replaced by this act, except

(1) paragraphs 4, 5, 8, 9, 12, 15, 16, 20, 22, 23, 24 and 26 of section 2;

(2) sections 4, 5 and 7;

(3) Divisions VIII, IX and X consisting of sections 50 to 138;

(4) sections 443 and 453 and the first paragraph of section 454;

(5) forms 5 to 34 of Schedule One;

(6) sections 24 to 34 of Schedule Two;

(7) the title of the said act is replaced by the following title:

“An Act respecting electoral lists”.

However, the provisions of the Election Act replaced by this act are effective notwithstanding the first paragraph as long as they are necessary for the application of the provisions of that act that are not replaced by this section; in particular, the director general of elections keeps the powers he is granted by the Election Act with respect to enumerators and revisors.

**257.** Section 50 of the said act is amended by striking out the fourth paragraph of subsection 1.

**258.** Section 60 of the said act is amended by replacing subsection 1 by the following subsection:

**“60.** (1) During the enumeration, the enumerators, being duly sworn, shall, by joint house-to-house visit, in the polling subdivision assigned to them, working together, gather the surnames, given names, addresses, professions or occupations and ages of the persons qualified to vote at the end of the period of revision.”

**259.** Section 72 of the said act is replaced by the following section:

**“72.** No person may be entered on an electoral list other than that for the polling subdivision in which he has his domicile.”

**260.** Section 73 of the said act is amended by replacing subsections 3 and 4 by the following subsection:

**“(3)** Each list shall be typed in one copy, as directed by the director general of elections.”

**261.** Section 74 of the said act is amended by replacing subsections 1 and 2 by the following subsections:

**“74.** (1) Not later than Saturday of the week during which an enumeration has taken place, the enumerators must complete the electoral list, certify its correctness by a joint oath, drawn up in form 12, and remit it to the returning officer.

(2) A notice, advising the electors of the dates of the revision and of the deposit of applications for the entry or striking off of names or for corrections and indicating the places where such applications must be filed, shall be published in a newspaper circulated in the polling subdivision.”

**262.** Section 75 of the said act is amended:

(1) by replacing subsection 1 by the following subsection:

**“75.** (1) As soon as an election is instituted, requiring, under subsection 3 of section 96, the holding of a second revision, the returning officer shall have the electoral lists printed as prepared following the last annual enumeration, including in such lists the changes made thereto at the last annual revision indicating, at the beginning, that such changes have been made.

Not later than twenty-two days before polling day, the returning officer shall deliver to each dwelling a copy of the electoral list of the polling subdivision.”;

(2) by replacing the first and second paragraphs of subsection 2 by the following paragraph:

“(2) The returning officer shall cause to be published, in a newspaper circulated in the polling subdivision, the notice provided for in subsection 2 of section 74.”

**263.** Section 76 of the said act is repealed.

**264.** Section 78 of the said act is replaced by the following section:

“**78.** Every person receiving a duplicate or copy of the electoral list from the returning officer under section 77 must send him a receipt duly dated and signed, or have one sent.”

**265.** Section 79 of the said act is amended by striking out the second paragraph.

**266.** Section 80 of the said act is amended by replacing subsection 2 by the following subsection:

“(2) Not later than Saturday of the second week after that during which the annual enumeration is made, and not later than twenty-two days before polling day where a second revision takes place, the returning officer shall deliver to each dwelling a copy of the electoral list of the polling subdivision.”

**267.** Section 81 of the said act is replaced by the following section:

“**81.** The returning officer shall certify as true the copies of the electoral list he has received under subsection 1 of section 74, for the following purposes: one copy for examination in his office, another for conducting the election, two others for the director general of elections, two others for the revision and a copy for each person referred to in subsection 3 of section 74.”

**268.** Section 82 of the said act is repealed.

**269.** Section 85 of the said act is amended by striking out the fourth paragraph of subsection 1.

**270.** Section 96 of the said act is amended:

(1) by replacing subsections 1 and 2 by the following subsection:

**“98.** (1) The revision shall take place from ten o'clock in the morning to twelve thirty noon, from two thirty to five thirty in the afternoon and from seven to ten o'clock in the evening, from Wednesday of the third week to Thursday of the fourth week following that during which the annual enumeration is held, at the place fixed by the returning officer.”

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

“(3) When an election is ordered and the polling day for it is fixed during the period of an annual enumeration or when an election is instituted following the period of an annual enumeration, a second revision shall take place at the same hours and at the same place, from Wednesday of the third week to Thursday of the second week prior to the polling.

When an election is instituted and the polling for it is fixed during the period of an annual enumeration, the enumeration is not made that year in the electoral division where the election takes place.”

**271.** Section 98 of the said act is amended by replacing subsection 3 by the following subsection:

“(3) It shall be sent to the address where, according to the list, the person in question is deemed to have his domicile; if that person does not reply to the notice, he is presumed not to be entitled to be entered on the list.”

**272.** Section 110 of the said act is amended by replacing subsection 1 by the following subsection:

**“110.** (1) At the enumeration, the enumerator, duly sworn, must collect, in the polling subdivision assigned to him, the surnames, given names, addresses and professions or occupations of the persons qualified to be electors at the end of the period of revision. He must obtain the necessary information for such purpose by house-to-house visit or in any other way deemed convenient.”

**273.** Section 114 of the said act is replaced by the following section:

**“114.** No one shall be entered on a list other than that for the polling subdivision in which he is domiciled.”

**274.** Section 115 of the said act is amended by replacing subsection 3 by the following subsection:

“(3) The list shall be typewritten in duplicate according to the directives given by the director general of elections.”

**275.** Section 116 of the said act is repealed.

**276.** Section 117 of the said act is amended by replacing subsections 1 and 2 by the following subsection:

**“117.** (1) On or before Saturday of the week during which an enumeration has taken place, the enumerator must complete the electoral list and certify the correctness thereof by an oath drawn up in form 29.

The enumerator must on the same day send the returning officer one copy of the list; he shall keep the other copy of the list and make it available to the electors until the day before the revision and then send it to one of the revisors if he is not a revisor himself.”

**277.** Section 118 of the said act is replaced by the following section:

**“118.** (1) As soon as an election is instituted, requiring, under the third paragraph of subsection 1 of section 126, the holding of a second revision, the returning officer shall have the electoral lists printed as prepared following the last annual enumeration, including in such lists the changes made to them in the last annual revision with the mention at the beginning that such changes have been made to them.

Not later than the twenty-second day preceding polling day, the returning officer shall send to every dwelling a copy of the electoral list for the polling subdivision.

(2) The returning officer shall send to every dwelling, at the same time as the list, a notice informing the electors of the dates of the revision and for the filing of applications for the entry, striking off or correction of names and also of the places where those applications must be filed.”

**278.** Section 119 of the said act is repealed.

**279.** Section 121 of the said act is replaced by the following section:

**“121.** Every person receiving a duplicate or copy of the electoral list from the returning officer, under section 120, must send him a receipt duly dated and signed or have one sent.”

**280.** Section 123 of the said act is amended by striking out the second paragraph of subsection 1.

**281.** Section 124 of the said act is amended by adding the following paragraph:

“Not later than Saturday of the second week following the week during which the annual enumeration has taken place, and not later than the twenty-second day preceding polling day when a second revision has taken place, the returning officer shall send to each dwelling a copy of the electoral list for the polling subdivision.”

**282.** Section 125 of the said act is replaced by the following section:

“**125.** The returning officer shall certify as true the copies of the electoral list he has received under subsection 1 of section 117, for the following purposes: one copy for examination in his office, another for conducting the election, two others for the director general of elections, two others for the revision and a copy for each person referred to in subsection 3 of section 117.”

**283.** Section 126 of the said act is amended:

(1) by replacing subsection 1 by the following subsection:

“**126.** (1) The revision of the lists for rural polling subdivisions shall take place in each rural subdivision from Monday of the third week to Thursday of the fourth week following that during which the annual enumeration takes place, from four o'clock to six o'clock in the afternoon and from seven o'clock to nine o'clock in the evening, at the place indicated in the notice provided for in subsection 2 of section 117.

When an election is instituted and the polling day for it is fixed during the period of an annual enumeration or when an election is instituted following the period of an annual enumeration, a second revision shall take place at the same hours and at the same place, from Monday of the third week to Thursday of the second week prior to the polling.

When an election is instituted and the polling for it is fixed during the period of an annual enumeration, the enumeration is not made that year in the electoral division where the election takes place.”;

(2) by striking out the fourth paragraph of subsection 2.

**284.** The said act is amended by inserting, after section 126, the following section:

**“126.1** When an election is instituted during the period of an annual enumeration and the polling for it is fixed after that period, there is no second revision.”

**285.** Section 133 of the said act is amended by replacing subsection 1 by the following subsection:

**“133.** (1) The electoral lists for urban and rural polling subdivisions prepared and revised in accordance with this act are the only official lists, and they alone shall be used in the election.”

**286.** Section 136 of the said act is amended by striking out paragraph *g* of subsection 1.

**287.** The said act is amended by making the following changes, *mutatis mutandis*, wherever the words and expressions indicated appear:

(1) in the French text, “bref” and “bref d’élections” are replaced by “décret”;

(2) “district” and “electoral district” are replaced by “electoral division”;

(3) in the French text, “président d’élection” is replaced by “directeur du scrutin”;

(4) in the French text, “secrétaire d’élection” is replaced by “secrétaire du scrutin”; and

(5) in the French text, “assistant-secrétaire d’élection” is replaced by “assistant du secrétaire”.

**288.** The regulations and orders in council adopted under the Election Act replaced by this act remain in force until they are repealed, replaced or amended by the regulations made under this act.

**289.** The director general of elections appointed under the Election Act (R.S.Q., c. E-3) remains in office and the provisions applicable to his salary, dismissal and pension remain in force with respect to him.

**290.** A returning officer appointed under the Election Act (R.S.Q., c. E-3) becomes, from the coming into force of this section, returning officer for the electoral division for which he was appointed, as if he had been appointed in accordance with this act, for a term of one year.

**291.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by adding, at the end, the following paragraph:

“(18) the director general of elections.”

**292.** The Act respecting provincial controverted elections (R.S.Q., c. C-65) is replaced by this act.

**293.** Section 45 of the Legal Aid Act (R.S.Q., c. A-14) is replaced by the following section:

**“45.** Section 100 of the Civil Service Act (1978, c. 15) applies, *mutatis mutandis*, with regard to an advocate or a notary employed full time by a legal aid corporation.”

**294.** The returning officer shall send to the Ministre des finances detailed accounts, accompanied by vouchers, of the remuneration and expenses of the election officers, the election clerk and his assistants and of the expenses he has incurred because of an election.

These accounts are paid directly to the persons to whom they are due.

[| **295.** The sums required for the application of this act are taken out of the consolidated revenue fund. |]

**296.** This act will come into force on the date fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force, in whole or in part, on any other date to be fixed by proclamation of the Government.

# SCHEDULE A

## ELECTION CALENDAR

SATURDAY  
30.

FRIDAY  
31.

THURSDAY  
32.

WEDNESDAY  
33.

TUESDAY  
34.

MONDAY  
35.

SUNDAY

PERIOD DURING WHICH AN ELECTION MAY BE INSTITUTED

23.

24.

25.

26.

27. Presentation of the list of places where advance polling stations are established

29.

22. Final date for sending to parties and to electors of a copy of the electoral list and of the elector's manual

51

16. Final date for filing a nomination paper

17.

18.

19.

20.

9.

10.

11. Last day for sending each candidate the list of returning officers and poll clerks

15.

2. Last day for sending re-minders

3.

4.

5.

6. Advance poll of inmates

8. Advance poll

0. Polling day

1.

# SCHEDULE B

## PROCLAMATION

(Section 39)

Electoral division of .....

## NOTICE

Public notice is hereby given to the electors of the electoral division of ..... that a poll is necessary for the election taking place in this division and that as a result a poll will be opened;

That the persons nominated for this election are:

1. Bonenfant, Marie, (*political affiliation*), (*address*), whose official agent and delegate are .....;
2. Bureau, Jean-Charles, (*political affiliation*), (*address*), whose official agent and delegate are .....;
3. Larrivée, Pierre-A., (*political affiliation*), (*address*), whose official agent and delegate are .....

All interested persons are enjoined to read this notice and govern themselves accordingly.

Given under my hand, at .....  
this .....19....

.....

Returning Officer

## SCHEDULE C

## OBVERSE

<b>Marie BONENFANT</b> political affiliation	
<b>Jean-Charles BUREAU</b> political affiliation	
<b>Pierre-A. LARRIVÉE</b> independent	

## REVERSE

Assemblée nationale  
du Québec



Deputy returning officer's initials

Electoral division of:

21 June 1979

Lucien Lamothe, Printer  
117, rue Notre-Dame est  
Montreal

## SCHEDULE D

## STATEMENT OF POLL

Electoral Division of .....

Polling Subdivision No. ....

Number of ballot papers received from the returning officer .....		..
Number of ballot papers cast for ..... (Name of the first candidate)	.....	
Number of ballot papers cast for ..... (Name of the second candidate)	.....	
Number of ballot papers cast for ..... (Name of the third candidate)	.....	
Number of ballot papers cast for ..... (Name of the fourth candidate)	.....	
Number of ballot papers cast for ..... (Name of the fifth candidate)	.....	
Number of ballot papers cast for ..... (Name of the sixth candidate)	.....	
Number or ballot papers cast for ..... (Name of the seventh candidate)	.....	
Number of ballot papers spoiled (not placed in box) .....	.....	
Number of ballot papers rejected in counting the ballots .....	.....	
Number of ballot papers not used .....	.....	
Totals .....	.....	..

Given under my hand at .....  
 this ..... 19.

.....  
 Deputy Returning Officer

## SCHEDULE E

## STATEMENT OF VOTES

Electoral division of .....

Polling subdivision No. ....

I, the undersigned, deputy returning officer, certify that at the election held this day of a member to serve in the Assemblée nationale du Québec, the candidates listed below received the number of votes set opposite their respective names:

<i>Name of candidate</i>	<i>Number of votes</i>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that:

..... ballot papers were rejected in counting the ballots;  
*(number in letters)*

Given under my hand, at .....,  
 this .....

.....  
 Deputy Returning Officer

## SCHEDULE F

OATH OR SOLEMN AFFIRMATION OF ALLEGIANCE,  
OF OFFICE AND OF DISCRETION

I, A.B., swear (*or solemnly declare*) that I will act with loyalty and true allegiance to the established authority and that I will fulfil the duties of my office with honesty, impartiality and justice, and that I will not accept any sum of money or consideration of any kind for anything I have done or could do in carrying out the duties of my office, for the purpose of furthering the purchase from or exchange with the Government of anything whatsoever, apart from my salary and any allowance that is given to me by law or by an order of the Government. In addition, I swear (*or solemnly declare*) that I will neither disclose nor make known anything whatsoever that I have learned in the exercise of my office, unless I have been duly authorized to do so.