



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 192

Popular Initiative Act

Introduction

Introduced by
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Member for Rivière-du-Loup

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EXPLANATORY NOTES

The purpose of this bill is to amend the Referendum Act to enable electors to be consulted by referendum on a question of public interest following a petition supported by at least 250,000 electors. However, a petition pertaining to a change concerning the constitutional status of Québec within Canada must be supported by at least 500,000 electors. The referendum process may be initiated by the filing of a petition with the chief electoral officer signed by 1,000 electors.

The bill provides that the chief electoral officer must, after ascertaining that the 1,000 petitioners are qualified electors, submit the text stating the subject of the proposed referendum to the Commission des droits de la personne et des droits de la jeunesse for an examination of its conformity with the Charter of human rights and freedoms. The chief electoral officer must also submit the text to the Conseil du référendum for a determination of the number of signatures required in relation to the proposed text.

The bill also provides that if, within 180 days after a favourable notice from the Commission and the authorization of the chief electoral officer, at least 250,000 or, as the case may be, 500,000 electors support the petition, the Government must order the holding of a referendum within 15 days of receiving the petition, or if the petition is granted, within the time and in the manner specified in the bill.

Lastly, the bill provides that, within ten years after the holding of a referendum, no other referendum may be held on the same subject or on a subject which, in the opinion of the Conseil du référendum, is substantially similar.

Bill 192

POPULAR INITIATIVE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Referendum Act (R.S.Q., chapter C-64.1) is amended

(1) by replacing “section 12” at the end of the first paragraph by “the second paragraph of section 6.1 and section 6.2”;

(2) by replacing “the National Assembly adopts the question contemplated in section 8 or the bill contemplated in section 10” in the second and third lines of the third paragraph by “the issue of the writ instituting the holding of a referendum”.

2. Section 5 of the said Act is replaced by the following section :

“5. The Conseil du référendum must give its opinion on any question of law or technical question submitted to it by the Government or the chief electoral officer respecting the holding of a referendum.

Every request for an opinion, as well as the opinion given by the Conseil du référendum, shall be made public by the latter.”

3. The said Act is amended by replacing the heading of Chapter III by the following :

“REFERENDUM

“**DIVISION I**

“GENERAL PROVISIONS

“6.1. Electors may be consulted by referendum on any question of public interest following a petition supported by at least 250,000 electors or on the initiative of the Government.

However, a petition pertaining to a change concerning the constitutional status of Québec within Canada must be supported by at least 500,000 electors.

“6.2. There shall be no other referendum within ten years after the holding of a referendum, on the same subject or on a subject which, in the

opinion of the Conseil du référendum, is substantially similar to the former subject.

“DIVISION II

“ELECTORS’ INITIATIVE

“6.3. Electors may file with the chief electoral officer a petition requesting that a referendum be held.

“6.4. The petition must state clearly and concisely the subject of the proposed referendum and be signed by at least 1,000 electors. To be valid, a signature must be affixed by the elector to a document containing the text of the subject of the proposed referendum.

The petition must include the names, addresses and telephone numbers of not fewer than three nor more than twenty electors designated by the petitioners to act as their representatives for the purposes of this Act.

The chief electoral officer must, if necessary, assist the representatives in formulating the question the electors intend to submit to the referendum.

“6.5. Upon receiving a petition signed by at least 1,000 electors, the chief electoral officer shall ascertain that the electors are qualified electors and submit the text stating the subject of the proposed referendum to the Conseil du référendum and to the Commission des droits de la personne et des droits de la jeunesse.

The Conseil shall verify that the petition is in conformity with the second paragraph of section 6.1 and the Commission shall verify that the petition is in conformity with the Charter of human rights and freedoms and shall make their findings public.

“6.6. If the conformity of the petition is confirmed by the Conseil or, where applicable, by the Commission, the chief electoral officer shall authorize the collecting of such additional signatures of electors as are required for the holding of a referendum to be ordered.

If, within 180 days after the authorization, the petition is supported by at least 250,000 or, as the case may be, 500,000 electors and, before the expiry of that period, is transmitted to the chief electoral officer, the chief electoral officer must, provided all the required conditions are fulfilled, declare the petition admissible and transmit it to the Government. However, a petition filed while a general election is in progress may be transmitted only after the day of the poll.

“6.7. Subject to section 15, the Government must submit to a referendum the text stating the subject of the proposed referendum.

However, the Government is not bound to order the holding of a referendum if

(1) within 30 days after the date of receipt of the petition, the Government makes its intention to adopt the writ public or adopts the writ required by the petition ;

(2) within the same time limit, the Government introduces the bill required by the petition and if the bill is adopted by the National Assembly within 90 days of its introduction.

“DIVISION III

“GOVERNMENT INITIATIVE”.

4. Section 12 of the said Act is repealed.

5. Section 14 of the said Act is replaced by the following sections :

“14. The Government is bound to order the holding of a referendum

(1) within 15 days after receiving a petition or after failure to comply with the requirements of section 6.7 within the allotted time ;

(2) within 15 days after the adoption of the question or of the bill by the National Assembly.

“14.1. The National Assembly shall, immediately after the issue of a writ instituting the holding of a referendum following the filing of a petition by electors, hold a special meeting to enable the members of the National Assembly to present their positions regarding the options submitted to the referendum.

Such presentation shall not give rise to debate.

The total time allotted for the presentation shall not exceed six hours.

The President of the National Assembly shall, after consulting with the House Leaders of the recognized parties, apportion the speaking time, taking into account the presence of independent Members.”

6. Section 15 of the said Act is amended by adding the following paragraph :

“However, where the order instituting the holding of a general election is issued within 15 days after the date of receipt of a petition of electors or, as the case may be, of a failure to comply with the requirements of section 6.7 within the allotted time, the referendum on the question that is the subject of the petition must be held on the same date as the date fixed for the general election.”

7. The said Act is amended by inserting the following sections after section 23 :

“23.1. Where a writ is issued by the Government following a popular initiative, the chief electoral officer must, within three days after the date of the writ, cause notices inviting electors to form national committees in favour of the options submitted to a referendum, and indicating the procedure to be followed, to be published in the manner determined by the chief electoral officer.

“23.2. Electors designated by a petition signed by at least 1,000 electors in favour of an option and transmitted to the chief electoral officer within 15 days after the date of publication of the notices provided for in section 23.1 shall form the provisional committee in favour of that option.

Where, at the end of the period provided for in the first paragraph, the chief electoral officer has not received any petition from electors designating the members of a provisional committee in favour of an option, the chief electoral officer may invite not less than three nor more than twenty electors to form the provisional committee in favour of that option. The electors must be chosen from among the persons publicly identified with the option.

The chief electoral officer must assist the electors designated by a petition in forming national committees.

“23.3. The chief electoral officer shall, as soon as possible, call a meeting of each provisional committee at the place, day and time the chief electoral officer indicates. At such meeting, the members of each provisional committee shall pass the by-laws to govern the national committee in favour of the option and appoint the chairman thereof.”

8. Section 37 of the said Act is amended

(1) by striking out subparagraph *b* of the first paragraph;

(2) by striking out the second paragraph.

9. Section 38 of the said Act is amended by striking out paragraph *a*.

10. Section 40 of the said Act is replaced by the following section :

“40. The Minister of Finance must, within three days after a writ instituting the holding of a referendum is issued, send to the official agent of each national committee an amount of subsidy equal to the product obtained by multiplying 0.10 cents by the number of electors in all the electoral divisions.

Where a national committee designates an official agent after the expiry of the three-day period provided for in the first paragraph, the Minister of Finance shall pay the subsidy provided for therein within three days after the date on which the Minister of Finance receives a notice of the appointment of the official agent from the chairman of the national committee.”

11. This Act comes into force on the date fixed in the Act providing for rules of concordance with the Election Act (R.S.Q., chapter E-3.3).