

NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Draft Bill

Election Act

Tabled by Mr. Jacques P. Dupuis Minister for the Reform of Democratic Institutions

Québec Official Publisher 2004

EXPLANATORY NOTES

This draft bill proposes to replace the current Election Act with a new one featuring more logically organized titles and chapters.

The purpose of the draft bill is to regulate the organization and holding of free and democratic elections in accordance with the right of every person to vote and to run as a candidate. The main objectives of the draft bill are to encourage all electors to vote, ensure effective representation for all electors, taking into account that all votes are of equal weight, ensure equal opportunity for all candidates and parties during an election, particularly through equitable financing and efficient control of election spending, and encourage fair representation of women and ethnocultural minorities in the National Assembly that mirrors their demographic representation in Québec society.

To that end, the draft bill proposes measures designed to facilitate the voting process, including

- extending the revision period for the list of electors, setting up mobile boards of revisors and allowing revision requests to be filed by mail, fax or electronic means;
- allowing voting in any of the offices set up by the returning officer in an electoral division over the entire electoral period;
- allowing persons domiciled in Québec to vote by correspondence in the same manner as electors outside Québec; voting by correspondence will thus be possible for hospitalized persons, inmates, workers and students, among others; and
- extending advance polling hours and allowing advance polling in private residences for the elderly.

The draft bill provides for a new mixed-member proportional electoral system. To that end, the draft bill introduces criteria for redrawing the electoral map to divide it into 77 electoral divisions and 24 to 27 districts. It maintains an electoral division for the territory of Îles-de-la-Madeleine and creates a new one for the territory of Nunavik. The other electoral divisions will be established according to population instead of the number of electors registered on the permanent list of electors. Under the bill, the total population

in an electoral division may diverge by up to 15% from the quotient obtained by dividing the population of Québec by 75, which is the number of divisions whose boundaries are to be established. Furthermore, each division is to be represented by one seat and, as a general rule, districts are to be comprised of three contiguous divisions and represented by two compensatory seats, for a total of 127 Members. The bill also introduces a mechanism to determine the awarding of the compensatory district seats based on the results obtained in each of the districts by the division seat candidates of the parties.

In order to encourage fair representation of women and ethnocultural minorities in the National Assembly that mirrors their demographic representation in Québec society, the draft bill includes financial incentives such as an increase in a party's annual allowance as well as in the reimbursement of its election expenses.

The draft bill also makes significant changes to the provisions applicable to private intervenors.

Draft Bill

ELECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

PURPOSE OF THE ACT

1. The purpose of this Act is to regulate the organization and conduct of free and democratic elections for the selection of representatives in the National Assembly in accordance with the right of every person to vote and to stand as a candidate.

Accordingly, the objectives of this Act include

- (1) encouraging all electors to exercise their right to vote;
- (2) ensuring effective representation for all electors, taking into account that all votes are of equal weight;
- (3) ensuring equal opportunity for all candidates and all political parties during an election, particularly through equitable financing and effective control of election spending;
- (4) encouraging fair representation of women and men in the National Assembly; and
- (5) encouraging fair representation of members of ethnocultural minorities in the National Assembly.

TITLE II

RIGHT TO VOTE AND RIGHT TO STAND AS CANDIDATE

CHAPTER I

RIGHT TO VOTE

DIVISION I

REQUIREMENTS

- **2.** Every person who is a qualified elector and meets the requirements of this Act has the right to vote in a general election or a by-election.
- **3.** Every person who
 - (1) is 18 years of age,
 - (2) is a Canadian citizen,
 - (3) has been domiciled in Québec for six months, and
 - (4) is not under curatorship,

is a qualified elector.

- **4.** To exercise the right to vote, a person must
 - (1) be a qualified elector on polling day;
- (2) be registered on the list of electors of the polling subdivision of the person's domicile on the thirteenth day before polling day;
- (3) not have been convicted or held guilty of corrupt electoral or referendum practices during the last five years.

An elector who has the right to vote cannot be required to appear as a witness before a judge or a tribunal on polling day.

- **5.** An elector votes for a candidate running for the division seat in the electoral division in which the elector is domiciled.
- **6.** An elector who has left Québec temporarily after being domiciled in Québec for 12 months and meets the conditions set out in this Act may vote outside Québec for two years after the date of departure.

However, the two-year limit does not apply to

- (1) an elector posted outside Québec to a position with the government of Québec or Canada;
- (2) an elector posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution; or
- (3) an elector who is the spouse or a dependent of an elector referred to in subparagraph 1 or 2.
- **7.** An elector having the right to vote outside Québec is considered domiciled at the address of his or her last domicile in Québec.

An inmate is considered to be domiciled at the address of his or her domicile on the date of imprisonment.

8. A candidate in an election who was a member of the National Assembly when the order instituting the election was issued and who is running in an electoral division other than that in which the candidate is domiciled may choose to be considered as domiciled in the polling subdivision in which the candidate's main office for the purposes of the election is located. The candidate must file a request to that effect on revision of the list of electors during an election period.

DIVISION II

PERMANENT LIST OF ELECTORS

- §1. Description, registration, updating and confidentiality
- A. Description
- **9.** The permanent list of electors consists of the information in the register of electors and the register of territories.
- **10.** The information in the register of electors includes the name, domiciliary address, sex and date of birth of each elector and, if applicable, entries relating to the right to vote outside Québec and the information referred to in section 17.

The information also specifies, for the purposes of the Act respecting school elections (R.S.Q., chapter E-2.3), whether the elector may vote at a French language or an English language school board and whether the elector is referred to in the first or in the second paragraph of section 11.1 of that Act.

11. Despite section 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person may request the correction of personal information in the permanent list of electors or the list to be used for an election otherwise than as provided for in this Act.

- **12.** The information in the register of territories includes,
- (1) for the purposes of this Act and the Referendum Act (R.S.Q., chapter C-64.1), a description of the electoral districts, electoral divisions, electoral precincts and polling subdivisions;
- (2) for the purposes of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), a description of the boroughs, electoral districts or wards or, in the case of municipalities whose territory is not divided for electoral purposes and to which Title I of that Act applies, a description of their entire territory; and
- (3) for the purposes of the Act respecting school elections (R.S.Q., chapter E-2.3), a description of the electoral divisions and sectors.
- B. Registration and updating
- **13.** Every person who is a qualified elector may be registered on the permanent list of electors.
- **14.** The information relating to electors is updated on the basis of the information sent to the Chief Electoral Officer by electors and on the basis of the information provided by the Régie de l'assurance maladie du Québec, the school boards, the Public Curator and the Department of Citizenship and Immigration of Canada in the manner determined in an agreement with the Chief Electoral Officer, in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

The information is also updated on the basis of the corrections sent by returning officers or by the person responsible for a municipal or school poll after the revision of a list of electors or referendum list, the corrections made following a verification of the permanent list of electors under section 42 or the corrections made by the permanent board of revisors established under section 636.

- **15.** The elector communicates to the Chief Electoral Officer any change in the information relating to the elector on the permanent list of electors.
- **16.** An elector may request registration on or removal from the permanent list of electors or the correction of information relating to the elector.

Two documents of the type determined by the Chief Electoral Officer must be attached to the request in support of the information communicated.

17. An elector may request that his or her registration on the permanent list of electors be considered for the purposes of a provincial, municipal or school poll only.

- **18.** Before registering an elector on the permanent list of electors at the elector's request, the Chief Electoral Officer makes sure that the elector is not already registered.
- **19.** The Chief Electoral Officer obtains from the Régie de l'assurance maladie du Québec any change in the name, address, date of birth or sex of a person registered on the permanent list of electors, and the date of the person's death, if applicable. The Chief Electoral Officer also obtains from the Régie the name, address, date of birth and sex of all persons of full age who inform the Régie that they have acquired Canadian citizenship or state, on registering for the first time with the Régie, that they are Canadian citizens. The Chief Electoral Officer obtains the same information from the Régie for all persons about to reach 18 years of age, at least six months before their birthday.

If the Régie de l'assurance maladie du Québec is unable to find, in its own file of beneficiaries, a record for an elector registered on the permanent list of electors, the Chief Electoral Officer may communicate with the elector to verify the accuracy of the information relating to the elector and may request that the elector correct or complete the information if necessary.

- **20.** The Chief Electoral Officer obtains from the school boards, in accordance with section 11.2 of the Act respecting school elections (R.S.Q., chapter E-2.3), the name, date of birth, sex and domiciliary address of all persons referred to in section 11.1 of that Act.
- **21.** The Chief Electoral Officer obtains from the Public Curator the name, address, date of birth and sex of all persons under curatorship.
- **22.** The Chief Electoral Officer obtains from the Department of Citizenship and Immigration of Canada the name, address, date of birth and sex of all persons of full age domiciled in Québec who acquire Canadian citizenship.
- **23.** After receiving information from the Régie de l'assurance maladie du Québec concerning a person of full age having acquired Canadian citizenship, having registered with the Régie for the first time as a Canadian citizen or having been identified by the Department of Citizenship and Immigration of Canada as a new Canadian citizen, the Chief Electoral Officer notifies the person in writing that he or she will be registered on the permanent list of electors unless the person informs the Chief Electoral Officer that he or she is not entitled or does not wish to be registered.

However, the person is not registered if the notice is returned to the Chief Electoral Officer because it could not be delivered to the addressee.

24. After receiving information from the Régie de l'assurance maladie du Québec concerning a person who has reached or is about to reach 18 years of age, the Chief Electoral Officer notifies the person in writing that he or she

will be registered on the permanent list of electors, unless the person informs the Chief Electoral Officer that he or she is not entitled or does not wish to be registered.

However, the person is not registered if the notice is returned to the Chief Electoral Officer because it could not be delivered to the addressee.

- **25.** Before incorporating into the permanent list of electors any correction made in a revision of a municipal or school list of electors or referendum list, the Chief Electoral Officer may contact the elector concerned for confirmation of the correction.
- **26.** The Chief Electoral Officer removes from the permanent list of electors any person for whom the Chief Electoral Officer receives confirmation that the person is dead or under curatorship and any person deprived of election rights under this Act or the Referendum Act (R.S.Q., chapter C-64.1).
- **27.** The Chief Electoral Officer keeps the information relating to an elector after receiving confirmation from a board of revisors that the elector has been removed from the list of electors on the grounds that the elector is not domiciled at the address registered.

The information is kept for up to five years or until the Chief Electoral Officer obtains confirmation of the elector's new domiciliary address, in which case the elector is registered once again on the permanent list of electors opposite the new address.

28. The information relating to territories is updated on the basis of the corrections made to the descriptions of electoral districts, electoral divisions, electoral precincts and polling subdivisions.

The information is also updated on the basis of the corrections made to the descriptions of the electoral territories of municipalities and school boards and sent to the Chief Electoral Officer by the municipalities and school boards on the conditions determined by the Chief Electoral Officer.

C. — Confidentiality

- **29.** Information relating to electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).
- **30.** Documents provided in support of information communicated to the Chief Electoral Officer are kept only as long as needed to process them and then destroyed. Original documents, however, are returned to the elector.
- **31.** No person may use, communicate or allow the communication of any information relating to an elector for purposes other than those provided for in this Act or the Referendum Act (R.S.Q., chapter C-64.1); no person may

communicate or allow the communication of such information to any person not legally entitled to the information.

32. Except with the consent of the person concerned, the Chief Electoral Officer may not communicate, or enter into an agreement for the purpose of communicating, nominative information contained in the permanent list of electors for purposes other than those provided for in this Act, the Referendum Act (R.S.Q., chapter C-64.1), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the Act respecting school elections (R.S.Q., chapter E-2.3) or the Jurors Act (R.S.Q., chapter J-2) or for purposes other than those provided for in the second paragraph.

The Chief Electoral Officer may enter into an agreement with the Chief Electoral Officer of Canada for the provision of information contained in the permanent list of electors for the sole purpose of drawing up a list to be used in a federal poll. The agreement must provide for security measures to ensure the confidentiality of the information.

The costs relating to the communication of the information, determined under section 673, are charged to the Chief Electoral Officer of Canada.

- **33.** Despite section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), only the Chief Electoral Officer may grant the authorization provided for in that section.
- §2. Ongoing revision and ad hoc revision
- **34.** The permanent list of electors is revised on an ongoing basis by the permanent board of revisors of the list of electors. It may also undergo ad hoc revision or full or partial verification.
- **35.** The permanent board decides the cases submitted to it by the Chief Electoral Officer in connection with the updating of the permanent list of electors. The procedure set out in sections 245 and 248 to 252 applies for that purpose, with the necessary modifications.
- **36.** Before removing or refusing to register a person, the permanent board must inform the person of the grounds for the decision it intends to make and give the person an opportunity to submit observations.

If the person is not present, the permanent board must send the person a written notice stating the grounds for the decision it intends to make. The notice must be notified in the manner determined by the Chief Electoral Officer at the address registered on the list of electors or at any other place where the permanent board or the revising officers have reason to believe the person may be reached. A period of 20 days must be allowed to the person to submit observations.

- **37.** Despite section 36, the permanent board is not required to send a written notice if the revising officers met the person and the person confirmed that he or she is not a qualified elector, if the board has been informed by a person residing at the address registered for the person on the permanent list of electors that the person is no longer domiciled at that address, or if the permanent board is satisfied, on the basis of the evidence presented to it, that the person is under curatorship or is dead.
- **38.** If a person having received a notice requests to appear before the permanent board, the permanent board convenes the person at least 10 days in advance by means of a notice notified in the manner determined by the Chief Electoral Officer.

When convening a person, the permanent board considers the distance involved and tries to keep travel to a minimum.

39. Whenever the permanent board makes a decision in the absence of the elector concerned, it immediately notifies the elector of its decision in writing.

The notice must state the grounds for the decision and describe the procedure for applying for a revision of the decision by the board. The notice must also state that the elector has 20 days to file a request for revision. The notice is notified in the manner determined by the Chief Electoral Officer.

40. An authorized party represented in the National Assembly other than those referred to in section 637 may delegate a representative recognized by the Chief Electoral Officer to the sittings of the permanent board.

The representative may take part in the deliberations of the permanent board but is not entitled to vote. The tariff determined under section 641 applies to the representative.

- **41.** The permanent board notifies the Chief Electoral Officer of its final decision immediately, and the Chief Electoral Officer immediately corrects the permanent list of electors accordingly.
- **42.** An ad hoc revision or any other measure allowing full or partial verification of the permanent list of electors may be decided by the Chief Electoral Officer after consultation with the advisory committee.

The provisions relating to the production, sending and revision of the list of electors that are applicable during an election period apply, with the necessary modifications, for the purposes of an ad hoc revision of all or part of the permanent list of electors.

Sections 255 to 263, however, do not apply to such a revision.

The issue of an order instituting an election or referendum puts an end to any verification in progress in the electoral division concerned.

- §3. Registration of electors outside Québec
- **43.** An elector who wishes to vote outside Québec must file a signed request stating his or her
 - (1) name, sex and date of birth;
- (2) domiciliary address in Québec or last domiciliary address in Québec, as the case may be;
 - (3) date of departure from Québec;
 - (4) projected date of return to Québec; and
 - (5) postal address outside Québec.

A statement by the elector that he or she intends to return to Québec and two documents of the type determined by the Chief Electoral Officer must be attached to the request in support of the information communicated.

In the case of an elector referred to in the second paragraph of section 6, proof of the posting outside Québec must be attached to the request.

- **44.** The Chief Electoral Officer incorporates into the permanent list of electors the information that will allow all electors who have the right to vote outside Québec to do so.
- **45.** An elector who returns to Québec must notify the Chief Electoral Officer.
- **46.** The Chief Electoral Officer removes from the permanent list of electors the information allowing an elector to vote outside Québec if the elector notifies the Chief Electoral Officer he or she has returned to Québec or if the elector has been outside Québec for more than two years, unless, in the latter case, the elector is an elector referred to in the second paragraph of section 6.
- §4. Sending of the list
- **47.** Between 1 October and 1 November each year or, if new boundaries have been established for electoral divisions or districts, within 30 days after the time limit set in section 186 has expired, the Chief Electoral Officer sends the list of electors registered on the permanent list of electors to be used in a provincial poll to the authorized parties represented in the National Assembly, to any other authorized party that so requests and to the Members of the National Assembly.

The Chief Electoral Officer also sends them, between 1 October and 1 November each year, the list of electors registered on the permanent list of electors on the basis of the new boundaries of electoral divisions, if any.

A Member representing an electoral division receives the list for that electoral division and a Member representing an electoral district, the list for that electoral district.

However, no list is sent between 1 October and 1 November if a list was sent after 1 September following the establishment of new boundaries for electoral divisions or districts, if the dates mentioned in the first paragraph fall within an election or referendum period or if a general election or a referendum was held within the three months preceding 1 October.

- **48.** At the time referred to in section 47, a Member of the National Assembly may request from the Chief Electoral Officer the list of electors registered on the permanent list of electors on the basis of the new boundaries established for electoral divisions or districts for a single electoral division or district resulting from the establishment of new boundaries among the divisions or districts that include all or part of the territory represented by the Member.
- **49.** The list is sent in electronic form; persons entitled to receive the list may obtain a paper copy on request.

The list must include the name, address, date of birth and sex of each elector. In the case of electors who have the right to vote outside Québec, the list must also include their address outside Québec.

50. The list sent must contain a cautionary note concerning its confidentiality and state the penalties applicable to any person who communicates or uses the information contained in the list of electors for purposes other than those provided for in this Act.

The Member of the National Assembly or the person designated by a political party to receive the list must undertake in writing to take appropriate measures to protect the confidentiality of the list and to restrict its use to the purposes provided for in this Act.

CHAPTER II

RIGHT TO STAND AS CANDIDATE

51. Any qualified elector has the right to stand as a candidate for a division seat in a general election or a by-election and may be elected as a Member of the National Assembly.

Any person who stands as candidate in an election may run as an independent candidate or as a candidate for an authorized party.

- **52.** Any qualified elector may be registered on the list of an authorized party as a candidate for a district seat in a general election and may be elected as a Member of the National Assembly.
- **53.** The following persons are not qualified to be elected:

- (1) judges of a court of justice;
- (2) the Chief Electoral Officer, commissioners of the Commission de la représentation électorale and returning officers;
 - (3) official agents of a candidate or a political party;
 - (4) Members of the Parliament of Canada;
- (5) persons convicted or held guilty of an indictable offence punishable by two years of imprisonment or more, for the term of their sentence; and
- (6) persons convicted or held guilty of corrupt electoral or referendum practices during the last five years.

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

- (1) a candidate in a previous election whose official agent has not produced a return of election expenses or the statement required under section 536 or 537:
 - (2) an independent candidate referred to in section 163; and
 - (3) a person referred to in section 165 or 545.

TITLE III

AUTHORIZATIONS

CHAPTER I

ISSUE OF AUTHORIZATIONS

DIVISION I

GENERAL PROVISIONS

- **54.** A political party, party authority, independent Member or independent candidate wishing to solicit or collect contributions, incur expenses or contract loans must hold an authorization issued by the Chief Electoral Officer.
- **55.** A private intervenor within the meaning of section 81 wishing to incur advertising expenses in order to express opinions during an election period must hold an authorization issued by the returning officer.
- **56.** A political party, party authority, independent Member or independent candidate applying for an authorization must have an official representative

designated in writing by the leader of the party, by the person designated in writing by the leader or by the independent Member or the independent candidate.

- **57.** A political party, party authority, independent Member or independent candidate holding an authorization under this chapter is an authorized entity.
- **58.** Only one official representative is appointed for each authorized entity.

The official representative of an authorized party may, however, with the written approval of the leader of the party, appoint one delegate for each electoral division and for each electoral district.

59. As soon as the list of electoral divisions and districts is published in the *Gazette officielle du Québec*, the Chief Electoral Officer may grant authorizations on the basis of the new electoral divisions.

As of that publication, the official representative of a party may appoint a delegate for each of the new electoral divisions in accordance with the second paragraph of section 58.

- **60.** A person cannot be an official representative or a delegate if that person
 - (1) is not a qualified elector;
 - (2) is referred to in section 702;
 - (3) is a candidate or the leader of a party; or
 - (4) is an election officer.
- **61.** An official representative or a delegate may resign by sending a written notice to that effect to the Chief Electoral Officer and to the person referred to in section 57.

Within 30 days after resigning, the official representative must file with the party, party authority, independent Member or independent candidate a financial report, with vouchers, for the period during which the official representative was in office.

When an authorized entity no longer has an official representative, another official representative must be appointed without delay and the Chief Electoral Officer must be so informed in writing.

The Chief Electoral Officer must publish a notice of the resignation and replacement of an official representative or a delegate in the *Gazette officielle du Québec* and posts it on the Chief Electoral Officer's website.

DIVISION II

INDEPENDENT CANDIDATES AND MEMBERS OF THE NATIONAL ASSEMBLY WHO BECOME INDEPENDENTS

- **62.** The Chief Electoral Officer or any person designated by the Chief Electoral Officer grants an authorization to an independent candidate who applies in writing and provides the following information:
 - (1) the candidate's name, domiciliary address and telephone number;
 - (2) the name of the electoral division in which the candidate is running;
- (3) the address to which communications intended for the candidate must be sent:
- (4) the address where the books and accounts pertaining to the contributions received and expenses incurred by the candidate are to be kept; and
- (5) the name, address and telephone number of the candidate's official representative.

When the application for an authorization is filed at the same time as the nomination paper, the candidate's official representative is the official agent designated by the candidate in the nomination paper.

63. An elector who undertakes to run as an independent candidate in the next general election may file an application for an authorization with the Chief Electoral Officer as of the expiry of three years after the Secretary General of the National Assembly receives the list of candidates proclaimed elected referred to in section 456.

An elector who undertakes to run as an independent candidate in a byelection may file an application for an authorization with the Chief Electoral Officer from the date on which the seat becomes vacant.

The application for an authorization must contain the information required under section 62 as well as the signatures and addresses of at least 100 electors of the electoral division declaring they endorse the application.

The candidate's official representative becomes the candidate's official agent on the filing of the nomination paper.

64. The authorization granted to an independent candidate entitles the candidate's official representative to solicit and collect contributions until polling day.

After polling day, the authorization granted to an independent candidate who was not elected entitles the official representative to solicit and collect contributions for the sole purpose of paying the debts arising from the

candidate's election expenses and to dispose of the funds and other assets in the candidate's election fund in accordance with the second paragraph of section 544.

65. The authorization of an independent candidate who was not elected expires not later than 31 December of the year after the election year.

The authorization of an independent candidate who was elected expires as soon as the person ceases to sit as an independent Member in the National Assembly, unless the candidate runs again as an independent candidate.

66. If an authorized independent candidate withdraws before polling day, the authorization granted to the candidate entitles the candidate's official representative to solicit and collect contributions for the sole purpose of paying the debts arising from election expenses incurred by the candidate before the withdrawal and to dispose of the funds and other assets remaining in the candidate's election fund on the day of the withdrawal in accordance with the second paragraph of section 544.

Section 163 applies to the candidate.

67. A Member of the National Assembly who becomes an independent without having been elected as such must file a written application for an authorization with the Chief Electoral Officer within 30 days after becoming an independent. The application must contain the information required under section 62, with the necessary modifications.

DIVISION III

POLITICAL PARTIES

68. Before filing an application for an authorization, a political party may reserve a name for a period of up to six months by sending a written application to that effect to the Chief Electoral Officer.

The second and third paragraphs of section 72 apply to the application, with the necessary modifications.

A party having reserved a name may change the name in its application for an authorization.

- **69.** A political party applying for an authorization must provide the following information to the Chief Electoral Officer:
 - (1) the name of the party;
- (2) the address to which communications intended for the party must be sent;

- (3) the addresses where the books and accounts pertaining to the contributions received and expenses incurred by the party are to be kept;
- (4) the names, addresses and telephone numbers of the party's official representative and of the official representative's delegates, if any;
- (5) the names, addresses and telephone numbers of the leader and of two officers of the party; and
 - (6) the addresses of not more than two permanent offices of the party.
- **70.** The application must be submitted with the names, addresses, membership card numbers and expiry dates and signatures of at least 100 qualified electors who are party members in favour of the application for an authorization.

The application must also be submitted with the sum of \$500, refundable on the filing of the party's first financial report under section 151 or the party's closing financial report under section 98.

71. A political party applying for an authorization must also declare, by means of a sworn statement made by its leader, that the funds at its disposal were collected in accordance with sections 125, 126, 128, 129, 133, 136, 137 and 143, with the necessary modifications.

The party must remit to the Chief Electoral Officer, with its application for an authorization, any funds collected contrary to the sections referred to in the first paragraph.

The Chief Electoral Officer pays those funds over to the Minister of Finance.

72. The Chief Electoral Officer grants the authorization if the conditions set out in sections 69, 70 and 71 are met.

The Chief Electoral Officer must refuse to authorize a political party, however, if the name of the party includes the word "Independent".

The Chief Electoral Officer must also refuse to authorize a political party if the name of the party is substantially the same as that of an authorized party or a formerly authorized party, and is likely to mislead electors as to which party they are supporting.

73. If an authorized party wishes to change its name, the leader must apply in writing to the Chief Electoral Officer.

The application must be submitted with a copy of a resolution made in conformity with the by-laws of the party and certified by two or more officers of the party.

The second and third paragraphs of section 72 apply to the application.

If an application for a name change is received by the Chief Electoral Officer after an order instituting an election is issued, the change cannot take effect until the date the notice referred to in section 456 is published.

74. If the office of leader of an authorized party becomes vacant, the party designates an interim leader for the purposes of this Act within 30 days and notifies the Chief Electoral Officer.

The notice must be signed by an officer of the party and sent with a copy of a resolution made in conformity with the by-laws of the party and certified by two or more officers of the party.

DIVISION IV

MERGER OF AUTHORIZED PARTIES

- **75.** If authorized parties wish to merge, their leaders must notify the Chief Electoral Officer, stating the name of the party to result from the merger. The second and third paragraphs of section 72 apply.
- **76.** The merger notice is given jointly and in writing.

In addition to the name of the party to result from the merger, the notice must

- (1) contain the information required under section 69 regarding the party to result from the merger;
 - (2) state what is to become of the party authorities of the merging parties;
- (3) contain the information required under section 80 regarding each of the party authorities of the party to result from the merger; and
 - (4) state the date of merger.

The merger notice must be sent with a copy of a resolution of each merging authorized party made in conformity with the by-laws of the party and certified by two or more officers of the party.

77. As of the merger, the merged parties and their party authorities cease to exist and are replaced by the party and the party authorities resulting from the merger.

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

Within 60 days after the merger, each of the merged parties and party authorities must file with the Chief Electoral Officer a financial report for the period running from the end of the last fiscal year to the date of the merger.

78. The Chief Electoral Officer publishes a notice of the merger in the *Gazette officielle du Québec* and posts it on the Chief Electoral Officer's website.

The notice must state the names of the official representative of the party resulting from the merger, of the official representative's delegates, if any, and of the official representative of each of the party authorities.

79. Not later than 1 April of the year following the year of the merger, the official representatives of the party and of the party authorities resulting from the merger must file the financial reports required under sections 151 and 155 for the part of the fiscal year since the merger.

The financial report of the party must be filed with an opening balance sheet as at the date of the merger. The financial report of each party authority must state the cash balance as at the date of the merger.

DIVISION V

PARTY AUTHORITIES

- **80.** The Chief Electoral Officer grants an authorization to a party authority on a written application by the leader of the authorized party or the person designated in writing by the leader, and on production of the following information:
 - (1) the name of the party authority;
- (2) the address to which communications intended for the party authority must be sent;
- (3) the addresses where the books and accounts pertaining to the contributions received and expenses incurred by the party authority are to be kept; and
- (4) the name, address and telephone number of the official representative of the party authority.

A party authority is the organization of a political party at the division, district or regional level or throughout Québec.

DIVISION VI

PRIVATE INTERVENORS

- **81.** Only an elector or a group not endowed with legal personality and composed of natural persons the majority of whom have the right to vote may apply for an authorization as a private intervenor.
- **82.** An authorized party not presenting any candidates in a general election or a by-election that wishes to stand as a private intervenor must notify the Chief Electoral Officer. It is deemed to hold an authorization from the Chief Electoral Officer as a private intervenor as of the date on which the Chief Electoral Officer receives the notice and issues an authorization number.

Sections 87 to 89, section 112, sections 530 to 535 and the second paragraph of section 691 apply to the party, with the necessary modifications. For the purposes of those provisions, the leader of the party is deemed to be the representative of the private intervenor referred to in the last paragraph of section 84.

An authorized party that has taken advantage of the provisions of sections 515 and 516 during an election period may not obtain the status of private intervenor for that election period.

- **83.** An elector applying for an authorization must
- (1) state his or her name, date of birth, domiciliary address and telephone number:
 - (2) declare that he or she is a qualified elector;
- (3) declare that he or she is not acting directly or indirectly on behalf of a candidate or a party; and
- (4) declare that, to his or her knowledge, he or she does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or filed an application for an authorization that is still pending.

The application for authorization must be supported by the elector's oath and include an undertaking to comply with all applicable legal provisions.

- **84.** A group applying for an authorization must
 - (1) state its name, address, telephone number, date of formation and purpose;
 - (2) state the name, domiciliary address and telephone number of its leaders;
- (3) state the actual or approximate number of members of the group and declare that the majority are qualified electors;

- (4) state the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group is not acting directly or indirectly on behalf of a candidate or a party;
- (6) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor or filed an application for an authorization that is still pending.

The application for an authorization must be filed by the elector designated in the application as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

85. The application for an authorization must be filed at the office of the returning officer for the division in which the elector filing the application is domiciled.

It must be filed during the period running from the twenty-seventh to the fourth day before polling day.

- **86.** If the application meets the requirements of this division, the returning officer issues the authorization and an authorization number without delay.
- **87.** Despite the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), during the election period, the returning officer allows electors to consult, in the returning officer's main office, any application for which an authorization has been granted.

However, despite the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.

88. Not later than the third day before polling day, the returning officer sends the authorized parties represented in the National Assembly, any other authorized party that so requests and each candidate a list of the authorizations that have been granted.

The list must contain, for each authorization, the name of the private intervenor or the name of the private intervenor's representative, if any, and the number and date of the authorization.

89. An elector or a group may obtain only one authorization during an election period. The authorization is valid only for that period.

The representative of a group may act only for that group.

90. The representative of a private intervenor who resigns must notify the leader of the group and the returning officer in writing.

Within five days after resigning, the representative must submit a report on the expenses incurred, with vouchers, to the leader of the group.

- **91.** If the representative of a private intervenor dies, resigns, is dismissed or is unable to act, the leader of the group appoints another representative and notifies the returning officer in writing immediately.
- **92.** A private intervenor or the representative of a private intervenor who is a member of a political party or becomes a member of a political party during the election period must inform the returning officer, and the returning officer must send this information with the list referred to in section 88.

DIVISION VII

VERIFICATIONS, REFUSALS, REGISTERS AND BY-LAWS

93. The Chief Electoral Officer may take any necessary measures to verify the accuracy of the information provided in support of an application for an authorization.

Before refusing an application, the Chief Electoral Officer must give the party, party authority, independent Member or independent candidate the reasons for the refusal and an opportunity to submit observations or make any necessary corrections.

A decision refusing an application must be in writing and give reasons.

94. The returning officer has all the powers and obligations mentioned in section 93 when disposing of an application for an authorization filed by an elector or a group wishing to stand as a private intervenor.

An elector or a group whose application was refused may appeal the decision of the returning officer as set out in section 113, with the necessary modifications.

95. On granting an authorization to an entity, the Chief Electoral Officer publishes a notice in the *Gazette officielle du Québec* and posts it on the Chief Electoral Officer's website.

The authorization notice must state the names of the entity's official representative and the names of the official representative's delegates, if any.

96. The Chief Electoral Officer keeps registers of authorized entities. The registers must contain the information required under sections 62, 67, 69 and 80.

An authorized entity must send the Chief Electoral Officer, without delay and in writing, the information required to update the registers.

The information is provided by the leader of the party or the person designated by the leader in writing under section 57 or by the independent candidate or the independent Member.

97. Within six months after being authorized, a party must send the Chief Electoral Officer a copy of its by-laws duly adopted by the members at a general meeting.

An authorized party must also send the Chief Electoral Officer a copy of any amendments to its by-laws for updating purposes.

CHAPTER II

WITHDRAWAL OF AUTHORIZATION

DIVISION I

AUTHORIZED ENTITIES

98. The Chief Electoral Officer may withdraw the authorization of a party or a party authority on a written application by the leader of the party. The Chief Electoral Officer may likewise withdraw the authorization of an independent candidate or independent Member on a written application by the candidate or Member, unless the debts arising from the candidate's or Member's election expenses have not been fully paid.

The entity concerned must send the Chief Electoral Officer the following information within 60 days after filing the application for withdrawal of the authorization:

- (1) if not already enclosed with the application for withdrawal, a closing financial report for the period running from the date of authorization or the expiry of the period covered by the preceding financial report to the date of the withdrawal of authorization; the closing financial report must include the same information as the annual financial report required under section 151 and must be produced by the last official representative or, failing that, by the leader of the party, the independent candidate or the independent Member;
- (2) if not already filed with the Chief Electoral Officer or enclosed with the application for withdrawal, the preceding financial report along with the auditor's report pertaining to it; and
- (3) the names and full addresses of all creditors with the amounts due to each.

In the case of a party or party authority, the application must also be submitted with a copy of a resolution made in conformity with the by-laws of the party and certified by two or more officers of the party.

- **99.** The Chief Electoral Officer may withdraw the authorization of an authorized entity that fails to provide the information required to update the registers referred to in section 96 or that fails to comply with Division I of Chapter II of Title IV regarding expenses and loans, Division II of Chapter II of Title IV regarding the auditor or Division III of Chapter II of Title IV regarding financial reports.
- **100.** The Chief Electoral Officer must withdraw the authorization of any person who has undertaken to run as an independent candidate but did not file a nomination paper within the prescribed time.

The Chief Electoral Officer must also withdraw the authorization of an independent candidate or an independent Member who joins a political party or dies.

101. Before withdrawing the authorization of an entity under section 99, the Chief Electoral Officer must inform the party, party authority, independent Member or candidate of the reasons for the withdrawal and give the party, party authority, independent Member or candidate an opportunity to submit observations or make any necessary corrections.

A decision withdrawing an authorization must be in writing and give reasons.

102. On withdrawing the authorization of an authorized entity, the Chief Electoral Officer publishes a notice in the *Gazette officielle du Québec* and posts it on the Chief Electoral Officer's website.

The withdrawal notice must state the names of the official representative and of the official representative's delegates, if any.

103. Withdrawal of the authorization of a party entails withdrawal of the authorization of all party authorities.

If the authorization of a party is withdrawn during an election period, the Chief Electoral Officer may prescribe adjustments for the transition from the status of party candidate to that of authorized independent candidate.

104. If an independent candidate's authorization has been withdrawn following an application under section 98, the funds and other assets remaining in the candidate's possession must be remitted without delay by the official representative to the Chief Electoral Officer, for payment over to the Minister of Finance.

If an independent candidate's authorization has been withdrawn under section 99 or 100, sections 107, 108, 110 and 111 apply, with the necessary modifications.

105. If an independent Member's authorization has been withdrawn because the Member has joined an authorized party, decided not to run again on the expiry of his or her term of office or died, sections 107, 108 and 111 apply, with the necessary modifications.

Any surplus, after the payment of debts, must be paid over to the authorized party the independent Member has joined or, in other cases, to the Minister of Finance.

106. If a party authority's authorization has been withdrawn but not the party's, the funds and other assets remaining in its possession must be remitted by the person holding them to the official representative of the party.

The party authority must also file the financial reports required under section 98 with the Chief Electoral Officer within 60 days after withdrawal of the authorization, unless they have already been filed.

The party succeeds to the rights and obligations of the party authority whose authorization has been withdrawn.

107. If a party's authorization has been withdrawn, the funds and other assets of the party and party authorities must be remitted without delay by the persons holding them to the Chief Electoral Officer.

The Chief Electoral Officer may require the party and party authorities to hand over any book, account or document relating to their financial affairs.

108. The Chief Electoral Officer liquidates the assets of the party and those of each party authority separately.

The Chief Electoral Officer pays the debts of the party and party authorities up to the amount of their respective assets.

- **109.** After complying with section 108, the Chief Electoral Officer uses any surplus of assets over liabilities of the party or party authorities to pay, on a pro rata basis, any creditors that have not been paid in full.
- **110.** After payment of the debts, the balance, if any, is paid over to the Minister of Finance.
- **111.** For the purpose of liquidating the assets of a party and party authorities whose authorization has been withdrawn, the Chief Electoral Officer may open accounts in a bank, trust company or financial services cooperative within the meaning of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) having a branch in Québec, and designate two or more persons from among the members of the Chief Electoral Officer's personnel for the purpose of signing cheques or other payment orders.

DIVISION II

PRIVATE INTERVENORS

- **112.** The Chief Electoral Officer may, on the Chief Electoral Officer's own initiative or on an application, withdraw the authorization of a private intervenor on finding that
- (1) the application for the authorization contained false or inaccurate information;
- (2) the private intervenor or the representative of the private intervenor no longer qualifies for the authorization; or
- (3) the private intervenor or the representative of the private intervenor has contravened a provision of this Act.

Before withdrawing the authorization, the Chief Electoral Officer must inform the private intervenor of the reasons for the withdrawal and give the private intervenor an opportunity to submit observations or make any necessary corrections.

A decision withdrawing an authorization must be in writing and give reasons.

113. A private intervenor whose authorization has been withdrawn may, on a motion, appeal the decision before a judge of the Court of Québec.

The motion must be served on the Chief Electoral Officer. The appeal is heard and decided by preference. It does not suspend the execution of the decision, unless the court decides otherwise. The decision of the judge is final.

TITLE IV

FINANCING AND EXPENSES OF AUTHORIZED ENTITIES

CHAPTER I

FINANCING

DIVISION I

ALLOWANCES

- **114.** The Chief Electoral Officer grants an allowance annually to each authorized party.
- **115.** The allowance is calculated by dividing among the authorized parties, proportionately to the percentage of votes obtained by their candidates in the

last general election, an amount equal to the product obtained by multiplying \$0.50 by the number of electors registered on the lists of electors used in that election.

- **116.** The purpose of the allowance is to reimburse parties for their administrative expenses and for expenses incurred to publicize their political programs, coordinate the political activities of their members and encourage fair representation of men and women and ethnocultural minorities among party candidates. The allowance is paid only if the expenses are actually incurred and paid.
- **117.** An authorized party's allowance is increased if women candidates accounted for 30% or more of the party's candidates in the last general election.
- **118.** The allowance payable under section 115 is increased by 5% if women candidates accounted for 30% to 34% of the party's candidates, by 10% if they accounted for 35% to 39% of the party's candidates, and by 15% if they accounted for 40% or more of the party's candidates.

For the purposes of the first paragraph, percentages that include a decimal are rounded up if the decimal is equal to or greater than 5; otherwise they are rounded down.

- **119.** An authorized party's allowance is increased if candidates from ethnocultural minorities accounted for 10% or more of the party's candidates in the last general election.
- **120.** The allowance payable under section 115 is increased by 5% if candidates from ethnocultural minorities accounted for 10% to 12% of the party's candidates, by 10% if they accounted for 13% to 15% of the party's candidates, and by 15% if they accounted for 16% or more of the party's candidates.

For the purposes of the first paragraph, percentages that include a decimal are rounded up if the decimal is equal to or greater than 5; otherwise they are rounded down.

- **121.** If a party qualifies for an allowance increase under both sections 118 and 120, it is entitled to the greater of the allowances, plus 5%.
- **122.** The allowance is paid by cheque to the order of the official representative of the party, on production of a demand for payment and of a statement of account on the form prescribed by the Chief Electoral Officer. The allowance may also be paid by means of a transfer of funds to an account held by the official representative.

If a party is entitled to an increase under section 117, the initial demand for payment must include a list of all men and women candidates who ran for the

party in the last election. If the party is entitled to an increase under section 119, the demand for payment must include a list of all candidates who stated in their nomination papers that they are from an ethnocultural minority.

The official representative must keep all invoices, receipts or other vouchers for a period of two years. On request by the Chief Electoral Officer, the official representative must file them with the Chief Electoral Officer.

- **123.** On receipt of a certificate signed by the Chief Electoral Officer stating the amount paid to an official representative, the Minister of Finance reimburses the amount to the Chief Electoral Officer.
- **124.** The documents referred to in section 122 may be consulted and copied at the information centre of the Chief Electoral Officer during regular office hours.

Not later than 1 April each year, the Chief Electoral Officer publishes a summary statement of all amounts paid to the official representative of a party under this division in the *Gazette officielle du Québec*.

DIVISION II

CONTRIBUTIONS

125. Only an elector may make a contribution.

Contributions may be made only to an authorized entity and only in accordance with this division.

126. Money donated and goods and services provided free of charge for political purposes to an authorized entity are contributions.

The following are not contributions:

- (1) volunteer work, the fruits of volunteer work and the use of a personal vehicle provided free of charge;
 - (2) anonymous donations collected at a political activity or rally;
- (3) amounts paid to a political party under an Act, and reimbursements and advances on reimbursements of election expenses paid under Division IV of Chapter III of Title VI;
- (4) a loan granted for political purposes by an elector or a bank, trust company or financial services cooperative at the current market interest rate, or a guarantee granted by an elector as surety;
- (5) an annual amount of up to \$50 paid to a political party as membership dues by a natural person;

- (6) a uniform entrance fee of up to \$60 per day determined by the official representative of an authorized entity and payable by all participants in a political activity or rally, up to one per person;
- (7) radio or television air time or space in a newspaper, periodical or other publication made available free of charge to authorized parties outside an election period by the radio, television or cable broadcaster or the owner of the publication, provided it is offered equitably in terms of quality and quantity to all parties represented in the National Assembly and to all parties having received at least 3% of the valid votes in the last general election; and
 - (8) transfers of funds between
 - (a) authorized party authorities of an authorized party;
 - (b) an authorized party and one of its authorized party authorities; or
- (c) an authorized party, one of its authorized party authorities and the official agent of an official candidate of the party.
- **127.** Sums of money, except those spent in accordance with paragraphs 5, 6, 7 and 8 of section 501, disbursed by a candidate or the candidate's official agent to pay an election expense are deemed to be contributions.
- **128.** A contribution must be made by the elector personally out of the elector's own assets.
- **129.** The total contribution made to a party, independent Member or independent candidate by the same elector during the same calendar year must not exceed \$3,000. In the case of a party, the contribution may be paid in whole or in part to one or more party authorities.

Goods and services provided to an authorized entity by a trader in the ordinary course of business are valued at the lowest price at which they are available to the public when they are so provided.

In other cases, goods and services are valued at the lowest market retail price in the region when they are available to the public in the ordinary course of business.

130. Contributions may be solicited only under the responsibility of the official representative of an authorized entity and by persons designated in writing by the official representative.

On request, a person authorized to solicit contributions must produce an authorization certificate signed by the official representative.

- **131.** Contributions may be paid only to the official representative of the authorized entity for which it is intended or to a person designated in writing by the official representative.
- **132.** A delegate of the official representative of an authorized party has, for the electoral division for which the delegate is appointed, the powers conferred on the party's official representative by sections 130, 131, 134 and 140.
- **133.** A monetary contribution of over \$200 must be made by cheque or other payment order signed by the elector and drawn on the elector's account in a bank, trust company or financial services cooperative having a branch in Québec, or in accordance with the directives of the Chief Electoral Officer, by means of a credit card or a transfer of funds to an account held by the official representative of the authorized entity for which it is intended.
- **134.** The official representative or the person designated under section 130 must issue a receipt to the contributor for every contribution.

The receipt must state the contributor's domiciliary address.

- **135.** Cheques or payment orders must be made to the order of the authorized entity.
- **136.** A contribution is deemed paid by the elector who makes it and received by the authorized entity for which it is intended as soon as it is cashed.
- **137.** Monetary contributions and funds collected in accordance with this division must be deposited with a bank, trust company or financial services cooperative having a branch in Québec chosen by the authorized entity.
- **138.** Any contribution or part of a contribution made contrary to this division must, as soon as the fact is known, be remitted to the Chief Electoral Officer and returned to the contributor.

Despite the first paragraph, the funds must be paid over to the Minister of Finance

- (1) if the contributor cannot be found; or
- (2) if the contributor has been found to have contravened section 125, 128, 129 or 133.
- **139.** Every year, on the date set after consultation with the advisory committee, the Chief Electoral Officer must publish a notice to electors that includes
 - (1) the names of all authorized parties;

- (2) the names of all authorized independent Members;
- (3) the name of each authorized party's and each independent Member's official representative; and
 - (4) the rules governing contributions.

CHAPTER II

EXPENSES

DIVISION I

CONDITIONS APPLICABLE TO EXPENSES AND LOANS

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

On request, a person authorized to incur expenses must produce a certificate of authorization signed by the official representative.

- **141.** The official representative of an authorized entity or the person designated by the official representative in writing must pay accounts and invoices within six months of their receipt, unless the official representative or designated person contests them.
- **142.** Only the official representative of an authorized entity may contract a loan.
- **143.** A loan must be evidenced in a writing stating the name and address of the lender, the date, amount and term of the loan, the interest rate and the conditions for repayment of the principal and payment of the interest.

Any deed of suretyship must be evidenced in writing and set out the name and address of the elector standing surety for the loan and the amount guaranteed.

144. The official representative of an authorized entity must pay the interest due on loans at least once a year.

If the official representative is unable to repay the sums due to a lender because the latter cannot be found, the official representative must comply with section 138, with the necessary modifications.

DIVISION II

AUDITOR

- **145.** The official representative of an authorized party, with the written approval of the leader of the party, must appoint an auditor among the persons legally entitled to practise public auditing in Québec.
- **146.** The following persons may not act as auditors:
 - (1) a Member of the National Assembly or the Parliament of Canada;
 - (2) an official agent or official representative;
 - (3) a candidate in a current election; and
- (4) the Chief Electoral Officer, a returning officer, an assistant returning officer or an assistant to an assistant returning officer.

Nor may a partner or personnel member of a person referred to in the first paragraph act as auditor.

- **147.** The official representative, with the written approval of the leader of the party, must replace the auditor as soon as the latter ceases to hold office.
- **148.** The auditor audits the financial report prepared under section 151 and files an auditor's report in accordance with the directive issued by the Chief Electoral Officer.
- **149.** The auditor must be given access to all books, accounts and documents pertaining to the financial affairs of the party.
- **150.** The Chief Electoral Officer reimburses one half of the cost incurred by authorized parties for the audit of a financial report prepared under section 151, up to \$15,000.

If the Chief Electoral Officer requires the audit of a balance sheet submitted with a joint application for a merger or the audit of a financial report filed after a merger under section 77, the Chief Electoral Officer reimburses one half of the audit costs, up to \$15,000.

If the Chief Electoral Officer requires the audit of a closing financial report, the Chief Electoral Officer appoints the auditor and pays all audit costs.

DIVISION III

FINANCIAL REPORTS

151. Not later than 30 April each year, the official representative of an authorized party must file with the Chief Electoral Officer a financial report

for the preceding fiscal year containing a balance sheet, a statement of income and expenses and a statement of changes in the financial position of the party, prepared in accordance with generally accepted accounting principles.

For the purposes of this Act, the fiscal year is the calendar year.

- **152.** The statement of income and expenses must include a general statement of revenues and total expenses and state
- (1) the sum total of anonymous donations collected at activities or rallies referred to in subparagraph 2 of the second paragraph of section 126, and the nature, place and date of the activities or rallies;
- (2) the sum total of amounts collected under subparagraph 5 of the second paragraph of section 126;
- (3) the sum total of amounts collected under subparagraph 6 of the second paragraph of section 126 as entrance fees to a political activity or rally, and the nature, place and date of the activity or rally;
 - (4) the sum total of contributions of \$200 or less; and
 - (5) the number and the sum total of contributions of over \$200.

153. The financial report must state

- (1) the financial institutions where the funds collected by the party are deposited and the account numbers used;
 - (2) the total value of services and goods provided free of charge;
- (3) the name and domiciliary address of each elector whose total contribution to the party and party authorities exceeds \$200, and the amount paid;
- (4) the name and domiciliary address of each elector having stood surety and the amount guaranteed;
- (5) the sum total of funds transferred or loaned between the party and one of its authorities or the official agent of an official candidate of the party or, in the case of a referendum, the sum total of funds transferred or loaned to a national committee; and
- (6) a detailed statement of all funds borrowed and suretyships, the date of each loan, the name and address of the lender, the interest rate charged and the amount of principal repayments and interest payments.

The information required under subparagraph 3 of the first paragraph must be presented in alphabetical order of the names of the electors.

154. The financial report is deemed filed with the Chief Electoral Officer only if the auditor's report required under section 148 is attached.

No auditor's report is necessary, however, in the case of a closing financial report, a balance sheet submitted with a joint application for a merger or a financial statement filed after a merger under section 77. The Chief Electoral Officer may nevertheless require such a report.

155. Not later than 1 April each year, the official representative of an authorized party authority or independent Member must file a financial report for the preceding fiscal year with the Chief Electoral Officer.

The report must be prepared in the form prescribed by the Chief Electoral Officer and contain a statement of income and expenses prepared in accordance with section 152 and the information required under section 153.

An authorized independent candidate must file a financial report if no election was held in the fiscal year during which the independent candidate was authorized.

- **156.** The official representative of an authorized party, authorized party authority or independent Member must, for a period of two years after a financial report is filed, keep copies of all receipts issued for contributions as well as all vouchers allowing compliance with sections 128 and 133 to be verified. On request, the official representative must file them with the Chief Electoral Officer.
- **157.** If the time limits set in sections 151 and 155 for filing the reports required under those sections expire during an election period, they are respectively postponed to the one hundred and twentieth day and the ninetieth day after the date of the general election.
- **158.** If the time limits set in sections 151 and 155 for filing the reports required under those sections expire during the period in which a return of election expenses must be filed, they are respectively postponed to the sixtieth day and the thirtieth day after the date for filing the return.
- **159.** In a by-election, sections 157 and 158 apply, with the necessary modifications, to the authorized party authority at the level of the division in which the election is held and to the independent Member, if any, in the electoral division.
- **160.** The official representative of an independent candidate must file a financial report with the Chief Electoral Officer within 90 days after polling day.

The report must contain a statement of income and expenses prepared in accordance with section 152 and the information required under section 153. The report must be filed with a copy of each of the receipts issued for contributions.

The financial report must be filed in the form prescribed by the Chief Electoral Officer at the same time as the return of election expenses required under section 536.

161. The official representative of an independent candidate must file a report with the Chief Electoral Officer not later than 1 April of the year following each fiscal year during which the candidate remains authorized.

The report must be filed in accordance with the second paragraph of section 160 and submitted with the same documents.

- **162.** Any funds remaining in the electoral fund of an independent candidate who was not elected on 31 December of the year following the year of the election must be remitted to the Chief Electoral Officer, for payment over to the Minister of Finance.
- **163.** An independent candidate who was not elected and who, on 31 December of the year following the year of the election in which he ran, has not paid all debts from election expenses, is disqualified from running in the next general election and in any by-election held before that general election.
- **164.** The information in the reports, returns and documents required under this Title is public information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has a right of access to the documents prescribed in this division before the expiry of the filing period. If they are filed outside that period, they are accessible immediately.

Any person may examine and copy the reports, returns and documents at the information centre of the Chief Electoral Officer during regular office hours.

This section does not apply to receipts issued for contributions of \$200 or less.

165. If the financial report of an authorized entity is not filed within the time limit, the party leader or, if the party leader is not a Member of the National Assembly, the leader of the party in the House or, as the case may be, the independent Member is disqualified from sitting or voting in the National Assembly ten days after the time limit has expired and until the financial report is filed.

Sections 545 to 547 and 551 apply to this division, with the necessary modifications.

TITLE V

ELECTORAL MAP

CHAPTER I

NUMBER OF ELECTORAL DIVISIONS AND ELECTORAL DISTRICTS

166. The territory of Québec is divided into 77 electoral divisions that are grouped into electoral districts, whose number may vary between 24 and 27, for the purpose of electing 127 Members of the National Assembly.

An electoral division is represented by one division seat and an electoral district is represented by between one and three district seats, for a total of 50 district seats for the whole of Québec.

- **167.** An electoral division is a natural community established on the basis of demographic, geographical and sociological considerations such as population density, the foreseeable rate of population growth, the accessibility, area and shape of the region, the natural local boundaries and the territories of municipalities and school boards.
- **168.** The boundaries of each electoral division must be established so that the population of the division does not deviate by more than 15% from the quotient obtained by dividing the total population of Québec as determined in the last national census published by Statistics Canada, minus the total population of the two divisions referred to in section 171, by 75.
- **169.** Each electoral district must include three whole, contiguous electoral divisions, and is represented by two district seats.

However, the Commission de la représentation électorale may, for demographical or geographical reasons, establish one or more districts comprising two whole, contiguous electoral divisions and represented by one district seat, and one or more districts comprising four whole, contiguous electoral divisions and represented by three district seats.

CHAPTER II

ESTABLISHMENT OF THE BOUNDARIES OF ELECTORAL DIVISIONS AND ELECTORAL DISTRICTS

170. When establishing the boundaries of electoral divisions and electoral districts, the Commission de la représentation électorale must consider the foreseeable rate of population growth during the period for which the electoral map will be in force.

- **171.** Despite section 168, the territory of Îles-de-la-Madeleine described in Schedule I and the territory of Nunavik described in Schedule II are each an electoral division.
- **172.** The Commission proposes a name for each electoral division and each electoral district, after consulting the Commission de toponymie.
- **173.** The Commission re-establishes the boundaries of the electoral divisions and electoral districts after the second general election following the last establishment of boundaries.
- **174.** Within 12 months after the election referred to in section 173, the Commission submits to the President or the Secretary General of the National Assembly a preliminary report setting out the proposed boundaries and proposed name of each electoral division and electoral district.

The report is made public without delay. The President of the National Assembly lays the report before the National Assembly within 15 days after receiving it or, if the Assembly is not sitting, within 15 days after resumption.

- **175.** The Commission takes the necessary steps to ensure the broadest possible dissemination of the proposed boundaries of the electoral divisions and electoral districts set out in its preliminary report.
- **176.** Within six months after it submits its preliminary report, the Commission hears representations from the Members of the National Assembly and from interested individuals and organizations.

For that purpose, the Commission must hold public hearings in the various regions of Québec after giving notice of the hearings.

177. The Commission may, if it considers it necessary, hold additional public hearings in one or more of the regions of Québec after giving notice of the hearings, in order to hear representations from the Members of the National Assembly and from interested individuals and organizations concerning one or more proposed amendments to its preliminary report.

In that case, the Commission is granted an additional period of four months after the expiry of the period prescribed in section 176.

178. The preliminary report of the Commission and any amendment proposed by the Commission are submitted for consideration to the Committee on the National Assembly.

For that purpose, all the Members of the National Assembly may take part in the proceedings of the Committee on the National Assembly.

- **179.** When the Committee on the National Assembly examines the preliminary report and any proposed amendment referred to in section 178, the Commission must provide all the required documents and information and be at its disposal to assist in carrying out its work.
- **180.** After the hearings, the Commission submits a report setting out the boundaries of the electoral divisions and electoral districts to the President or the Secretary General of the National Assembly, who lays it before the Assembly.

Within five days after it is laid before the National Assembly, the report is discussed in a limited five-hour debate held during a single sitting or two consecutive sittings of the Assembly; if the Assembly is not sitting, the debate, subject to the same time limits, takes place in the Committee on the National Assembly within 10 days after the report is laid before the Assembly and all the Members of the Assembly may take part in the debate.

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

181. Not later than the tenth day after the debate, the Commission establishes the boundaries of the electoral divisions and electoral districts and assigns names to them.

The Commission publishes the list of electoral divisions and electoral districts in the *Gazette officielle du Québec*, stating the name and boundaries of each; it must also specify the electoral divisions comprised in each electoral district.

The Commission may also specify the local municipalities whose territories are included in each electoral division and, where applicable, the unorganized territories and Indian reserves included in each electoral division.

182. Publication of the list of electoral divisions and electoral districts in the *Gazette officielle du Québec* constitutes absolute proof of the existence and content of the list.

The Commission must take the necessary steps to ensure the broadest possible public dissemination of the boundaries of the electoral divisions and electoral districts, particularly as regards changes in relation to previous boundaries.

- **183.** After publication of the list of electoral divisions and electoral districts in the *Gazette officielle du Québec*, the Commission has a map of the divisions and districts printed.
- **184.** The list of electoral divisions and electoral districts published in the *Gazette officielle du Québec* comes into force on the dissolution of the National Assembly, unless dissolution occurs within three months after

publication, in which case the list comes into force on the date the notice referred to in section 456 is published.

185. After publication of the list of electoral divisions and electoral districts in the *Gazette officielle du Québec*, the Chief Electoral Officer assigns one of the divisions to each returning officer in office and, if necessary, appoints a returning officer to each unassigned division.

The Chief Electoral Officer designates the returning officer for a division within each electoral district to act as the returning officer for that district.

Appointments under this section are effective until returning officers are appointed in accordance with section 654.

CHAPTER III

BOUNDARIES OF ELECTORAL PRECINCTS AND POLLING SUBDIVISIONS

- **186.** Within three months after publication of the list of electoral divisions and electoral districts in the *Gazette officielle du Québec*, the Chief Electoral Officer and the returning officers establish the boundaries of electoral precincts and polling subdivisions on the basis of the new electoral divisions.
- **187.** Under the authority of the Chief Electoral Officer, a returning officer is responsible for establishing, in the electoral division to which the returning officer is appointed,
 - (1) polling subdivisions comprising a maximum of 350 electors; and
- (2) electoral precincts comprising approximately 10 polling subdivisions which, as far as possible, respect natural local boundaries and the territories of local municipalities and Indian reserves, and include not more than one such territory or reserve.
- **188.** On the basis of the boundaries of the electoral precincts and polling subdivisions, the Chief Electoral Officer prepares an index of the streets, avenues, boulevards, hills, squares, lanes, ranges and other thoroughfares in each electoral division.
- **189.** The Chief Electoral Officer sends the description of the boundaries of the electoral precincts and polling subdivisions and the index of the thoroughfares in an electoral division to the authorized parties who so request, to every authorized party authority at the electoral division level and to the independent Member representing the division, if that is the case.
- **190.** The Chief Electoral Officer may prepare a map of each electoral division showing the electoral precincts and polling subdivisions it comprises.

TITLE VI

ELECTION PERIOD

CHAPTER I

ELECTION CALL

DIVISION I

ORDER OF ELECTION

191. An election is instituted by an order of the Government addressed to the Chief Electoral Officer. The order directs the Chief Electoral Officer to hold an election on the date specified and names each electoral division and, in the case of a general election, each electoral district in which an election is to be held.

The Chief Electoral Officer sends a copy of the order to the returning officers concerned, who must comply with it.

- **192.** In a general election, the election date is the same for all electoral divisions and electoral districts.
- **193.** When a division seat becomes vacant, an order instituting a by-election must be issued within six months.

However, the Government is not required to issue such an order if the vacancy occurs more than four years after the Secretary General of the National Assembly receives the list of candidates proclaimed elected referred to in section 456.

Once an order instituting a general election is issued, any order instituting a by-election ceases to have effect.

194. Polling day is the fifth Monday after the issue of the order instituting the election if it is issued on a Monday, Tuesday or Wednesday and the sixth Monday if it is issued on another day of the week.

It the day so determined is a holiday, polling day is the following day.

195. The returning officer establishes a main office in an easily accessible place in the electoral division, and, after being authorized by the Chief Electoral Officer, branch offices as needed. The addresses of these offices are communicated to the Chief Electoral Officer, to each party authority at the electoral division level and to the public.

As soon as the order is issued, these offices must be open every day from 9:00 a.m. to 9:00 p.m. Monday to Friday and 9:00 a.m. to 5:00 p.m. Saturday and Sunday. They must be handicapped-accessible and laid out in accordance with the standards prescribed by the Chief Electoral Officer.

- **196.** The Chief Electoral Officer publishes an election calendar.
- **197.** Not later than the twenty-second day before polling day, the Chief Electoral Officer sends voting documentation to every dwelling to inform citizens on such matters as the right to vote, the list of electors, the revision process, polling procedures, the financing of political parties and independent candidates, the control of election expenses and private intervenors.
- **198.** Not later than the second day before polling day, the returning officer sends to every dwelling in the electoral division a reminder card informing electors of the polling place, date and hours, the number of their polling station, the information that will be printed on the ballot papers as well as the names of the candidates for a district seat who are not running for a division seat in their district.
- **199.** The owner, manager, superintendent or caretaker of a residential building or a residence for the elderly listed in the register established under the Act respecting health services and social services (R.S.Q., chapter S-4.2) must allow and facilitate access to the building by persons in charge of distributing notices or documents from the Chief Electoral Officer or the returning officer.

The same rule applies to the executive director of an institution that operates a hospital centre, a residential and long-term care centre or a rehabilitation centre within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2), a hospital centre or a reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) or a rehabilitation centre or an institution whose purpose is to ensure the safety of individuals and their children, with regard to any facility maintained by the institution.

200. The Chief Electoral Officer, the judges of the courts of justice, the Public Protector, the Auditor General and the members of the Commission de la représentation électorale may not engage in partisan work, even outside an election period.

DIVISION II

ELECTION OFFICERS

201. Returning officers and their aides, assistant returning officers and their assistants, polling officers, revisors, revising officers, secretaries of a board of revisors and additional board of revisors personnel are election officers.

Election officers are chosen among qualified electors.

Except for the returning officer, who takes an oath under section 660, election officers take the oath set out in Schedule III before the returning officer or the person designated by the returning officer.

Election officers must comply with the directives of the Chief Electoral Officer.

202. The tariff of remuneration and expenses for election officers is set by government regulation.

In an election period, the Chief Electoral Officer may increase the amounts fixed by the tariff. The additional expenses resulting from the increase may not exceed the amount determined by government regulation.

- **203.** An elector convicted or held guilty of a corrupt electoral practice may not become an election officer for five years after the date of the judgment.
- **204.** Election officers may not engage in partial work on the days prescribed by this Act for the performance of their functions.

In the case of a list officer, the prohibition ceases to apply at the close of the poll.

- **205.** In exercising the functions of office, all election officers, except an order and information officer, may administer the oaths provided for in this Act, and must do so without charge.
- **206.** On a written request, an employer must grant leave without pay to an employee who is an election officer to enable the employee to perform the functions of office.

Sections 295 to 300 apply to the leave.

- **207.** An arrest warrant may not be executed against an election officer on polling day.
- **208.** The returning officer may dismiss an election officer who is unable or fails to perform the functions of office, engages in partisan work, is not a qualified elector or is described in section 203. However, before dismissing a revisor, the returning officer must consult the Chief Electoral Officer.
- **209.** An election officer who no longer performs the functions of office is replaced in the same manner as the election officer was appointed.
- **210.** On ceasing to perform the functions of office, an election officer other than a returning officer must return all official documents in his or her possession to the returning officer; in the case of a returning officer, all official documents must be returned to the Chief Electoral Officer.

211. Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised, and no injunction may be granted against election officers acting in the exercise of their functions.

A judge of the Court of Appeal may, on a motion, summarily annul a decision rendered or an order or injunction issued contrary to the first paragraph.

DIVISION III

LIST OF ELECTORS

- §1. Production and sending
- **212.** On the issue of an order instituting an election and after processing the requests for changes to the permanent list of electors received before the issue of the order, the Chief Electoral Officer produces the list of electors and the list of electors having the right to vote outside Québec.

The Chief Electoral Officer sends each returning officer the list of electors for the electoral division or electoral district and the list of electors having the right to vote outside Québec for the division or the district.

The Chief Electoral Officer also sends the returning officer for each division the information relating to electors whose registration on the permanent list of electors cannot be updated, so that the information may be verified by the competent board of revisors.

Finally, the Chief Electoral Officer sends each returning officer a list of the addresses for which no elector is registered on the list of electors for the electoral division.

213. Not later than the twenty-seventh day before polling day, the returning officer sends each candidate the list of electors for the electoral division or the electoral district, the list of electors having the right to vote outside Québec and the list of addresses for which no elector is registered.

The lists are sent in electronic form; candidates may obtain a paper copy on request.

A candidate running for a district seat who is also running for a division seat receives the lists for the electoral division concerned once only.

The Chief Electoral Officer sends the lists in electronic form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

214. Not later than the eighteenth day before polling day, the Chief Electoral Officer sends each returning officer a list of the electors in the electoral

division or electoral district who have acquired the right to vote outside Québec since the order instituting the election was issued.

The list is sent to the parties and persons referred to in section 213, in the manner prescribed in that section.

- §2. Revision
- A. Establishment of boards of revisors
- **215.** The returning officer for a division establishes a board of revisors for the division, and may establish additional boards of revisors and one or more mobile boards of revisors, as needed.

The returning officer also establishes one or more special boards of revisors, as needed.

The Chief Electoral Officer establishes, at the Chief Electoral Officer's office, a board of revisors for electors having the right to vote outside Québec.

- B. Boards of revisors and mobile boards of revisors
- **216.** A board of revisors must sit at the returning officer's main office and the additional boards of revisors sit at the returning officer's branch offices or at any other place determined by the returning officer after being authorized by the Chief Electoral Officer.

Not later than the twenty-eighth day before polling day, the returning officer determines the places where the mobile boards of revisors, if any, will sit.

The returning officer informs the Chief Electoral Officer, the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate without delay of the places where a board of revisors will sit.

- **217.** Each board of revisors is composed of three revisors.
- **218.** Not later than the twenty-eighth day before polling day, the Chief Electoral Officer appoints two revisors to each board of revisors referred to in the first paragraph of section 216.

The first revisor is appointed on the recommendation of the authorized party that ranked first in the last election or the independent Member elected in the last election if the Member's nomination paper has been filed.

The second revisor is appointed on the recommendation of the authorized party that ranked second in the last election.

219. Not later than the twenty-fourth day before polling day, the returning officer appoints two revisors to each mobile board of revisors.

The first revisor is appointed on the recommendation of the authorized party that ranked first in the last election or the independent Member elected in the last election if the Member's nomination paper has been filed.

The second revisor is appointed on the recommendation of the authorized party that ranked second in the last election.

- **220.** In a new electoral division, an electoral division whose boundaries have changed since the last election, an electoral division in which no authorized party ranked second in the last election or an electoral division represented by an independent Member who has not filed a nomination paper, the Chief Electoral Officer decides which parties or candidates are entitled to recommend the appointment of revisors, according to criteria prescribed by regulation.
- **221.** The recommendations are made by the leader or chief executive officer of the party or the independent Member, or by the person designated in writing by the leader, chief executive officer or Member for that purpose.

The recommendations for a board of revisors referred to in the first paragraph of section 216 must be received by the returning officer not later than the thirty-first day before polling day, and those for a mobile board of revisors, not later than the twenty-sixth day before polling day.

The returning officer may refuse a recommendation on reasonable grounds. In that case, the returning officer requests a new recommendation.

If no recommendation has been received or if the person recommended is not a qualified elector or is described in section 203, the returning officer makes the appointment without further formality.

222. Not later than the thirty-second day before polling day, the returning officer sends the name of the revisor the returning officer intends to appoint as chair of each board of revisors referred to in the first paragraph of section 216 for approval to the person designated for that purpose by the leader or an officer of each party represented in the National Assembly.

The designated person referred to in the first paragraph must send a notice of approval or disapproval to the returning officer not later than the thirtieth day before polling day. In the case of disapproval, the Chief Electoral Officer appoints the revisor who is to act as chair of the board of revisors.

223. Not later than the twenty-eighth day before polling day, the returning officer sends the name of the revisor the returning officer intends to appoint as chair of each mobile board of revisors for approval to the person designated for that purpose by the leader or an officer of each party represented in the National Assembly.

The designated person referred to in the first paragraph must send a notice of approval or disapproval to the returning officer not later than the twenty-sixth day before polling day. In the case of disapproval, the Chief Electoral Officer appoints the revisor who is to act as chair of the board of revisors.

- **224.** The revisor recommended by the authorized party that ranked first in the last election or by the independent Member elected in the last election acts as vice-chair of the board of revisors.
- **225.** The returning officer posts the list of revisors appointed to a board of revisors at the returning officer's office and sends it to the Chief Electoral Officer, the authorized parties represented in the National Assembly, any other authorized party having so requested, any independent Member and each candidate.
- **226.** The returning officer appoints a secretary to each board of revisors.

The returning officer appoints a sufficient number of teams of two revising officers.

The returning officer appoints the necessary additional personnel for the boards of revisors established at the branch offices or at any other place determined in accordance with section 216, and for the mobile boards of revisors.

Sections 218 to 221 apply to the appointment of revising officers.

- **227.** The function of the secretary of a board of revisors is to assist the board in the performance of its work.
- **228.** The functions of the revising officers include serving hearing notices and summonses and, at the request of a board of revisors, gathering relevant information for the making of a decision.
- **229.** The revising officers work together; in no case may they act individually. If they disagree, the matter is submitted to the board of revisors, which makes a decision immediately, and the revising officers are bound by the decision.
- **230.** Not later than the day before the day the work of the board of revisors is to begin, the returning officer sends the revisors
 - (1) the directives of the Chief Electoral Officer concerning the revision;
- (2) the list of electors containing the information they need to perform their functions; and
- (3) the requests for verification referred to in the third paragraph of section 212.

231. A board of revisors referred to in the first paragraph of section 216 sits from 9:00 a.m. to 9:00 p.m. Monday to Friday, and 9:00 a.m. to 5:00 p.m. Saturday and Sunday, from the twenty-seventh to the eleventh day before polling day.

However, requests must be filed or received on or before the twelfth day before polling day.

A mobile board of revisors sits on the days and during the hours determined by the returning officer for the period referred to in the first paragraph.

After consulting with the returning officer, the chair of a board of revisors may extend the hours of the board if the number of requests warrants it.

232. Two revisors constitute a quorum.

Questions submitted to the board of revisors are decided by a majority vote.

In the case of a tie vote, the chair, or in the absence of the chair, the vicechair has a casting vote.

C. — Revision process

233. Not later than the twenty-second day before polling day, the Chief Electoral Officer sends to each address a notice containing the information relating to the electors registered on the list of electors for that address, except their date of birth and sex, or a notice indicating that no elector is registered for that address.

The notice must inform electors that any request regarding the revision of the list of electors must be submitted to a board of revisors in the electoral division of their domicile.

The notice must also set out when and where the boards of revisors will sit and inform electors of the revision process.

This section does not apply to electors who are inmates in a house of detention.

- **234.** The Chief Electoral Officer sends each elector having requested a change to the permanent list of electors after the order instituting the election was issued a notice informing the elector that he or she must submit a request to a board of revisors in the electoral division of his or her domicile for the change to be made to the list of electors to be used for the upcoming poll.
- **235.** An elector who finds that he or she is not registered on the list of electors for the polling subdivision in which the elector is domiciled on the thirteenth day before polling day must submit a request for registration to a board of revisors in order to vote.

The elector may request that the registration be considered for the purposes of the upcoming poll only.

236. An elector who is aware that he or she is registered on the list of electors for a polling subdivision other than the one in which the elector is domiciled on the thirteenth day before polling day must, if the elector wishes to vote, submit a request for registration to a board of revisors.

If the request is granted, the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled after being removed from the list on which the elector was previously registered.

- **237.** An elector who finds an error in the information relating to him or her must submit a request for a correction to a board of revisors.
- **238.** An elector who finds that he or she is registered on the list of electors for a polling subdivision although the elector is not entitled to be so registered must submit a request for removal to a board of revisors.
- **239.** An elector who does not wish to be registered on the list of electors may submit a request for removal to a board of revisors. The elector may at the same time request removal from the permanent list of electors.
- **240.** An elector who is the spouse or a relative of an elector or lives with an elector may submit a request concerning the elector on the latter's behalf.

In this section, "relative" means the elector's father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter.

241. An elector who finds that a person not entitled to be registered on the list of electors for the elector's polling subdivision is so registered may submit a request for removal of that person to a board of revisors.

The elector declares that, to his or her knowledge, the person is not entitled to be registered on the list of electors for that polling subdivision.

Despite paragraph 2 of section 53 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), personal information relating to the elector making a request for removal under the first paragraph is not public information.

242. All requests submitted to a board of revisors must be made in the form prescribed by the Chief Electoral Officer and supported by a declaration attesting the accuracy of the alleged facts.

A board of revisors may accept that a request be sent by mail, by fax or by an electronic means provided the person's signature is reproduced.

A board of revisors may require from a person submitting a request any evidence needed to make a decision.

Requests for registration must be submitted with the document or documents determined by the Chief Electoral Officer in support of the information contained in the request.

243. A board of revisors examines requests that are submitted in person immediately and, whenever it can make an immediate decision, it communicates that decision to the elector. Whenever the board of revisors makes a decision in the absence of the elector concerned or the person having made the request, it must immediately notify the elector of the decision in writing. The decision is notified in the manner determined by the Chief Electoral Officer.

A board of revisors also examines the requests for verification referred to in the third paragraph of section 212 sent by the returning officer under section 230.

244. If electors were not registered on the right list of electors because their domiciliary address was not matched with the right polling subdivision, the Chief Electoral Officer or, on the Chief Electoral Officer's request, a board of revisors makes the necessary corrections.

The Chief Electoral Officer informs the authorized parties of any corrections made under the first paragraph.

245. In examining the cases submitted to it, a board of revisors or any revisor duly authorized by a board of revisors may make inquiries and summon witnesses.

A summons is served on a witness by the revising officers or, if it cannot be served on the witness, is left at the person's address.

A certificate of service is drawn up by the revising officers on the prescribed form and returned to the board of revisors.

246. Before removing or refusing to register a person, a board of revisors must inform the person by means of a written notice stating the grounds for the removal or refusal and must give the person the opportunity to submit observations in person or in writing within a time limit it specifies, unless the person is present or the board is satisfied, on the basis of the evidence presented, that the person whose removal is requested is under curatorship or is dead.

The notice must be of at least one clear day and be notified in the manner determined by the Chief Electoral Officer at the address appearing on the list of electors or at any other place where the board of revisors has reason to believe the person may be reached.

- **247.** Despite section 246, a board of revisors is not required to inform a person by means of a written notice before removing or refusing to register the person if the revising officers met the person and the person confirmed that he or she was not a qualified elector or if the request for removal is made under section 272.
- **248.** The person concerned by a request and the witnesses summoned by a board of revisors have the right to be assisted by an advocate.
- **249.** Before registering an elector on the list of electors, a board of revisors must make sure that the elector is not already registered.

If the elector is already registered, the board of revisors first removes the elector, in which case it is not necessary to send the notice referred to in section 246.

- **250.** If, on examining a request for removal, a board of revisors concludes that the person concerned is entitled to be registered on the list of electors for another polling subdivision, it must register the person on that list after removing the person from the list on which he or she was previously registered.
- **251.** When a board of revisors must decide whether a person is a Canadian citizen, the burden of proof is on the person.
- **252.** A board of revisors, on its own initiative or on request, may review or revoke a decision to remove or refuse to register a person
- (1) when a new fact is discovered which, had it been known in time, could have warranted a different decision; or
- (2) when the person concerned was unable to submit observations for reasons considered sufficient.

After a board of revisors has completed its work, its powers under this section may be exercised by a special board of revisors.

- **253.** The changes made in the revision process are incorporated into the list of electors by the person designated by the returning officer.
- **254.** Not later than the ninth day before polling day, the returning officer sends each candidate the revised list of electors. The list must indicate the changes made following the revision process and specify that an elector will vote at the returning officer's office or by mail.

Before the opening of the advance poll, the returning officer sends each candidate an abstract of the changes made to the revised list of electors that pertain to voting at the returning officer's office or by mail.

The returning officer also sends each candidate the list of electors who have acquired the right to vote outside Québec since the order instituting the election was issued.

The lists are sent in electronic form; candidates may obtain a paper copy on request.

The Chief Electoral Officer sends the lists in electronic form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

- D. Special boards of revisors
- **255.** A special board of revisors must sit at the returning officer's main office, and any other special boards of revisors, at one of the returning officer's branch offices.
- **256.** The returning officer may appoint a team of two revising officers to assist a special board of revisors.
- **257.** The special board of revisors sits from 9:00 a.m. to 9:00 p.m. Monday to Friday, and 9:00 a.m. to 5:00 p.m. Saturday and Sunday, from the twelfth to the fourth day before polling day.

However, requests must be filed or received not later than 2:00 p.m. on the fourth day before polling day.

- **258.** Only the elector concerned may file a request with the special board of revisors. However, the board may receive a request for removal concerning a deceased elector.
- **259.** Subject to section 252, an elector who was refused registration or was removed from the list during the revision process may not request registration during the special revision process.
- **260.** An elector who is registered during the special revision process may not vote in the advance poll.
- **261.** The changes made in the special revision process are incorporated into the electoral list by the person designated by the returning officer.
- **262.** Not later than the third day before polling day, the returning officer sends each candidate the revised list of electors containing the changes made following the special revision process and specifying that an elector will vote at the returning officer's office or by mail.

Before the opening of the polling stations, the returning officer sends each candidate an abstract of the changes made to the list of electors referred to in

the first paragraph that pertain to voting at the returning officer's office or by mail.

The list is sent in electronic form; candidates may obtain a paper copy on request.

The Chief Electoral Officer sends the list in electronic form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

- **263.** Unless otherwise provided, subdivisions B and C of this subdivision apply to the special boards of revisors, with the necessary modifications.
- E. Board of revisors for electors outside Québec
- **264.** The Chief Electoral Officer establishes a board of revisors at the Chief Electoral Officer's office to receive requests for revision concerning electors who have the right to vote outside Québec.
- **265.** Sections 217, 218, 221, 222, 224, 226, 227 and 232 apply to the establishment and operation of the board of revisors, with the necessary modifications.

However, no team of revising officers is assigned to the board of revisors.

266. The board of revisors sits from the twenty-seventh to the fourth day before polling day, on the days and during the hours determined by the Chief Electoral Officer.

However, requests for removal made by electors must be filed not later than the thirteenth day before polling day.

267. An elector who finds that a person not entitled to be registered on the list of electors having the right to vote outside Québec for the elector's electoral division is so registered may submit a request for removal of that person to the board of revisors.

The elector declares that, to his or her knowledge, the person is not entitled to be registered on the list of electors having the right to vote outside Québec, for the reasons put forward to the board.

- **268.** The board of revisors sends the request for removal to the board of revisors established at the Chief Electoral Officer's office, which makes the relevant inquiries with the assistance, if necessary, of the revising officers assigned to the boards of revisors in the different electoral divisions.
- **269.** Before removing a person from the list, the board of revisors seeks to communicate with the person so that he or she may submit observations.

- **270.** If, on examining a request for removal, the board of revisors concludes that the person is entitled to be registered on the list of electors for the polling subdivision in which the person's domicile is situated, the board of revisors sees to it that the person is registered on that list after removing the person from the list of electors having the right to vote outside Québec.
- **271.** If the board of revisors concludes that a person must be removed from the list, it notifies the person of its decision in writing.

The board of revisors also sends the decision to the personnel assigned to the handling of ballot papers for electors voting outside Québec.

- **272.** If the Chief Electoral Officer finds that an elector has acquired the right to vote outside Québec since the order instituting the election was issued and that the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled, the Chief Electoral Officer directs the returning officer concerned to remove the elector from that list.
- **273.** An elector having the right to vote outside Québec who wishes to vote in the polling subdivision in which the elector is domiciled on the thirteenth day before polling day must submit a request for registration to the board of revisors for the electoral division. If the request is granted, the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled after being removed from the list of electors having the right to vote outside Québec.

The board of revisors sends the decision to remove the elector from the list to the Chief Electoral Officer, who forwards the decision to the personnel assigned to the handling of ballot papers for electors having the right to vote outside Québec.

274. On completing its work, the board of revisors established at the Chief Electoral Officer's office sends the returning officer of each electoral division or district concerned an abstract of the changes it has made to the list of electors having the right to vote outside Québec for the electoral division or district.

The returning officers send this abstract to each candidate.

- F. Sending of the revised list of electors
- **275.** For the purpose of updating the permanent list of electors, each returning officer sends the Chief Electoral Officer the revised list of electors and the abstracts of changes, which must specify, if that is the case, that the removal of an elector from the list is effective for the upcoming election only.

DIVISION IV

CANDIDATES

- §1. Candidates for a division seat
- **276.** A person wishing to stand as a candidate for a division seat must file a nomination paper at the returning officer's main office between 2:00 p.m. on the second day after the day the order instituting the election is issued and 2:00 p.m. on the sixteenth day before polling day.
- **277.** A person wishing to stand as a candidate may designate one or more mandataries to act in his or her name.
- **278.** A nomination paper must be on the form prescribed by regulation and signed by the person wishing to stand as a candidate. The person fills in his or her family name and given name, sex, domiciliary address, telephone number, date of birth, occupation, whether he or she is from an ethnocultural minority, and the name of the authorized party for which the person is running or the indication "Independent". The nomination paper must bear the name and signature of the person's official agent and if he or she decides to appoint one or more mandataries, the nomination paper must also bear their names and signatures.

The nomination paper filed by an independent candidate must include the information required under subparagraphs 3, 4 and 5 of the first paragraph of section 62.

- **279.** A candidate may run under the family name and given name the candidate customarily uses rather than his or her legal family name and given name provided they are the names by which the candidate is commonly known in political, professional or social life and the candidate is acting in good faith.
- **280.** A nomination paper must be filed with
- (1) the person's act of birth or any other identification paper prescribed by regulation;
- (2) a letter from the leader of an authorized party recognizing the person as a candidate for the party; and
- (3) a photograph meeting the standards prescribed by regulation, signed on the back by two electors of the electoral division who know the person.

By signing the photograph, the two electors attest that it is the photograph of the person standing as a candidate and that the given name, family name and address appearing on the nomination paper are those of that person or those under which the person is known.

Subparagraph 2 of the first paragraph does not apply to the leader of an authorized party.

281. A nomination paper must bear the signatures and addresses of at least 100 electors registered on the list of electors for the electoral division for which the nomination paper is filed.

Only the person standing as a candidate and the person's mandatary are authorized to collect endorsement signatures.

- **282.** A person having collected endorsement signatures declares under oath, before the returning officer, that he or she knows the persons whose names appear on the nomination paper, that they signed their names in the person's presence and that, to the person's knowledge, they are electors of the electoral division.
- **283.** The penalties applicable to a person who endorses a nomination without being a qualified elector or being domiciled in the electoral division or who signs for another person must be set out on the form itself.
- **284.** On the filing of a nomination paper, the returning officer verifies whether it appears to meet the requirements of this division and whether all the required documents are attached. The returning officer verifies whether the electors having endorsed the nomination are registered on the list of electors for the electoral division.

After these verifications and if the nomination paper seems in compliance, the returning officer issues a notice of conformity and a receipt, which constitutes proof of the nomination.

- **285.** A new nomination paper must be filed if a candidate is no longer recognized as a candidate for an authorized party, if a candidate wishes to change authorized party affiliation or if an independent candidate wishes to become a recognized candidate for an authorized party.
- **286.** Despite the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), during the election period, the returning officer allows electors to examine any nomination paper at the returning officer's main office.

Despite the second paragraph of section 10 of that Act, only a candidate may obtain a copy of a nomination paper.

287. If the returning officer has received only one nomination paper at the end of the filing period, the returning officer proclaims the candidate elected and informs the Chief Electoral Officer immediately.

§2. — Candidates for a district seat

288. In a general election, an authorized party that has at least one candidate for a division seat in an electoral district draws up a list of party candidates for a district seat in that district.

The names of the candidates appear on the list in the order determined by the party.

The list of candidates of an authorized party may contain one name more than the total number of division and district seats to be filled in the district. It may contain fewer names.

- **289.** Not later than 2:00 p.m. on the second day after the day the order instituting the election is issued and 2:00 p.m. on the sixteenth day before polling day, the leader of an authorized party sends the list of party candidates to the returning officer for the district.
- **290.** A candidate for a division seat may not run in more than one electoral division and may only be on the list of party candidates for the electoral district that comprises that electoral division.

A candidate for a district seat may only be on the list of party candidates for that district.

- **291.** The list of candidates of an authorized party for an electoral district is also used to fill any district seat that becomes vacant in that district after the election, until the next general election.
- **292.** Sections 276 to 286 apply, with the necessary modifications, to candidates on the list of candidates of an authorized party who are not running for a division seat.
- §3. *Leave*
- **293.** On a written request, an employer must grant leave without pay to an employee who is a candidate or intends to stand as a candidate. The request may be made at any time from the date of the order instituting the election.

The leave begins on the day requested by the employee and ends on the thirtieth day after the end of the period for filing nomination papers if the employee is not a candidate, or, if the employee is a candidate, on the thirtieth day after the proclamation of election.

The employee may put an end to the leave at any time.

294. On a written request, an employer must grant leave without pay to an employee who acts as the official agent of a candidate. The request may be

made at any time from the receipt of the candidate's nomination paper by the returning officer.

On a written request, an employer must grant leave without pay to an employee who acts as the official agent of an authorized party. The request may be made at any time from the date of the order instituting the election.

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

The employee may put an end to the leave at any time.

- **295.** Leave may be full-time or part-time, as requested by the employee. A request for part-time leave must specify the days and hours of leave.
- **296.** Despite any inconsistent agreement or Act, an employee is entitled to all employment benefits the employee would have if he or she were at work, except remuneration, throughout the leave as a candidate or official agent.
- **297.** After making a written request at the beginning of the leave, an employee may continue to contribute to all the same plans, provided the employee pays the totality of the premiums, including the employer's contribution.
- **298.** On the end of the leave, the employer must reinstate the employee with the same employment conditions as before the leave or conditions more favourable to the employee, as provided in the collective agreement or, if there is no such provision, as agreed between the employer and the employee, taking into account the benefits the employee remained entitled to during the leave.
- **299.** The employer may not, because of the leave, dismiss, lay off, suspend, demote or transfer the employee, give the employee less favourable employment conditions than the employee is entitled to or diminish any employment benefit the employee is entitled to.

The employer may not subtract the duration of the leave from the employee's vacation period.

300. An employee who believes he or she has been the victim of a contravention of this division may file a complaint with the Commission des relations du travail. The provisions applicable to a remedy relating to the exercise of a right arising out of the Labour Code (R.S.Q., chapter C-27) apply, with the necessary modifications.

An employee governed by a collective agreement or the certified association representing the employee may elect to file a grievance under the grievance settlement and arbitration procedure instead of filing a complaint with the Commission des relations du travail. In that case, sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code apply, with the necessary modifications.

If both a complaint with the Commission des relations du travail and a grievance under the grievance settlement and arbitration procedure are filed, the arbitrator must refuse to hear the grievance.

- §4. Withdrawal or death of a candidate
- **301.** A candidate may withdraw by filing a withdrawal declaration with the returning officer, signed by the candidate and by two electors of the division or district concerned.

A candidate for an authorized party may not withdraw unless the candidate files proof with the returning officer concerned that the leader of the party or one of the officers referred to in paragraph 5 of section 69 was duly informed in writing at least 48 hours before the filing of the declaration under the first paragraph.

302. The candidate's name must not appear on the ballot paper if the withdrawal declaration is filed with the returning officer within three days after the end of the period for filing nomination papers.

However, if the declaration is filed more than three days after the end of the filing period and it is impossible to print new ballot papers, the deputy returning officer must cross out the candidate's name on every ballot paper.

- **303.** If a candidate withdraws after the end of the period for filing nomination papers and only one candidate remains, the returning officer proclaims the candidate elected and informs the Chief Electoral Officer immediately.
- **304.** If a division seat candidate for an authorized party dies between the twenty-first day before polling day and the close of the poll, polling day is postponed to the fifth Monday after the candidate's death, unless the leader of the party informs the Chief Electoral Officer in writing, within 48 hours after the day of the candidate's death, that the leader does not intend to recognize any other person as a candidate for the party.

After informing the Chief Electoral Officer, the returning officer must publish a notice without delay, in the manner prescribed by regulation, informing electors of the new period for filing nomination papers and of the new polling date.

If polling day is not postponed, sections 302 and 303 apply, with the necessary modifications.

The death of an independent candidate does not entail the postponement of polling day, and sections 302 and 303 apply, with the necessary modifications.

305. The death of a district seat candidate who is not a division seat candidate does not entail the postponement of polling day.

At any time before polling day, the leader of an authorized party may replace a candidate who has withdrawn or has died on the list of party candidates for a district. Sections 276 to 286 apply to the new candidate, with the necessary modifications.

CHAPTER II

POLL

DIVISION I

NOTICE OF POLL

306. If the returning officer has received more than one nomination paper by the end of the filing period, the returning officer publishes a notice of poll and sends a copy to each candidate.

The notice of poll must state the family name and given name, party affiliation, if any, and address of each candidate, and the family name and given name of each candidate's official agent and their mandataries, if any.

In a general election, the notice of poll must also state the family name, given name and address of each candidate on the list of party candidates for each authorized party.

307. The notice of poll is posted in the returning officer's offices, in advance polling stations and in polling stations on polling day in such a manner as to be visible to electors.

DIVISION II

VOTING SECRECY

- **308.** Voting is secret.
- **309.** On the premises of a polling station, no elector may indicate, in any manner, the name of the candidate for whom he or she intends to vote or has voted.
- **310.** On the premises of a polling station, no candidate, representative of a candidate or election officer may try to find out the name of the candidate for whom an elector intends to vote or has voted.
- **311.** No candidate, election officer or elector who has given assistance to an elector may disclose the name of the candidate for whom the elector has voted.

312. No person may be compelled to disclose for whom he or she has voted.

DIVISION III

VOTING PROCEDURES

- §1. *Voting methods*
- **313.** An elector may vote at one of the offices established by the returning officer, by correspondence, in an advance poll or on polling day.

An elector who chooses to vote by correspondence may not vote in any other manner, unless the elector has been issued a notice of non-eligibility.

Electors referred to in section 6 and inmates vote by correspondence.

- §2. Voting at the returning officer's office
- **314.** An elector may vote at one of the returning officer's offices in the electoral division of the elector's domicile, provided the elector complies with the rules provided in sections 322 to 333, with the necessary modifications, and the rules provided in this subdivision.
- **315.** The elector may obtain the registration form from the twenty-seventh day to the last day before polling day at any of the returning officer's offices or on the Chief Electoral Officer's website.
- **316.** The elector may vote at one of the returning officer's offices from the twenty-seventh day to the ninth day before polling day or from the sixth day to the last day before polling day.
- **317.** An elector who is unable to fill out the registration form may obtain assistance at the returning officer's office.
- **318.** An elector who produces the original of the documents required under section 367 at the returning officer's office is not required to enclose photocopies with the registration form.
- **319.** An elector who votes before the ballot papers printed according to the model provided in Schedule IV become available receives a ballot paper printed according to the model provided in Schedule V.

- §3. *Voting by correspondence*
- A. General provisions
- **320.** An elector may vote by correspondence, provided the elector complies with the rules provided in this subdivision.
- **321.** The elector may obtain a registration form from the twenty-seventh day to the eleventh day before polling day in person or by phone or fax from a returning officer's office or on the Chief Electoral Officer's website.
- **322.** The elector must fill out and sign the registration form and enclose a photocopy of the supporting document or documents required by the Chief Electoral Officer and a photocopy of a document bearing the elector's name and domiciliary address.
- **323.** An elector who is unable to sign the registration form or mark a ballot paper may be assisted
 - (1) by the elector's spouse or relative within the meaning of section 240; or
- (2) by another person who has not assisted any other elector to sign a registration form or mark a ballot paper other than the person's spouse or relative within the meaning of section 240.
- **324.** The elector must ensure that the duly completed registration form and the required documents are received at the returning officer's office in the electoral division of the elector's domicile not later than the eleventh day before polling day during office hours.
- **325.** Every registration form received is verified by a polling officer designated by the returning officer to ensure that
 - (1) it is received within the prescribed time;
 - (2) it includes all the information required;
 - (3) the required documents are enclosed; and
- (4) the elector is registered on the list of electors at the elector's domiciliary address.
- **326.** If the elector is not registered on the list of electors or is registered on the list of electors for a polling subdivision other than that of his or her domicile, the registration form is sent to a board of revisors for the electoral division where the form was received.

If the request is granted, the elector is registered on the list of electors for the polling subdivision of his or her domicile after being removed, if appropriate, from the list on which the elector was previously registered.

- **327.** A notice of non-admissibility is sent to an elector whose registration form is incomplete or was not received within the prescribed time.
- **328.** If the elector's request for registration is accepted, the returning officer sends the elector the material needed to vote. The ballot paper must be printed according to the model provided in Schedule V.
- **329.** If the required material is sent to the elector before the end of the nomination period, it must include a leaflet indicating where the list of the division seat candidates may be obtained and the address of the Chief Electoral Officer's website on which it has been posted.

If the material is sent after the nomination period, it must include the list of division seat candidates in the electoral division concerned.

- **330.** The elector votes by writing the given name and family name of the candidate of his or her choice on the ballot paper. The elector may also indicate the political party or the word "Independent".
- **331.** If the elector inadvertently loses, marks or spoils the ballot paper, the elector may obtain a new one from the returning officer's office; the returning officer must take the measures necessary to cancel the first ballot paper if it is delivered to the office.
- **332.** The elector places the ballot paper in the unidentified envelope provided, seals the envelope and places it in another envelope that must, on pain of rejection, bear the signature of the elector or the person referred to in section 323.

The elector places the second envelope in the envelope pre-addressed to the returning officer's office or Chief Electoral Officer's office and sends it by mail or delivers it in person or through a third party.

333. As soon as the ballot paper is received, the returning officer or the Chief Electoral Officer verifies the signature on the envelope. If it is identical to the signature appearing on the registration form, the unopened envelope is placed in the ballot box.

If the signatures are not identical, the envelope is rejected without being opened.

334. Only ballot papers received at the returning officer's office or Chief Electoral Officer's office on or before the last business day before polling day on which there is postal delivery service are counted.

B. — Hospitalized electors

- **335.** An elector admitted to a short term care hospital centre who wishes to vote by correspondence must send a request for registration, by telephone or fax or by mail, to the returning officer's office for the electoral division in which the hospital centre is located.
- **336.** The returning officer appoints an officer to go and verify the required documents referred to in section 322, give the elector the required material, including a ballot paper printed according to the model provided in Schedule V, and, if necessary, bring back the completed ballot paper.

C. — Inmates

- **337.** To vote, inmates must be registered on the list of electors for their house of detention.
- **338.** In a general election, the director of a house of detention draws up a list of the inmates who are electors. The list must include the name, domiciliary address, sex and date of birth of each elector.

The director asks each inmate elector whether he or she wishes to be registered on the list of electors, and if so, has the elector confirm the accuracy of and sign the information regarding the elector.

The director sends the list of electors to the Chief Electoral Officer not later than the sixteenth day before polling day.

339. In a by-election, an inmate must inform the director of the house of detention of the inmate's intention to vote.

The director must send the Chief Electoral Officer the information mentioned in section 338 with regard to the inmate not later than the sixteenth day before polling day.

- **340.** Inmate electors vote on a ballot paper printed according to the model provided in Schedule IV.
- **341.** To facilitate the voting of inmates, the Chief Electoral Officer may make any appropriate agreement with the authorities responsible for houses of detention established under an Act of the Parliament of Canada or the Parliament of Québec.
- D. Voters outside Québec
- **342.** The Chief Electoral Officer sends each elector whose request for registration to vote outside Québec was filed in accordance with section 43 and received by the Chief Electoral Officer before the eighteenth day before polling day the material needed to vote, a list of the places where the elector

may consult the list of candidates and the address of the Chief Electoral Officer's website on which the list is posted.

The ballot paper must be printed according to the model provided in Schedule V.

- **343.** Not later than the fourteenth day before polling day, the Chief Electoral Officer sends each elector the list of candidates for the elector's electoral division and electoral district, and sends the list of candidates for each electoral division and electoral district to the places determined by order of the Government.
- §4. *Advance polling*
- A. General provisions
- **344.** Not later than the twenty-eighth day before polling day, the returning officer in an electoral division must set up as many advance polling stations as necessary and determine the corresponding polling subdivisions. The returning officer immediately informs each candidate and each authorized party authority at the division level.

Advance polling stations must be handicapped-accessible.

- **345.** Not later than the twenty-second day before polling day, the Chief Electoral Officer sends to each address a notice informing electors of where and when advance polling will take place.
- **346.** Unless inconsistent with this division, sections 362 to 385, 389, 390 and 397 to 414 apply to advance polling, with the necessary modifications.

However, there is no list officer during advance polling.

347. Advance polling stations are open from 9:30 a.m. to 8:30 p.m. on the eighth and seventh days before polling day.

If polling cannot begin at the prescribed time, is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, the Chief Electoral Officer may extend polling hours as needed at the polling station affected.

348. After the advance polling station closes on the first day, the poll clerk records the information listed in section 418 in the poll book.

The deputy returning officer places the ballot papers that are in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers, the forms and the list of electors in separate envelopes; the deputy returning officer then seals the envelopes. The deputy returning officer places the envelopes, except the one containing the list of electors, and the poll book in the ballot box and seals it with a safety seal bearing a number.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals on the envelopes and the seal on the ballot box.

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

349. At the beginning of the second day, in the presence of the poll clerk and the representatives in attendance, the poll book and the envelopes containing the forms, the unused ballot papers and the list of electors are returned to the deputy returning officer.

At the close of the advance polling station, the poll clerk records the information listed in section 418 in the poll book. The deputy returning officer then proceeds as in section 348.

- **350.** At the end of each day, the returning officer sends the candidates a list of the electors who voted in the advance poll.
- B. Mobile advance polling stations
- **351.** The returning officer may set up as many mobile advance polling stations as needed in an electoral division.

Mobile advance polling stations are set up in a hospital centre for long term care or a residential and long-term care centre, within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2), or a residence for the elderly identified in the register established under that Act.

The institutions referred to in the second paragraph must meet the criteria determined by the Chief Electoral Officer.

- **352.** The mobile advance poll is held on the eighth and seventh days before polling day during the hours determined by the returning officer for each institution.
- **353.** An elector domiciled in an institution referred to in section 351 who wishes to vote in an advance poll must vote in the advance polling station set up in that institution.

An elector referred to in the first paragraph who is unable to move about may vote in his or her apartment or room provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day and provided the elector is registered on the list of electors for the polling subdivision in which the institution is situated.

354. The returning officer draws up a list of the electors who have filed a request under section 353 and sends a copy to the candidates.

- **355.** Mobile advance polling stations are operated by a deputy returning officer and a poll clerk appointed by the returning officer.
- **356.** The deputy returning officer and the poll clerk of a mobile advance polling station are responsible for verifying the identity of electors, and sections 362 to 365 apply with the necessary modifications.
- **357.** When the deputy returning officer considers it appropriate, the deputy returning officer must stop receiving votes at the mobile advance polling station and move all the necessary material to the room or apartment of an elector on the list referred to in section 354 who is unable to move about.

The deputy returning officer must give the elector all the assistance necessary to vote.

The representatives of the candidates are not admitted into the elector's room or apartment.

- **358.** Despite the second paragraph of section 353, an elector who has become unable to move about after the thirteenth day before polling day and whose disability will persist beyond polling day may vote in his or her room or apartment. In such a case, the fact is recorded on the list referred to in section 354.
- **359.** The director general, owner or person in charge of an institution referred to in section 351 must facilitate access to the mobile advance polling station in the institution and cooperate with the deputy returning officer and the poll clerk.
- §5. Voting on polling day
- A. Polling hours
- **360.** Polling takes place from 9:30 a.m. to 8:30 p.m.
- **361.** All employers must ensure that every employee who is an elector has at least four consecutive hours to vote while polling stations are open on polling day, not counting the time normally allowed for meals.

If an employee does not have such a four-hour period outside working hours, the employer must grant the employee, at the time of day determined by the employer, the leave required to provide four consecutive hours to vote.

The employer may not make a deduction from the employee's pay or impose a penalty on the employee because of the employee's absence from work.

Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) applies to an employee who believes he or she has been the victim of a contravention of this section.

B. — Verification of electors' identity

- **362.** The order and information officer informs electors arriving on the premises of a polling station that they must produce identification in accordance with section 367 and directs them to the identity verification panel if they do not have any of the documents prescribed in that section in their possession.
- **363.** To be admitted to vote, an elector who has been directed to the identity verification panel must
- (1) declare before the panel members that he or she is the elector registered on the list of electors and is entitled to be registered at the address appearing on the list opposite the elector's name;
- (2) sign the sworn statement provided for that purpose in the register kept by the panel members; and
 - (3) meet either of the following conditions:
- (a) produce at least two documents providing evidence of the elector's name, including one that bears a photograph, or failing that, at least two documents which together provide evidence of the elector's name and date of birth and the address at which the elector is registered or his or her domiciliary address; or
 - (b) be accompanied by a person who
- i. produces identification in accordance with the first paragraph of section 367;
 - ii. attests to the elector's identity and address;
- iii. declares not having accompanied any other elector other than the person's spouse or relative within the meaning of section 240 during the poll;
- iv. produces a document referred to in the second paragraph of section 367 that bears the person's photograph; and
- v. signs a sworn statement provided for that purpose in the register kept by the panel members, specifying the person's name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if the person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred

to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by regulation.

364. No person may write down or otherwise record information contained in a document produced under section 363.

This section does not prevent the verification panel members from recording, at the request of the Chief Electoral Officer, for statistical purposes and without identifying electors, the type of document produced under section 363.

365. If an elector has met the requirements of section 363, the chair of the identity verification panel gives the elector an identity certificate attesting that the elector has validly established his or her identity.

C. — Voting formalities

366. Not more than one elector at a time may be admitted to a polling station.

367. The elector states his or her name and address in front of the deputy returning officer and the poll clerk and, at their request, his or her date of birth.

In addition, the elector must produce as identification, despite any contrary provision, his or her health insurance card issued by the Régie de l'assurance maladie du Québec, driver's licence or probationary licence issued in plastic form by the Société de l'assurance automobile du Québec, Canadian passport or any other document issued by the Government or a government department or body or recognized by the Government and determined by government regulation after consultation with the advisory committee.

If an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer refers the elector to the members of the panel.

368. No person may write down or otherwise record information contained in a document produced by an elector under the second paragraph of section 367.

This section does not prevent polling officers from recording, at the request of the Chief Electoral Officer, for statistical purposes and without identifying electors, the type of document produced by electors.

369. The deputy returning officer admits an elector to vote if the elector has not already voted and is on the list of electors for the polling subdivision, if the elector's name, address and, if requested, date of birth correspond to

those on the list and if the elector has produced identification in accordance with section 363 or the second paragraph of section 367.

An elector whose name differs slightly from the name on the list of electors may nevertheless be admitted to vote after taking an oath in the form prescribed by regulation; this is recorded in the poll book.

- **370.** An elector under whose name another person has already voted may nevertheless be admitted to vote after taking an oath in the form prescribed by regulation; this is recorded in the poll book.
- **371.** The returning officer or the assistant returning officer may issue an authorization to vote, in the form prescribed by regulation, to an elector
- (1) whose name does not appear on the copy of the list of electors used at the polling station but appears on the revised list of electors in the possession of the returning officer;
- (2) whose name was not properly entered when a decision of a board of revisors was copied; or
- (3) who has left home for personal safety or the safety of the elector's children and who wishes to vote in the polling subdivision where the elector is residing. Before issuing an authorization, the returning officer makes sure that the elector is on the list of electors for the polling subdivision of the elector's last domicile and has not already voted; the returning officer also takes the necessary measures so that no one votes under that elector's name.

The elector presents the authorization obtained under this section to the deputy returning officer and declares under oath that he or she is the person who obtained it; this is recorded in the poll book.

Section 367 does not apply, as regards the address, to an elector referred to in subparagraph 3 of the first paragraph.

- **372.** The deputy returning officer hands a ballot paper to an elector who is admitted to vote, after initialling the ballot paper in the reserved space and removing it from the counterfoil.
- **373.** After receiving the ballot paper, the elector enters the polling booth, marks the ballot paper and folds it; after leaving the polling booth, the elector allows the initials on the ballot paper to be examined by the deputy returning officer, the poll clerk and the candidate representatives who wish to do so; then, in full view of the persons present, the elector removes the stub and hands it to the deputy returning officer, who destroys it, and the elector places the ballot paper in the ballot box.

- **374.** The elector marks the ballot paper in one of the circles with the pencil given to the elector by the deputy returning officer at the same time as the ballot paper.
- **375.** As soon as an elector has voted, the poll clerk records it on the list of electors in the reserved space.
- **376.** The deputy returning officer must cancel a ballot paper if the initials appearing on the back are not the deputy returning officer's; this is recorded in the poll book by the poll clerk.
- **377.** If a ballot paper is inadvertently marked or spoiled, the deputy returning officer asks the elector to mark each of the circles on the ballot paper. The deputy returning officer then cancels the marked or spoiled ballot paper and gives a new ballot paper to the elector.
- **378.** An elector who declares under oath that he or she is unable to mark a ballot paper may be assisted
 - (1) by the elector's spouse or relative within the meaning of section 240; or
- (2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station. The person declares under oath not having assisted any other elector during the poll other than the person's spouse or relative within the meaning of section 240.

In either case, this is recorded in the poll book.

- **379.** At the request of a visually impaired elector, the deputy returning officer must provide a template consistent with the model prescribed by regulation to enable the elector to vote without assistance. The deputy returning officer tells the elector the order in which the candidates appear on the ballot paper and the information appearing under their names, if any.
- **380.** A deaf or mute elector may be assisted, for the purpose of communicating with the election officers and representatives, by a person capable of interpreting sign language.
- **381.** Before the deputy returning officer hands out a ballot paper, the deputy returning officer, the poll clerk or the representative of a candidate may require a person to make a declaration under oath, in the form prescribed by regulation, that he or she
 - (1) is a qualified elector;
- (2) was domiciled in the polling subdivision on the thirteenth day before polling day, or had his or her main office in the polling subdivision on the date a request under section 8 was filed;

- (3) has not already voted in the current election;
- (4) has not received any benefit intended to enlist the elector's support for a candidate; or
- (5) is not in possession of any ballot paper that may be used in the current election.

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

- **382.** The deputy returning officer must refuse to give a ballot paper to a person who refuses to take an oath; this is recorded in the poll book.
- **383.** On the premises of a polling station, no person may display an expression of party affiliation or support for or opposition to a party or candidate, or engage in any other form of partisan advertising.

The returning officer may remove prohibited advertising if, after being asked to remove it, the party or candidate promoted by the advertising refuses or neglects to do so.

The premises of a polling station include the building in which the polling station is located and any neighbouring place where partisan advertising could be seen or heard by electors from that building.

384. Electors who are on the premises of a polling station at closing time but have not yet voted may vote after closing time. After they have voted, the deputy returning officer declares the polling closed.

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

385. If polling could not begin at the prescribed time, was interrupted by irresistible force or could not be concluded for a lack of ballot papers, the Chief Electoral Officer may extend polling hours, for a specified length of time, at the polling station affected.

DIVISION IV

POLLING FORMALITIES

- §1. *Polling stations, ballot papers and ballot boxes*
- A. Polling stations
- **386.** The returning officer sets up a polling station for each polling subdivision.

If a polling subdivision has more than 350 electors, the returning officer must set up more than one polling station.

If a polling subdivision has from 300 to 350 electors, the returning officer may decide to set up more than one polling station.

If a polling subdivision is in unorganized territory or has fewer than 50 electors, the returning officer may set up a single polling station for that polling subdivision and the nearest polling subdivision.

Not later than the twelfth day before polling day, the returning officer informs each candidate of the location of the polling station or stations set up for each polling subdivision.

387. The polling stations of an electoral precinct must be grouped in an easily accessible and handicapped-accessible place.

However, in special circumstances or if warranted by the area of the electoral precinct, the returning officer may set up the polling stations in more than one place.

Furthermore, if a handicapped-accessible place cannot be found, the returning officer must obtain the authorization of the Chief Electoral Officer before setting up a polling station in a place that is not handicapped-accessible. The Chief Electoral Officer notes, in the return published under section 457, the cases in which such authorization was granted.

- **388.** Municipalities, school boards or institutions governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) must allow their premises to be used free of charge for polling stations.
- **389.** Polling day is a holiday for the students of all schools within a school board situated in an electoral division where an election is being held.

On polling day, every educational institution must give a holiday to its students who are electors.

390. The Chief Electoral Officer gives directives to the returning officer on how to organize the physical layout of the premises of a polling station.

In particular, the returning officer must ensure that the place where a polling station is located is laid out in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling process.

B. — Ballot papers

391. The returning officer has ballot papers printed according to the model provided in Schedule IV and in accordance with the directives of the Chief Electoral Officer.

The Chief Electoral Officer has ballot papers printed according to the model provided in Schedule V and in accordance with the Chief Electoral Officer's directives. The Chief Electoral Officer also has ballot papers printed according to the model provided in Schedule IV for the electoral divisions of the domiciles of inmate electors.

The printer must make sure that no ballot paper of the model ordered is provided to any other person.

The paper used to print the ballot papers is provided by the Chief Electoral Officer.

The printer and the paper manufacturer must comply with the standards prescribed by regulation.

392. The ballot papers printed according to the model provided in Schedule IV must have a counterfoil and a stub bearing the same number on the back. The ballot papers must be numbered consecutively.

In addition, there must be space on the back of the ballot papers reserved for the initials of the deputy returning officer, the name and address of the printer and the name of the electoral division.

393. The ballot papers printed according to the model provided in Schedule IV must allow each candidate to be clearly identified.

The given names and family names of the candidates must be printed on the front of the ballot papers in alphabetical order of the family names; the given names and family names must be spelled as on the nomination paper. The name of the authorized party must appear under the name of the candidate for that party; the word "Independent" must appear under the name of an independent candidate if the candidate's nomination paper so specified.

If two or more candidates have the same family name and given name, the returning officer draws lots to determine the order of the candidates on the ballot paper.

394. The front of the ballot papers printed according to the model provided in Schedule V must contain a space where the elector may write the given name and family name of the candidate of the elector's choice and, if the elector so wishes, the name of the political party or the word "Independent".

In addition, there must be space on the back of the ballot papers reserved for the initials of the deputy returning officer, the name and address of the printer and the name of the electoral division.

C. — Ballot boxes

395. The Chief Electoral Officer has ballot boxes made in accordance with the standards determined by the Chief Electoral Officer and in sufficient number for all electoral divisions.

The ballot boxes must be made of sturdy material, be uniform in size and shape and bear the official emblem of Québec.

- **396.** Between the date of the order instituting the election and the date on which the returning officer returns the material to the Chief Electoral Officer in accordance with section 454, the ballot boxes are in the care and custody of the returning officer.
- D. Provision of required material to deputy returning officer
- **397.** Within three days before polling day, the returning officer gives the deputy returning officer a ballot box, the directives concerning the work of the polling officers, the list of electors for the polling subdivision including the entries relating to the electors who have already voted, the entries resulting from the special revision process and the statements of changes having occurred since the special revision process, a poll book, the material required for the poll and the documents needed for the counting of votes.

The returning officer also gives the deputy returning officer an envelope initialled by the returning officer across the envelope seal and containing a number of ballot papers at least equal to the number of registered electors, without splitting a booklet, plus 25.

§2. — *Polling officers*

- **398.** Deputy returning officers, poll clerks, list officers, verification panel members and order and information officers and their assistants are polling officers.
- **399.** The returning officer appoints an order and information officer for every place where a polling station is located.

The functions of the order and information officer include

- (1) greeting electors and directing them towards the polling station for their polling subdivision;
 - (2) informing electors of their obligation to produce identification;

- (3) ensuring that polling stations are accessible and directing foot traffic;
- (4) ensuring that only one person at a time is admitted to a polling station;
- (5) ensuring that only the electors who are on the premises of a polling station at closing time are admitted to vote after closing time;
- (6) ensuring that only the persons authorized to be on the premises of a polling station are allowed on the premises; and
- (7) informing the returning officer of any situation requiring the returning officer's intervention.

The returning officer may also appoint one or more assistants to the order and information officer, as needed.

400. For each polling station, the returning officer appoints a deputy returning officer recommended by the candidate of the authorized party whose candidate ranked first in the last election or by the independent Member elected in the last election if that person is running again.

The returning officer appoints a poll clerk recommended by the candidate of the authorized party whose candidate ranked second in the last election.

- **401.** For each polling station, the returning officer appoints two list officers, one recommended by the candidate of the authorized party whose candidate ranked first in the last election or by the independent Member elected in the last election if that person is running again, and the other recommended by the candidate of the authorized party whose candidate ranked second in the last election.
- **402.** In a new electoral division, in an electoral division whose boundaries have changed since the last election or in an electoral division in which no candidate of an authorized party ranked second in the last election or in which the persons who would have been entitled to recommend a person as deputy returning officer, poll clerk or list officer are not running, the Chief Electoral Officer decides which candidates are entitled to make the recommendations provided for in sections 400 and 401, according to the criteria prescribed by regulation.
- **403.** The recommendations must be received by the returning officer not later than the fourteenth day before polling day.

The returning officer may refuse a recommendation on reasonable grounds. In that case, the returning officer requests a new recommendation.

If no recommendation has been received or if the person recommended is not a qualified elector or is described in section 203, the returning officer makes the appointment without further formality.

404. The returning officer forms an identity verification panel for every place where a polling station is located. With the authorization of the Chief Electoral Officer, more than one panel may be formed.

An identity verification panel is composed of three members, including a chair, appointed by the returning officer. Sections 400 to 403 apply, with the necessary modifications, to the appointment of two other verification panel members.

The function of the verification panel members is to verify the identity of electors who have been unable to produce identification in accordance with the second paragraph of section 367. Decisions are made by a majority vote.

Where there is only one polling station on the premises, the deputy returning officer and the poll clerk may act as verification panel members.

405. On the twelfth day before polling day, the returning officer posts in the returning officer's offices and sends each candidate a list of the verification panel members, deputy returning officers, poll clerks and list officers the returning officer has appointed.

The returning officer informs the candidates of any changes to the list without delay.

- **406.** The functions of the deputy returning officer include
 - (1) organizing the physical layout of the polling station;
- (2) ensuring that the polling process is properly conducted and maintaining order:
 - (3) facilitating voting and ensuring voting secrecy;
 - (4) counting the votes; and
- (5) sending the poll results and giving the ballot box to the returning officer.
- **407.** The functions of the poll clerk include
- (1) recording the information relating to the polling process in the poll book; and
 - (2) assisting the deputy returning officer.
- **408.** The functions of the list officers include informing the poll runners, in accordance with the directives of the Chief Electoral Officer, as to the electors who have voted.

409. The order and information officer and the officer's assistants, if any, the deputy returning officer, the poll clerk, the list officers and the verification panel members must be present at the polling station one hour before opening time.

The representatives of the candidates may be present from the same time. They may attend any operation conducted at the polling station.

- **410.** In the presence of the poll clerk, the deputy returning officer opens the ballot box and examines the documents in it and the material required for the poll, in compliance with the directives of the Chief Electoral Officer.
- **411.** The place where the polling stations are located and the polling officers must be identified in the manner prescribed by regulation.
- **412.** At opening time, the deputy returning officer and the poll clerk must make sure that there are no ballot papers in the ballot box. The ballot box is then sealed and placed on the polling station table in full view of the polling officers and the candidate or the candidate's representative.
- **413.** During polling hours, the Chief Electoral Officer and the returning officer must be easily accessible to the candidates and their mandataries.

A. — Representatives

414. A candidate may attend all voting-related operations. In addition, a person may be designated by the candidate and given a power of attorney to represent the candidate in dealings with either the deputy returning officer or the order and information officer, or with both.

The power of attorney is signed by the candidate or the candidate's mandatary and is presented to the deputy returning officer or the order and information officer. It is valid for the duration of the polling and the counting of votes.

B. — Poll runners

415. On polling day, a person may also be designated by a candidate for each place where polling stations are located, and given a power of attorney to collect a list of the electors who have voted. That person may be the person designated to represent the candidate in dealings with the order and information officer.

The power of attorney is signed by the candidate or the candidate's mandatary and is presented to the deputy returning officer or to the order and information officer. It is valid for the duration of the polling.

DIVISION V

COUNTING AND ADDITION OF VOTES

- §1. Place where votes are counted
- **416.** Votes are counted at the Chief Electoral Officer's office, the returning officer's office or the polling station, depending on where the ballot papers are received.

In the case of an advance poll, the returning officer determines where the votes are counted.

- §2. Counting of votes
- **417.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, counts the votes. The candidates and their representatives may be present.

When the votes cast during the advance poll are counted, sections 403 and 405 do not apply if the deputy returning officer and the poll clerk are not the same as those appointed to act at the advance polling station.

- **418.** Before the ballot box is opened, the poll clerk records in the poll book
 - (1) the number of electors who voted;
- (2) the number of spoiled or cancelled ballot papers and the number of unused ballot papers; and
- (3) the names of the polling officers and the representatives, indicating those entitled to remuneration.
- **419.** The deputy returning officer, the poll clerk and the representatives use the tally sheet provided by the Chief Electoral Officer for the counting of votes.
- **420.** The deputy returning officer opens the ballot box, counts the votes by taking the ballot papers out of the ballot box one by one and allows each person present to examine them.
- **421.** The deputy returning officer declares valid every ballot paper marked in a circle opposite the given name and family name of one of the candidates.

The deputy returning officer rejects a ballot paper if it

- (1) was not supplied by the deputy returning officer;
- (2) does not bear the deputy returning officer's initials;

- (3) has not been marked;
- (4) has been marked for more than one candidate;
- (5) has been marked for a person who is not a candidate;
- (6) has been marked outside the circles;
- (7) bears a fanciful or injurious mark;
- (8) bears a mark by which the elector can be identified; or
- (9) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.

No ballot paper may be rejected for the reason set out in subparagraph 2 of the second paragraph if the number of ballot papers in the ballot box corresponds to the number of ballot papers that were placed in it according to the list of electors or the poll book.

In full view of the persons present, the deputy returning officer initials the back of any ballot paper that is not initialled, and notes under the initials that they have been added as a correction. This is recorded in the poll book.

422. No ballot paper may be rejected for the sole reason that its stub has not been removed. The deputy returning officer removes the stub and destroys it.

No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled in.

- **423.** The deputy returning officer considers any objection raised by a candidate or a candidate's representative as to the validity of a ballot paper and makes a decision immediately. The objection and the deputy returning officer's decision are recorded in the poll book.
- **424.** The deputy returning officer draws up a statement of votes and signs it. The poll clerk and the representatives who wish to do so initial the statement.

The deputy returning officer records the reasons why ballot papers are rejected in the statistical report of rejected ballot papers.

425. After counting the ballot papers and drawing up the statement of votes, the deputy returning officer places in separate envelopes the ballot papers marked for each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of votes. The deputy returning officer then seals the envelopes.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

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

- **426.** The deputy returning officer gives a copy of the statement of votes to the representative of each candidate and to the returning officer.
- **427.** The deputy returning officer seals the ballot box, and the deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.
- **428.** The deputy returning officer gives the ballot box to the returning officer or the person designated by the returning officer.
- §3. Counting of votes on ballot papers received in envelopes
- A. Verification of envelopes
- **429.** The verification of envelopes preceding the counting of votes starts on the days and at the times determined by the Chief Electoral Officer.
- **430.** The returning officer or the Chief Electoral Officer designates one or more two-person teams to verify the envelopes.
- **431.** Each verification team must make sure that
- (1) the information on the outside envelope corresponds to that on the registration form;
 - (2) the envelope is really from the elector's electoral division;
 - (3) only one ballot paper was given to the elector;
- (4) the envelope does not come from an elector removed from the list of electors by the board of revisors; and
 - (5) the number of envelopes corresponds with the entries in the poll book.

Once these verifications have been carried out, if everything is in compliance, the envelope containing the ballot paper is removed from the second envelope and placed in the ballot box.

432. If an irregularity is discovered during the verification, the envelope in question is not placed in the ballot box and the ballot paper is considered cancelled.

Ballot papers for which the inside envelope or the outside envelope is missing are also considered cancelled.

433. Whenever an envelope or a ballot paper is cancelled under section 432, reasons must be given.

B. — Counting of votes

434. The Chief Electoral Officer or the returning officer sets up as many polling stations as necessary to count the votes and appoints a deputy returning officer and a poll clerk for each of the polling stations.

Sections 400 and 402 apply, with the necessary modifications, to the appointment of deputy returning officers and poll clerks.

435. On polling day, the deputy returning officer, assisted by the poll clerk, counts the votes in the presence of the representative designated by each authorized party. The votes are counted at the place and time determined by the Chief Electoral Officer or the returning officer in accordance with sections 419 to 428, with the necessary modifications.

No ballot paper may be rejected for the sole reason that one of the words it bears is misspelled as long as the elector's intention is clear.

436. If the votes are counted at the office of the Chief Electoral Officer, the deputy returning officer, after counting the ballot papers for each electoral division, draws up a statement of votes and an abstract of the statement of votes for each electoral division.

The deputy returning officer places the ballot papers marked for each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers and the unused ballot papers in separate envelopes, seals the envelopes and places them in another sealed envelope bearing the name of the electoral division concerned.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

The envelope, the poll book and the list of electors are placed in a ballot box bearing the name of that electoral division.

437. The deputy returning officer seals the ballot box, and the deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

The deputy returning officer then gives the ballot box, the statement of votes and the extracts of the statement of votes to the Chief Electoral Officer or the person designated by the Chief Electoral Officer, or to the returning officer or the person designated by the returning officer.

438. The Chief Electoral Officer immediately communicates the poll results to each returning officer concerned and sends the latter the corresponding abstract of the statement of votes.

§4. — Addition of votes

439. The returning officer notifies each candidate, or the candidate's mandatary, of the time the returning officer will proceed with the addition of the votes.

Wherever possible, the addition begins at 9:00 a.m. on the day after polling day; it takes place at the returning officer's main office, and any candidate, mandatary or elector may be present.

440. The returning officer proceeds with the addition of the votes by using the statements of votes contained in the ballot boxes to add up the votes cast for each candidate in each polling subdivision of the electoral division.

The returning officer also uses the abstract of the statement of votes referred to in section 438 or, if the returning officer has not yet received the abstract, the poll results communicated under that section.

- **441.** If a statement of votes has not been placed in a ballot box or if the returning officer has not received a ballot box, the returning officer adjourns the addition of the votes until the statement or ballot box has been obtained.
- **442.** Any person present may request a re-addition of the votes on the contention that the votes were not properly added up by the returning officer.
- **443.** The returning officer declares elected the candidate who, when the addition is completed, has received the greatest number of votes.

The returning officer may then communicate the result of the addition of the votes to any person who requests them.

- **444.** In the case of a tie, the returning officer requests a judicial recount in accordance with Division VII.
- **445.** Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), access to ballot papers is available only in the cases provided for in this Act.

DIVISION VI

PROCLAMATION OF ELECTION AND PUBLICATION OF RESULTS

446. If no request for a judicial recount of the votes is filed within the time prescribed, the returning officer for a division proclaims elected the candidate who received the greatest number of votes. The returning officer sends each candidate a copy of the proclamation.

The returning officer sends without delay to the Chief Electoral Officer and the returning officer for the district the proclamation of election and the result of the addition of the votes.

- **447.** As soon as the returning officer for a district receives the proclamations of election and the results of the addition of the votes for the electoral divisions of that district, the returning officer proclaims elected the candidates to whom a district seat has been awarded in accordance with sections 448 to 452.
- **448.** The first district seat is awarded to the authorized party that obtains the highest quotient by dividing the number referred to in subparagraph 1 by the number referred to in subparagraph 2:
- (1) the total number of votes for the candidates of the party in the electoral divisions of that district:
- (2) the result obtained by adding 1 to the number of candidates of the party elected to division seats in that district.

Each time a party is awarded a seat, 1 is added to the divisor referred to in subparagraph 2 of the first paragraph, thus reducing the party's quotient.

- **449.** Each subsequent district seat is awarded to the authorized party that obtains the highest quotient using the calculation method described in section 448, until there are no more seats to be awarded in that district.
- **450.** If there is a tie between two or more parties in the calculation of the highest quotient, the seat is awarded to the party whose candidates obtained the greatest number of votes. If the number of votes obtained by the candidates of each party is the same, the seat is awarded by a random draw in the manner determined by the returning officer for the district.
- **451.** A district seat cannot be filled by a candidate proclaimed elected in an electoral division.
- **452.** The district seats awarded to an authorized party are filled by candidates in the order in which they appear on the party's list of candidates.
- **453.** When a party's list of candidates is empty, either because its candidates have all been elected to division seats or because they have been awarded district seats under sections 448 to 452, that party ceases to be awarded district seats.
- **454.** The returning officer for a division sends the Chief Electoral Officer a full report on the election proceedings.

The returning officer for a division also sends the Chief Electoral Officer all the ballot papers, statements of votes, lists of electors and poll books.

The returning officer for the district sends the Chief Electoral Officer a full report on the awarding of district seats, including all related calculations and the list of candidates of each authorized party, stating in each case the names of the candidates to a division seat who were proclaimed elected.

- **455.** The Chief Electoral Officer keeps the documents sent by the returning officers for one year after they are sent or, if the election is contested, for one year after the decision on the contestation is rendered.
- **456.** As soon as possible after sending a list of the candidates proclaimed elected to the Secretary General of the National Assembly, the Chief Electoral Officer publishes a notice in the *Gazette officielle du Québec*, stating the family and given names of the elected candidates, their party affiliation, the name of their electoral division or district and the date the Secretary General received the list.

Candidates proclaimed elected become Members of the National Assembly as of the receipt, by the Secretary General, of the list of the candidates proclaimed elected.

457. As soon as possible after the election, the Chief Electoral Officer must publish a detailed report on the election containing, among other things, the poll results for each electoral precinct and the poll results for each polling subdivision.

The report must also contain, for each district, the information required under the third paragraph of section 454.

The Chief Electoral Officer sends the report to the Secretary General of the National Assembly.

- **458.** The result of a by-election in an electoral division does not affect the awarding of district seats following the last general election.
- **459.** When a district seat becomes vacant, the Chief Electoral Officer proclaims elected the candidate who, after the application of section 452, is first on the list of candidates of the authorized party to which the previous incumbent belonged, provided that the candidate has remained a qualified elector, has not been disqualified and has not changed party affiliation since the last general election.

If all the candidates on the list were awarded seats following the general election or to fill other vacancies, or if the remaining candidates on the list cannot, for the reasons described in the first paragraph, or refuse to fill the vacancy, the seat remains vacant until the next general election.

The seat also remains vacant if the vacancy occurs more than four years after the Secretary General of the National Assembly received the list of candidates proclaimed elected under section 456 or if an order instituting a

general election is issued before a candidate is proclaimed elected under the first paragraph.

DIVISION VII

JUDICIAL RECOUNT

460. A person who has reasonable grounds to believe that a deputy returning officer or the returning officer has unlawfully counted or rejected ballot papers or has drawn up an incorrect statement of votes may request a judicial recount of the votes.

A candidate who ranked second, or the candidate's mandatary, may request a judicial recount if the majority is not greater than one-thousandth of the votes cast.

461. A judicial recount is requested by a motion addressed to a judge of the Court of Québec in the judicial district in which all or part of the electoral division concerned is situated.

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

- **462.** The recount must begin within four days after the presentation of the motion and be carried out as rapidly as possible.
- **463.** The judge must give the Chief Electoral Officer and the candidates at least one clear day's notice in writing of when and where the votes will be recounted.

The judge summons the returning officer and the assistant returning officer and orders the returning officer to bring the ballot boxes and the statement of votes for the electoral division and, if applicable, the abstract of the statement of votes referred to in section 438. They must obey the summons.

If the judicial recount is in an electoral division in which votes by correspondence were counted, the Chief Electoral Officer brings every envelope referred to in section 436 that bears the name of that electoral division.

464. On the appointed day, the judge, in the presence of the returning officer and the assistant returning officer, examines the ballot papers and the other documents contained in the ballot box.

The persons referred to in the first paragraph and in section 463 and the mandataries of the candidates may examine the documents contained in the ballot box.

465. Sections 421 and 422 apply for the purpose of determining the validity of a ballot paper.

466. If a ballot box or required documents are missing, the judge takes the appropriate means to ascertain the poll results. For that purpose, the judge is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

A person testifying before the judge has the same privileges and immunity as a witness before the Superior Court, and articles 307 to 309 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, with the necessary modifications.

- **467.** While the recount is in progress, the ballot boxes and their contents as well as all other documents submitted are in the care and custody of the judge.
- **468.** Upon the conclusion of the recount, the judge adds up the votes cast for each candidate, verifies or rectifies any statement of votes and certifies the poll results.

The judge returns the ballot boxes to the returning officer and all documents used for the recount to the Chief Electoral Officer.

- **469.** The returning officer proclaims elected the candidate who obtained the greatest number of votes and section 446 applies, with the necessary modifications.
- **470.** If there is a tie, a new election is held.

After informing the Chief Electoral Officer, the returning officer immediately publishes a notice, in the manner prescribed by regulation, informing electors of the new period for filing nomination papers and the new polling date.

The poll is held on the fifth Sunday following the date of the judge's decision.

471. The judge awards the costs and sets the amount of those costs according to the tariff established by government regulation.

If the result of the election remains unchanged, the costs of the candidate who received the greatest number of votes are borne by the person who requested the recount.

In the case referred to in the last paragraph of section 460, the person who requested the recount does not pay any costs.

- **472.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.
- **473.** If a judge fails to comply with this division, the aggrieved party may, within four days, file a motion at the office of the Court of Appeal requesting

a judge of that court to issue an order enjoining the judge to proceed with and complete the recount.

474. If the motion appears to be founded, the judge of the Court of Appeal issues an order setting a date for a hearing within the next eight days and summoning the interested parties to appear at the place indicated on that date.

The motion and the order are served in the manner determined by the judge.

- **475.** On the appointed day and at the appointed place, the judge of the Court of Appeal, or another judge of the same court, after hearing the parties present, issues the order warranted by the facts. The judge may also award costs.
- **476.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Appeal.

DIVISION VIII

CONTESTATION OF AN ELECTION

- **477.** An elector qualified to vote in an electoral division or a candidate in that division may contest the election held in the division or in the district that comprises that division if the election or the proclamation of election is irregular, or if a corrupt electoral practice that voids the election of a Member was engaged in.
- **478.** An election is contested by filing a motion with the Court of Québec in the judicial district in which all or part of the electoral division or district concerned is situated.
- **479.** The motion must be presented within 30 days after the publication of the notice referred to in section 456 in the *Gazette officielle du Québec* or within 30 days after the final judgment convicting a person of a corrupt electoral practice.

However, in the case of a corrupt electoral practice referred to in paragraph 1 of section 691, the motion must be presented within 60 days after the return is filed under section 536 or within 90 days after the return is filed under section 537.

480. The motion must state the facts on which it is based, and the allegations must be supported by an affidavit.

The Chief Electoral Officer and the returning officer for the division or the district concerned must be made parties to the case.

481. The motion is heard by three judges and the judgment is rendered by a majority decision.

If one of the judges dies before judgment on the motion or is unable, for any reason, to participate in the judgment, the other two judges may proceed.

- **482.** The motion is served on the parties with a notice of not less than ten clear days of the date the motion is to be presented.
- **483.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure (R.S.Q., chapter C-25), but the motion is heard and decided by preference.
- **484.** The rules of proof are those in force in civil matters.
- **485.** The fact that the defendant has vacated his or her seat as a Member does not prevent the presentation of the motion or interrupt the hearing.

Convocation, prorogation or dissolution of the National Assembly does not suspend proceedings.

486. The court decides

- (1) whether the election is void;
- (2) whether the Member whose election is contested was duly elected or proclaimed elected; and
 - (3) whether another person was elected.

487. If it is proved at the hearing

- (1) that a corrupt electoral practice was engaged in by a candidate or by another person with the candidate's consent, the candidate is held guilty of a corrupt electoral practice, and the election of the candidate is void;
- (2) that a corrupt electoral practice was engaged in by the representative, mandatary or official agent of a candidate, the election of the candidate is void.

However, the election of a candidate cannot be declared void under 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 that the candidate took reasonable precautions.

488. If it is proved at the hearing that a candidate, personally or through another person, committed an offence under section 689 or 690, the court subtracts from the number of votes that appear to have been cast for that

candidate one vote for each person having voted in that election in whose respect the candidate committed the offence, according to the evidence.

- **489.** The election of a candidate may not be declared void by reason of an offence under this Act or the regulations if it does not constitute a corrupt electoral practice and if the court comes to the conclusion that the offence could not have changed or significantly affected the result of the election.
- **490.** An election may not be declared void by reason of a failure to observe a prescribed polling or vote-counting formality or by reason of the disqualification of an election officer if the voting-related operations were conducted in accordance with the principles established by this Act and the inobservance or disqualification did not affect the result of the election.
- **491.** An election may not be declared void by reason of a failure to respect the prescribed time limits, unless the failure to do so affected the result of the election.
- **492.** An election may not be declared void by reason of the fact that a person who endorsed a nomination was not a qualified elector or was not domiciled in the electoral division for which the nomination paper was filed.
- **493.** A person held guilty of a corrupt electoral practice is disqualified under section 702.
- **494.** The final judgment rendered on the motion may be appealed before the Court of Appeal.

The appeal must be brought within 15 days after the judgment.

An interlocutory judgment cannot be appealed.

495. The ordinary rules of the Code of Civil Procedure (R.S.Q., chapter C-25) apply to the proceedings, but the appeal is heard by preference.

The judgment rendered by the Court of Appeal is final.

496. Once the judgment becomes *res judicata*, the Chief Electoral Officer sends a certified copy of the decision to the President or the Secretary General of the National Assembly, who immediately informs the Members.

If the judgment changes the result of the election, the Chief Electoral Officer proceeds in accordance with section 456.

497. The new result does not affect the awarding of district seats following the general election.

CHAPTER III

CONTROL OF ELECTION EXPENSES

DIVISION I

ELECTION EXPENSES

- **498.** For the purposes of the control of election expenses, the election period begins the day after the order instituting the election is issued and ends at the time the polling stations close on polling day.
- **499.** The cost of goods or services used for the following purposes during an election period is an election expense:
- (1) to directly or indirectly promote or oppose the election of a candidate or the candidates of a party;
 - (2) to propagate or oppose the program or policies of a candidate or party;
- (3) to support or oppose a course of action advocated or opposed by a candidate or party; or
- (4) to support or oppose an act done or proposed by a party, a candidate or their supporters.
- **500.** In the case of goods or services used both during and before an election period, the part of the cost which constitutes an election expense is determined on the basis of the ratio between the frequency of use during the election period and the frequency of use before and during the election period.
- **501.** The following are not election expenses:
- (1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspapers or other periodical, provided that they are published without payment, reward or promise of payment or reward, that the newspaper or periodical is not established for the purposes or in anticipation of the election and that the circulation and frequency of publication are the same as outside the election period;
- (2) the cost of producing, promoting and distributing a book according to normal market rules provided that it was intended to be put on sale at the prevailing market price regardless of the order instituting the election;
- (3) the cost of broadcasting a public affairs, commentary or news program on radio or television, provided that it is broadcast without payment, reward or promise of payment or reward;
- (4) the absolutely necessary costs incurred to hold a meeting for the selection of a candidate in an electoral division, including the cost of renting a

hall and convening the delegates and the cost of advertising on the meeting site; these costs cannot exceed \$4,000 or include any other form of advertising;

- (5) the reasonable costs incurred by a candidate to take part in a meeting for the selection of a candidate in an electoral division; these costs cannot include any advertising except advertising by the candidate on the meeting site;
- (6) the reasonable out-of-pocket expenses incurred by a candidate or another person for meals and lodging while traveling for election purposes, if they are not reimbursed:
 - (7) the transportation costs of a candidate, if they are not reimbursed;
- (8) any other reasonable personal expenses, other than advertising expenses, incurred by a candidate, if they are not reimbursed;
- (9) the transportation costs of a person other than a candidate, if they are paid out of pocket and not reimbursed;
- (10) the cost of the food and beverages served at a political activity if it is included in the entrance fee paid by participants;
- (11) the reasonable expenses incurred for the publication of explanatory comments on this Act and the regulations, provided they are strictly objective and contain no advertising designed to promote or oppose a candidate or a party;
- (12) the reasonable expenses ordinarily incurred for the day-to-day operations of not more than two permanent offices of a party, the addresses of which are registered with the Chief Electoral Officer;
- (13) interest accrued, from the beginning of the election period to the ninetieth day after polling day, on any loan lawfully granted to an official representative for election expenses, unless the official agent paid the interest and declared it as an election expense in the return of election expenses;
- (14) the expenses incurred to hold a meeting, including the cost of renting a hall and convening participants, not exceeding \$200 for the entire election period, provided the meeting is not directly or indirectly organized on behalf of a candidate or party;
- (15) the advertising expenses referred to in section 529 incurred by an authorized private intervenor; and
 - (16) the remuneration paid to a representative referred to in section 414.

502. To incur election expenses, an authorized party must have an official agent.

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

A person designated as the official agent by the leader of a party must confirm acceptance of the office in writing.

The Chief Electoral Officer publishes the name of the official agent of a party in the *Gazette officielle du Québec*.

503. The official agent of an authorized party may, with the approval of the leader of the party, appoint the required number of deputies and authorize them to incur or authorize election expenses up to the amount the official agent specifies in the notice of appointment. The official agent may change the amount in writing at any time before filing the return of election expenses.

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

The deputy must provide the official agent with an itemized statement of the expenses the deputy incurred or authorized.

504. The official agent may authorize an advertising agency in writing to incur or order election expenses up to the amount specified in the authorization. The official agent may change the amount in writing at any time before filing the return of election expenses.

Within 60 days after polling day, the advertising agency must provide the official agent with a detailed statement of expenses incurred or ordered, with vouchers and advertising proof including invoices from subcontractors. The statement must be in the form prescribed by the Chief Electoral Officer.

505. A candidate for a division seat must have an official agent.

The official representative of the authorized party authority at the electoral division level or, if there is no such authority, the official agent of a party or a deputy of the official agent is the official agent of a candidate of the party for a division seat, unless another person is so designated in the nomination paper.

The official agent of the authorized party, or a deputy of the official agent, is the official agent of a candidate for a district seat.

506. An official agent of a party who resigns must notify the leader of the party and the Chief Electoral Officer in writing. An official agent of a candidate who resigns must notify the candidate and the Chief Electoral Officer in writing.

Within ten days after resigning, the official agent must file with the leader of the party or the candidate a return of election expenses, with vouchers, covering the period during which the agent was in office.

507. If the official agent designated in the nomination paper dies, resigns or is unable to act, the candidate must immediately appoint another agent and notify the Chief Electoral Officer in writing.

A candidate may dismiss an official agent; in that case, the candidate must immediately appoint another agent and notify the returning officer in writing.

508. The Chief Electoral Officer informs the returning officer without delay of any appointment or replacement of an official agent before polling day.

If an official agent is replaced before polling day, the returning officer must post a replacement notice with the notice of poll and send a copy of the replacement notice to each candidate.

- **509.** No person referred to in section 60 may be appointed as an official agent.
- **510.** During an election period, only the official agent of a candidate or of an authorized party or the official agent's deputy may incur or authorize election expenses, subject to an express provision of this division.
- **511.** An official agent or the official agent's deputy may not pay an election expense otherwise than out of an election fund.

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

The official agent must deposit the funds paid into the election fund in an account in a bank, trust company or financial services cooperative having a branch in Québec. The account must be separate from the official representative's account.

- **512.** No goods or services whose cost is wholly or partially an election expense may be used during an election period except by the official agent of a candidate or party or with the official agent's authorization.
- **513.** No person may accept or execute an order for election expenses unless it is given or authorized by an official agent or by a deputy or an advertising agency authorized by the official agent acting in the official agent's name.
- **514.** No person may claim or receive, for goods or services whose cost is wholly or partially an election expense, a price that is different from the prevailing price for similar goods or services outside the election period, or accept a different remuneration or waive payment for such goods or services.

A person may, however, provide personal services without remuneration and the use of a vehicle without compensation, provided that it is done freely and not as part of work in the service of an employer.

515. In a general election, the official agent of an authorized party, the official agent's deputy or, if expressly authorized by the official agent, the official representative of a party authority at the level of an electoral division may authorize election expenses in the electoral division, so long as no candidate of the party has filed a nomination paper in that electoral division and the filing period has not expired.

If, at polling time, the party does not have a candidate in the electoral division for which the expenses were authorized, the expenses are deemed to have been incurred by the party. Otherwise, the expenses are deemed to have been incurred by the official agent of the party's candidate, and the person who authorized them must provide the official agent with an itemized statement of expenses.

If the expenses incurred under this section include advertising expenses, they must be identified by the name and title of the official representative of the party authority, the official agent of the party or the official agent's deputy, or the official agent of the candidate and, if applicable, by the name of the printer.

516. In a by-election, the official representative of the party authority for the electoral division concerned may authorize election expenses so long as no candidate of the party has filed a nomination paper and the filing period has not expired.

If the party does not present a candidate, the official representative must include all the expenses so authorized in the annual financial report. Otherwise, the expenses are deemed to have been incurred by the official agent of the party's candidate, and the official representative must provide that official agent with an itemized statement of expenses.

If the expenses incurred under this section include advertising expenses, they must be identified by the name and title of the official representative of the party authority or the official agent of the candidate and, if applicable, by the name of the printer.

517. Any writing, object or advertising material relating to an election must indicate the name of the printer or manufacturer and the name and title of the official agent or deputy who had it produced.

Any election advertisement published in a newspaper or other publication must indicate the name and title of the official agent, deputy or official representative, if applicable, who had it published and the name of the party or candidate on whose behalf the official agent, deputy or official representative is acting.

In any election advertisement broadcast on the radio or television or through any other electronic medium or information technology, the name and title of the official agent, deputy or official representative, if applicable, and the name of the party or candidate on whose behalf the official agent, deputy or official representative is acting must be indicated at the beginning or end of the advertisement.

518. If, in accordance with section 517, a writing, an object, advertising material or an advertisement must indicate the name of a private intervenor, or the representative of such an intervenor, it must also indicate the authorization number issued.

If the cost of the writing, object, advertising material or advertisement referred to in section 517 exceeds \$3,000, the name and title of the authorized party's or candidate's official agent or deputy official agent alone may be indicated as the person who had the writing, object, advertising material or advertisement produced, published or broadcast.

- **519.** If the official agents of more than one candidate jointly incur advertising expenses, the advertisement must bear the name and title of each official agent or, with the official agent's consent, the name and title of the official agent of the party, along with the name of the printer or manufacturer, if applicable.
- **520.** The official agent of a candidate may authorize the official agent of the party in writing to incur or order joint advertising expenses, up to the amount specified in the authorization, but not exceeding 30% of the limit determined in the third paragraph of section 524.

Within 60 days after polling day, the official agent of the party gives the official agent of the candidate an invoice showing the total advertising expenses the former incurred for the latter.

Within 90 days after polling day, the official agent of the party files with the Chief Electoral Officer a return of all joint advertising expenses incurred in accordance with this section, with the relevant invoices and vouchers. The return must be made in the form prescribed by the Chief Electoral Officer.

When joint advertising expenses are incurred under this section, the advertisements must bear the name and title of the official agent of the party or the official agent of the candidate, as well as the name of the printer or manufacturer, as the case may be.

521. During an election period, radio or television air time or space in a newspaper, periodical or other paper or electronic publication or on a website may be made available free of charge to party leaders and to candidates by a radio, television or cable broadcaster or by the owner of the publication provided the service is offered equitably in terms of quality and quantity to all the candidates in the same electoral division or district or to all leaders of the

authorized parties represented in the National Assembly or having obtained at least 3% of the votes in the last general election.

522. No person may pay an election expense of \$200 or more without a voucher in the form of an itemized invoice.

The invoice must specify the goods or services provided and their rate or unit price.

523. A person to whom an amount is due for an election expense must present a claim to the official agent within 60 days after polling day. No election expense may be paid by the official agent if the claim is presented after the expiry of the prescribed time.

If the official agent has died or resigned and has not been replaced, the claim must be presented within the same time to the leader of the party or to the candidate.

After the expiry of the time prescribed in the first paragraph, the creditor has 120 days to file the claim with the Chief Electoral Officer, failing which the claim is prescribed.

524. Election expenses for an authorized party in a general election must not exceed \$0.63 per elector in all the electoral divisions in which the party has a candidate. That amount is increased by \$0.15 per elector in all the electoral districts for which the party has a list of candidates.

The expenses for all district seat candidates for a party who are not also division seat candidates are included in the amount allotted to the party under the first paragraph.

Election expenses for each candidate for a division seat in a general election must not exceed \$1.07 per elector. However, the maximum is increased by \$0.27 per elector in electoral divisions that correspond for the most part to the electoral divisions of Duplessis, René-Lévesque and Rouyn-Noranda—Témiscamingue as their boundaries stood immediately before the list of electoral divisions and districts referred to in section 184 came into force; the maximum is increased by \$0.75 per elector in the electoral divisions of Îlesde-la-Madeleine and Nunavik.

In a by-election, the limit on election expenses for each candidate is increased by \$0.63 per elector.

The amounts set out in this section are adjusted on 1 April each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. If the amount determined on the basis of the index includes a decimal, it is rounded up if the decimal is equal to or greater than five; otherwise it is rounded down. The Chief Electoral Officer publishes the result of the adjustment in the *Gazette officielle du Ouébec*.

If the amounts set out in this section are adjusted during an election period, the adjusted amount applies for the entire election period.

525. For the purposes of sections 524, 559 and 567, the number of electors is the greater of the number of electors registered on the list of electors produced after the issue of the order instituting the election and the number of electors registered on the list after revision.

Each returning officer sends the Chief Electoral Officer a certificate evidencing the number of electors registered on the list after revision and informs each candidate of that number.

In a general election, the Chief Electoral Officer sends the leader of each authorized party the total number of electors registered in all the electoral divisions.

- **526.** The official agent of an authorized party cannot incur election expenses in a by-election.
- **527.** Subject to sections 10 and 11 of the Public Service Act (R.S.Q., chapter F-3.1.1), nothing in this division refers to the services rendered by a member of the public service.
- **528.** This division does not apply to services rendered by office staff within the meaning of Division II.2 of the Executive Power Act (R.S.Q., chapter E-18) or the staff of a Member within the meaning of Division III.1 of Chapter IV of the Act respecting the National Assembly (R.S.Q., chapter A-23.1).

DIVISION II

EXPENSES OF PRIVATE INTERVENORS

- **529.** An authorized private intervenor may incur advertising expenses up to \$3,000 for the entire election period.
- **530.** A private intervenor may not incur expenses jointly or individually but in agreement, collusion or association with another person.
- **531.** A private intervenor who is an elector must pay expenses out of his or her own assets.

A private intervenor that is a group must pay expenses out of the assets of the members of the group who are electors.

A private intervenor must pay expenses by cheque or other payment order drawn on an account held by the private intervenor in a bank, trust company or financial services cooperative having a branch in Québec. The cheque or payment order must be signed by the private intervenor or, in the case of a group, by the representative of the group.

532. If a private intervenor is a group or an authorized party, only the representative of the private intervenor is authorized to incur expenses on its behalf.

The representative of a private intervenor is bound by sections 529 to 531 and must ensure that they are complied with.

533. Sections 500, 512 to 514, 517 and 522 apply to expenses incurred by a private intervenor, with the necessary modifications. For the purposes of those sections, the official agent is the private intervenor when the private intervenor is an elector, and the representative of a private intervenor when the private intervenor is a group or an authorized party.

The invoice must specify the goods or services provided and their rate or unit price.

534. Within 30 days after polling day, a private intervenor who is an elector or the representative of a private intervenor must file a return of expenses with the Chief Electoral Officer in the form prescribed by the Chief Electoral Officer.

The return must be submitted with the original or a certified copy of all invoices, receipts and other vouchers, a list of the vouchers and a declaration in the prescribed form.

535. Sections 538, 539 and 547, with the necessary modifications, apply to a return filed under section 534.

DIVISION III

RETURN OF ELECTION EXPENSES

536. Within 90 days after polling day, the official agent of a candidate for a division seat must file a return of the candidate's election expenses with the Chief Electoral Officer in the form prescribed by the Chief Electoral Officer.

The return must be submitted with the original or a certified copy of all invoices, receipts and other vouchers, a list of the vouchers and a declaration in the prescribed form.

In the case of an independent candidate who was not elected, the return must be filed at the same time as the financial report referred to in section 160.

537. Within 120 days after polling day, the official agent of an authorized party must file with the Chief Electoral Officer, in the prescribed form, a return of the party's election expenses as well as the election expenses of district seat candidates for the party who were not also division seat candidates.

The return must be submitted with the original or a certified copy of all invoices, receipts and other vouchers, a list of the vouchers and a declaration in the prescribed form.

If the official agent appointed deputies under section 503, the return must also be submitted with the notices of appointment and any changes made to them.

- **538.** Within 90 days after the expiry of the filing period, the Chief Electoral Officer publishes a summary of the returns of election expenses.
- **539.** The Chief Electoral Officer keeps the returns, declarations, invoices, receipts and other vouchers for a period of two years after their receipt.

After the expiry of that period, the Chief Electoral Officer returns the invoices, receipts and other vouchers to the leader of the party or to the candidates if they so request; otherwise, they may be destroyed.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person has a right of access to the documents before the expiry of the filing period. If they are filed outside of that period, they are accessible immediately. Any person may examine and copy the documents at the information centre of the Chief Electoral Officer during regular office hours.

- **540.** In addition to election expenses, the official agent must indicate in the return the source of the funds paid into the election fund at the official agent's disposal.
- **541.** The return of election expenses must be submitted with an itemized statement in the form prescribed by the Chief Electoral Officer, stating the names and addresses of the creditors who have not filed their claims within the time prescribed in the first paragraph of section 523 and, for each such claim, the amount and the date on which the goods and services were provided.

The statement must also be submitted with a cheque for the total amount of the claims referred to in the first paragraph, drawn on the election fund and made to the order of the Chief Electoral Officer.

- **542.** The funds remitted to the Chief Electoral Officer are kept in a trust account and, if the creditors fail to file their claims within the time prescribed in the third paragraph of section 523, the Chief Electoral Officer pays them over to the Minister of Finance.
- **543.** If a creditor files a claim with the Chief Electoral Officer within the time prescribed in the third paragraph of section 523 and the funds the official agent gave the Chief Electoral Officer to discharge the claim are insufficient, the Chief Electoral Officer informs the official agent without delay; the official agent may contest the claim, in which case sections 548 and 549 apply.

If the official agent does not contest the claim, the official representative of the party or of the authorized party authority at the electoral division or party level must forward the necessary additional funds to the Chief Electoral Officer so that the claim may be discharged.

544. On filing the return of election expenses, the official agent of an authorized party or of a candidate of an authorized party must remit the funds and assets remaining in the election fund to the official representative of the party or of the party authority at the electoral division level. The official agent of an independent candidate who was elected must remit such funds and assets to the candidate's official representative.

The official agent of an authorized independent candidate who was not elected keeps the remaining funds and assets in the election fund. The funds and assets may be used only for political, religious, scientific or charitable purposes.

545. If, ten days after the expiry of the filing period, a candidate's return of election expenses and the declaration that must be submitted with the return have not yet been filed, the candidate is disqualified from sitting or voting in the National Assembly until the return is filed.

The same applies to the leader of a party if the party's return of election expenses and the declaration that must be submitted with the return have not been filed ten days after the expiry of the filing period.

However, on a motion presented before the candidate or party leader becomes disqualified from sitting or voting, a judge may allow the applicant to continue to sit or vote for an additional period of not more than 30 days.

546. If an error is found in a return or declaration that has been filed, the official agent may correct it at any time within the filing period.

After the expiry of the filing period, the candidate or party leader must obtain permission from the Chief Electoral Officer to correct the error by showing that it was made inadvertently. Any objection to the request for permission is submitted to the Chief Electoral Officer.

If the Chief Electoral Officer considers that the objection is not justified, the correction procedure is allowed to continue; otherwise, the candidate or the leader of the party may apply to a judge.

547. If a candidate or party leader establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause is preventing the preparation and filing of the return of election expenses and of the declaration that must be submitted with the return, the judge may make any order to enable the applicant to obtain all the information and documents needed to prepare the return and declaration, and grant an extension.

548. Before filing the return and the declaration, the official agent of a party or candidate must have discharged all the claims received within the time prescribed in section 523.

However, the return submitted by the official agent must mention any undischarged claim and indicate whether the agent is contesting it or cannot discharge it owing to insufficient election funds.

A contested claim may not be discharged by the official agent, the leader of the party or the candidate. Only the official representative may discharge it in execution of a judgment obtained by the creditor after a hearing before a competent court. Acquiescence in the demand or a settlement agreement does not authorize the official representative to discharge the claim.

However, the Chief Electoral Officer may allow the official representative of an authorized entity to discharge a claim that has not been discharged owing to insufficient election funds and, if there is no objection from a party or candidate, to discharge a contested claim if the refusal or failure to pay results from an error in good faith.

- **549.** The Chief Electoral Officer may apply to a judge with regard to a claim contested by an official agent. The case is heard and decided by preference.
- **550.** A payment made by an official representative after filing the return of election expenses, following a decision of the Chief Electoral Officer, a judgment rendered in respect of an expense contested under section 548, or a request by the Chief Electoral Officer under section 543, entails an automatic correction of the return of election expenses.
- **551.** In the case of a candidate other than a party leader, the judge having jurisdiction to decide an application referred to in sections 545 to 549 is a judge of the Court of Québec and, in the case of a party leader, the chief judge of that court.

No application under the first paragraph may be heard without a notice of at least three clear days to the Chief Electoral Officer and to each of the other candidates in the electoral division or, in the case of a party leader, to each of the other leaders of authorized parties.

DIVISION IV

REIMBURSEMENT FOR ELECTION EXPENSES

- §1. Reimbursement advance
- **552.** If, on receiving the result of the addition of the votes, the Chief Electoral Officer determines that a candidate is entitled to a reimbursement under section 559, the Chief Electoral Officer advances without delay to the

candidate a sum equal to 35% of the maximum election expenses allowed for the electoral division under the third paragraph of section 524.

553. In the case of an authorized independent candidate, the advance is paid jointly to the candidate and the official representative. If the candidate is from an authorized party, the advance is paid jointly to the candidate and the official representative of the party authority at the division level. If there is no such party authority, the advance is paid jointly to the candidate and the official representative of the party.

The advance may also be paid by electronic transfer to an account held by the official representative.

554. On receiving a return of election expenses from the official agent of a candidate to whom an advance has been made, the Chief Electoral Officer determines if the amount of the advance exceeds 50% of the total election expenses indicated in the return.

If it does, the Chief Electoral Officer sends the official representative a claim in the amount of the difference by registered or certified mail.

The official representative must pay the claim within 30 days after receiving it.

555. If, on verification of the return of election expenses, it is determined that the reimbursement to which the candidate is entitled under section 559 is greater than the advance received, the Chief Electoral Officer draws a cheque in the amount of the difference, payable jointly to the candidate and the official representative.

The payment may also be made by electronic transfer to an account held by the official representative.

556. If, on verification of the return of election expenses, it is determined that the reimbursement to which the candidate is entitled is less than the advance received, the Chief Electoral Officer sends the official representative, by registered or certified mail, a claim in the amount of the difference between those amounts, taking into account any funds received from the official representative after a claim was sent under section 554.

The official representative must pay the claim within 30 days after receiving it.

557. If an authorized party is entitled to a reimbursement under section 567, on receiving an estimate of the party's election expenses certified by the official agent and accepting it, the Chief Electoral Officer advances without delay to the party a sum equal to 35% of the lesser of the maximum election expenses allowed under the first paragraph of section 524 and the party's estimated election expenses.

Any overpayment received under the first paragraph must be reimbursed to the Chief Electoral Officer within 30 days after the official representative is notified, failing which the Chief Electoral Officer may recover the amount outstanding from the allowance payable under section 114, or otherwise.

§2. — Reimbursement

- **558.** The election expenses of a candidate for a division seat that may be reimbursed may not exceed the maximum allowed under the third paragraph of section 524 or, if applicable, the fourth paragraph of that section.
- **559.** If a candidate was elected or received at least 15% of the vote in the division, 50% of the election expenses incurred and paid in accordance with this Act is reimbursed to the candidate by the Chief Electoral Officer.

In the case of an independent candidate who was not elected, the reimbursement may not exceed the amount of the debts from the candidate's election expenses and the amount of the candidate's personal contribution.

- **560.** The amount of expenses reimbursed to a woman candidate who ran for an authorized party is increased if the women who ran for the party accounted for 30% or more of the party's candidates.
- **561.** If the women who ran for an authorized party accounted for 30% to 34% of the party's candidates, 65% of the election expenses incurred and paid in accordance with this Act is reimbursed by the Chief Electoral Officer to those women candidates who were elected.

If they accounted for 35% to 39% of the party's candidates, the reimbursement is increased to 70%, and if they accounted for 40% or more of the party's candidates, the reimbursement is increased to 75%.

For the purposes of this section, percentages that include a decimal are rounded up if the decimal is equal to or greater than five; otherwise, they are rounded down.

562. If the women who ran for an authorized party accounted for 30% to 34% of the party's candidates, 60% of the election expenses incurred and paid in accordance with this Act is reimbursed by the Chief Electoral Officer to those women candidates who were not elected but received at least 15% of the vote.

If they accounted for 35% to 39% of the party's candidates, the reimbursement is increased to 65%, and if they accounted for 40% or more of the party's candidates, the reimbursement is increased to 70%.

For the purposes of this section, percentages that include a decimal are rounded up if the decimal is equal to or greater than five; otherwise they are rounded down.

- **563.** The amount of expenses reimbursed to candidates from an ethnocultural minority who ran for an authorized party is increased if those candidates accounted for 10% or more of the party's candidates.
- **564.** If the candidates from an ethnocultural minority who ran for an authorized party accounted for 10% to 12% of the party's candidates, 65% of the election expenses incurred and paid in accordance with this Act is reimbursed by the Chief Electoral Officer to those candidates from an ethnocultural minority who were elected.

If they accounted for 13% to 15% of the party's candidates, the reimbursement is increased to 70%, and if they accounted for 16% or more of the party's candidates, the reimbursement is increased to 75%.

For the purposes of this section, percentages that include a decimal are rounded up if the decimal is equal to or greater than five; otherwise, they are rounded down.

565. If the candidates from an ethnocultural minority who ran for an authorized party accounted for 10% to 12% of the party's candidates, 60% of the election expenses incurred and paid in accordance with this Act is reimbursed by the Chief Electoral Officer to those candidates from an ethnocultural minority who were not elected but received at least 15% of the vote.

If they accounted for 13% to 15% of the party's candidates, the reimbursement is increased to 65%, and if they accounted for 16% or more of the party's candidates, the reimbursement is increased to 70%.

For the purposes of this section, percentages that include a decimal are rounded up if the decimal is equal to or greater than five; otherwise, they are rounded down.

- **566.** If, in accordance with sections 561 or 562 and 564 or 565, a woman from an ethnocultural minority who ran for a party is eligible for an increased reimbursement under each of the applicable sections, she is entitled to the greatest increased reimbursement.
- **567.** If a party received at least 1% of the vote, 50% of the election expenses incurred and paid in accordance with this Act is reimbursed to the party by the Chief Electoral Officer.

CHAPTER IV

ELECTION ADVERTISING AND POSTERS

DIVISION I

ELECTION ADVERTISING

568. In the seven days after the issue of the order instituting the election, no advertising relating to the election may be broadcast on a radio or television station or through a cable broadcaster, published in a newspaper or other periodical or posted in a space leased for that purpose, by any person other than the Chief Electoral Officer.

Despite the first paragraph, nomination meetings may be announced as soon as the order is issued, provided that the announcement only includes the date, time and place of the meeting, the name and visual identification of the party and the names of the persons in contention.

569. On polling day, no advertising relating to the election may be broadcast on radio or television or through a cable broadcaster or published in a newspaper or other periodical by any person other than the Chief Electoral Officer.

DIVISION II

ELECTION POSTERS

- **570.** Despite any inconsistent legislative or regulatory provision, during an election period, election posters are not subject to any restriction or condition, except as provided in this Act.
- **571.** Election posters are permitted on land belonging to the Government, a public body, a state enterprise, a municipality or a school board, but not on their buildings.

They may also be placed on public utility poles.

- **572.** Election posters must be placed so as not to hinder vehicular or pedestrian traffic, block road signs or compromise road safety or public security.
- **573.** Election posters are prohibited on classified historic monuments and on classified historic sites, as defined by the Cultural Property Act (R.S.Q., chapter B-4), and on sites declared national historical sites under that Act.
- **574.** Election posters are prohibited on monuments, sculptures, trees, fire hydrants, bridges, viaducts and electrical towers.

They are also prohibited on bus shelters and public benches, unless space is provided for that purpose, in which case the applicable procedures must be complied with.

They are prohibited on the right of way of a road if the right of way is contiguous to a residential immovable.

575. Materials used to make and display election posters must be of good quality, and election posters and their supports must be safe and kept in good repair.

Election posters must be put up in such a manner that they can be easily removed.

- **576.** Election posters placed on public utility poles must meet the following requirements:
 - (1) the highest part must not be more than five metres off the ground;
 - (2) they must not have a metal or wood frame;
- (3) they must not be put up with nails or staples, or in a way that could damage or leave permanent marks on the pole;
 - (4) they must not obstruct the identification plate on the pole.

A banner, streamer or flag may not be attached to a public utility pole.

Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done, remove an election poster from a pole, after notifying the candidate or authorized party concerned except in an emergency.

577. Election posters must be removed not later than 15 days after polling day, failing which the local municipality or the property owner may remove them at the expense of the party, candidate or private intervenor after giving the party, candidate or private intervenor five days' notice.

The notice must specify the location of the posters to be removed. If the posters have to be removed by the municipality or the property owner, the invoice sent to the party, candidate or private intervenor must specify the date and place of removal.

578. Parties, candidates and private intervenors must ensure that this division is complied with.

TITLE VII

ELECTORAL SYSTEM OFFICIALS

CHAPTER I

THE CHIEF ELECTORAL OFFICER

DIVISION I

FUNCTIONS AND POWERS

579. The principal function of the Chief Electoral Officer is to see to the administration of this Act.

The Chief Electoral Officer carries out any mandate given by the National Assembly. The Chief Electoral Officer may be consulted by the Government on any legislation pertaining to elections.

The Chief Electoral Officer may analyze and assess election procedures and survey the financing of political parties. After seeking the advice of the advisory committee, the Chief Electoral Officer may conduct any other research the Chief Electoral Officer considers advisable.

With the authorization of the Government, the Chief Electoral Officer may provide assistance to foreign countries or international organizations and cooperate with them in election matters, in particular in material, professional or technical matters.

- **580.** For the administration of this Act, the Chief Electoral Officer must, in particular,
 - (1) train election officers;
 - (2) update the information contained in the permanent list of electors;
 - (3) supervise the revision of the list of electors and the polling process;
 - (4) issue directives for the administration of this Act; and
- (5) receive complaints and conduct inquiries if the Chief Electoral Officer considers it necessary.

The Chief Electoral Officer may also prescribe the text of the forms and documents to be used in the administration of this Act.

- **581.** With respect to the financing of political parties and the control of election expenses, the Chief Electoral Officer must, in particular,
- (1) authorize parties, party authorities, independent Members and independent candidates;

- (2) verify whether the parties, party authorities, independent Members and candidates comply with the law;
- receive and examine financial reports and returns of election expenses;
 and
- (4) inquire into the legality of expenses incurred by authorized entities, election contributions and election expenses.
- **582.** With respect to the provision of information to the public, the Chief Electoral Officer must, in particular,
- (1) provide advice and information regarding the administration of this Act on request to any person;
- (2) make information, reports, returns and other documents relating to this Act accessible to the public, omitting the addresses of electors who made a contribution if the information or documents are posted on a website; however, in such a case, a paper copy containing the addresses must be available;
 - (3) operate a centre providing information on this Act;
- (4) regularly hold information meetings and conferences for the benefit of political parties and the public;
- (5) at the request of a political party, provide information for the training of candidate representatives, allowing the other parties to delegate observers; and
- (6) issue any public advertisement that the Chief Electoral Officer considers necessary.
- **583.** The Chief Electoral Officer may, by regulation, determine the terms of the contracts the Chief Electoral Officer is authorized to conclude.

The regulation comes into force on the date of its approval by the Office of the National Assembly. It is published in the *Gazette officielle du Québec*.

When an election is ordered under this Act, the regulation referred to in the first paragraph and the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) do not apply to the Chief Electoral Officer as regards the purchase or construction of the property or the leasing and procurement of the goods and services needed to hold the election.

584. The Public Administration Act (R.S.Q., chapter A-6.01), except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 23, subparagraph 3 of the second paragraph and the third paragraph of section 24, sections 25 to 28, the second paragraph of section 32, section 44, the fourth paragraph of section 45, sections 46 and 48 to 50, the third paragraph of section 57 and sections 58 to 66, 74, 75 and 78,

applies to the Chief Electoral Officer. The report referred to in section 24 of that Act must be included in the annual report of the Chief Electoral Officer.

The strategic plan adopted by the Chief Electoral Officer under section 8 of the Public Administration Act is laid before the National Assembly by the President of the National Assembly.

585. The Chief Electoral Officer, with the consent of the authorized parties represented in the National Assembly, may, if circumstances so require, in particular because of the area or distance involved, adapt the provisions concerning a revision process, the filing of nomination papers or the polling process.

586. If, during the election period or during a list revision period, the Chief Electoral Officer realizes that, because of an error, an emergency or exceptional circumstances, a provision of this Act is inadequate, the Chief Electoral Officer may adapt the provision in order to achieve its object.

However, the Chief Electoral Officer must inform the authorized parties represented in the National Assembly beforehand of the intended decision, and must use all necessary means to inform the other authorized parties, the candidates and the electors concerned of the decision.

Within 30 days after polling day or the end of the revision, the Chief Electoral Officer must send the President or the Secretary General of the National Assembly a report on the decisions made under this section. The President lays the report before the National Assembly within 30 days after receiving it or, if the National Assembly is not sitting, within 30 days after resumption.

587. The Chief Electoral Officer may recommend to the leaders of the authorized parties represented in the National Assembly the use of new voting procedures, new polling formalities or new rules concerning the counting and addition of votes in a by-election or a general election, in the latter case for all or only some of the electoral districts.

The recommendation must indicate the electoral divisions concerned in a by-election or the electoral districts concerned in a general election. The recommendation must describe all the new measures proposed, stating the advantages and disadvantages of each and mentioning the provisions of this Act that the new measures replace.

If the recommendation is accepted by the leaders of the parties, it must be the subject of an agreement signed by them which has force of law for the election concerned.

588. The Chief Electoral Officer, on initiative or on request, may conduct an inquiry concerning the carrying out of this Act.

589. The Chief Electoral Officer may refuse to conduct or to pursue an inquiry if the request is frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

Each time the Chief Electoral Officer refuses to conduct or pursue an inquiry, the Chief Electoral Officer must inform the person who requested the inquiry and give reasons in writing.

590. For the purposes of inquiries, the Chief Electoral Officer or any person designated by the Chief Electoral Officer is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

Articles 307 to 309 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply to witnesses heard at an inquiry.

DIVISION II

APPOINTMENT AND PERSONNEL

- **591.** On a motion of the Prime Minister and with the approval of two thirds of its members, the National Assembly appoints a Chief Electoral Officer chosen from among the electors and determines the salary and other conditions of employment of the Chief Electoral Officer.
- **592.** The term of office of the Chief Electoral Officer is seven years. At the expiry of the term, the Chief Electoral Officer remains in office until reappointed or replaced.
- **593.** The Chief Electoral Officer may resign at any time by giving notice in writing to the President of the National Assembly; the Chief Electoral Officer may not be dismissed except by the vote of two thirds of the members of the Assembly.
- **594.** Before taking office, the Chief Electoral Officer takes the oath provided in Schedule III before the President of the National Assembly.
- **595.** The Chief Electoral Officer must perform the functions of Chief Electoral Officer on an exclusive basis.
- **596.** If the Chief Electoral Officer is unable to act or if the office of Chief Electoral Officer is vacant, the Government may, after consulting the leaders of the authorized parties represented in the National Assembly, designate a person to act as Chief Electoral Officer for a period not exceeding six months, with the salary it determines.

The designated person also acts as chair of the Commission de la représentation électorale.

597. The Chief Electoral Officer may elect to contribute to a retirement plan according to the terms agreed, before being appointed, with an authorized representative of the Government.

The order of the Government giving effect to the agreement referred to in the first paragraph must be made within 90 days after the date of the Chief Electoral Officer's appointment and has effect from the date of entry into office.

- **598.** The personnel required by the Chief Electoral Officer is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- **599.** The Chief Electoral Officer may appoint two assistants and determine the level of their positions. If the Public Service Act (R.S.Q., chapter F-3.1.1) is not already applicable to an assistant, it becomes applicable to the assistant without any other formality.

The Chief Electoral Officer may generally or specially delegate the exercise of the powers and duties conferred on the Chief Electoral Officer by this Act to an assistant. The instrument of delegation is published in the *Gazette officielle du Québec*.

- **600.** The Chief Electoral Officer may, if necessary, call on the services of persons on a temporary basis and determine their remuneration and expenses.
- **601.** The Chief Electoral Officer defines the duties of the personnel of the Chief Electoral Officer and directs their work.

No personnel member may engage in partisan work or act as an election officer, except in connection with voting by correspondence.

- **602.** Before taking office, the personnel of the Chief Electoral Officer must take the oath provided in Schedule III before the Chief Electoral Officer or the person designated by the Chief Electoral Officer.
- **603.** Documents and copies of documents emanating from the Chief Electoral Officer or the personnel of the Chief Electoral Officer are authentic if they are signed by the Chief Electoral Officer or by a member of the personnel of the Chief Electoral Officer and, in the latter case, only to the extent determined by regulation.
- **604.** A deed, document or writing is binding on or may be attributed to the Chief Electoral Officer only if it is signed by the Chief Electoral Officer, by a member of the personnel of the Chief Electoral Officer, by the assistant to the chair of the Commission de la représentation électorale or by a returning officer and, in the last three cases, only to the extent determined by regulation.

605. The Chief Electoral Officer may, on specified conditions, allow the signature of the Chief Electoral Officer to be affixed to specified documents by means of an automatic device.

The Chief Electoral Officer may also allow a facsimile of the signature of the Chief Electoral Officer to be engraved, lithographed or printed on specified documents. The facsimile must be authenticated by the signature of a person authorized by the Chief Electoral Officer.

- **606.** Despite any general law or special Act, the Chief Electoral Officer and the employees of the Chief Electoral Officer may not be compelled to give testimony relating to information obtained in the exercise of their functions or to produce any document containing such information.
- **607.** No proceedings may be brought against the Chief Electoral Officer or an employee of the Chief Electoral Officer by reason of an act or omission in good faith in the exercise of their functions.
- **608.** No civil action may be instituted by reason of the publication of a report of the Chief Electoral Officer or the publication in good faith of an extract from or a summary of such a report.
- **609.** Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be brought and no injunction may be granted against the Chief Electoral Officer or a member of the personnel of the Chief Electoral Officer in the exercise of their functions.

A judge of the Court of Appeal may, on a motion, summarily annul a decision rendered or an order or injunction issued contrary to the first paragraph.

CHAPTER II

ADVISORY COMMITTEE

DIVISION I

FUNCTION

610. An advisory committee is established whose function is to issue advisory opinions on any question relating to this Act, except electoral representation matters.

The committee may make the results of its work public.

611. The Chief Electoral Officer consults the committee periodically with regard to the administration of this Act.

612. Prior to issuing a directive relating to the authorization and financing of political parties and independent candidates or to the control of election expenses, the Chief Electoral Officer submits the directive to the committee.

Except during an election period, the Chief Electoral Officer submits all other directives to the advisory committee prior to issuing them.

DIVISION II

COMPOSITION

613. The committee is composed of the Chief Electoral Officer and three representatives from each authorized party represented in the National Assembly.

The leader of each party designates the representatives of the party, at least one of whom must be a Member of the National Assembly.

- **614.** The committee is chaired by the Chief Electoral Officer, who directs its activities and coordinates its work.
- **615.** The majority of the members of the committee, including the chair, constitute a quorum.
- **616.** The chair and the other members of the committee are not remunerated.

However, committee members who are not Members of the National Assembly are entitled to the reimbursement of justifiable expenses incurred in the exercise of their functions.

617. At the request of the chair or of one third of its members, the committee may meet as often as necessary to fulfill its responsibilities.

CHAPTER III

COMMISSION DE LA REPRÉSENTATION ÉLECTORALE

DIVISION I

FUNCTIONS

618. A commission to be known as the "Commission de la représentation électorale" is established. The function of the Commission is to establish the boundaries of the electoral divisions and electoral districts of Québec, in keeping with the representation principles and criteria set out in Chapters I and II of Title V.

The Commission must advertise and provide information to the extent necessary to perform its functions.

The Commission also carries out any other mandate assigned by the National Assembly on a motion of the Prime Minister.

DIVISION II

COMPOSITION

- **619.** The Commission is composed of the Chief Electoral Officer, who is its chair, and two commissioners chosen from among qualified electors.
- **620.** The National Assembly appoints the commissioners on a motion of the Prime Minister and with the approval of two thirds of its Members.
- **621.** For each sitting day held under this Act, the commissioners are entitled to 1% of the minimum salary received annually by a Class 05 manager.

The Government determines the allowances to which the commissioners are entitled on the basis of allowances granted to persons holding a similar office.

622. The commissioners are appointed for a term of five years.

At the expiry of their term, they remain in office until reappointed or replaced.

- **623.** Before taking office, the commissioners must take the oath set out in Schedule III before the President of the National Assembly.
- **624.** The commissioners may resign at any time by notifying the President of the National Assembly in writing.

They cannot be dismissed except by a vote of two thirds of the Members of the Assembly.

625. If a commissioner is unable to act or if a commissioner's office becomes vacant, the National Assembly appoints a new commissioner within 60 days, according to the mode of appointment set out in section 620.

If the National Assembly is not sitting, the Committee on the National Assembly appoints the new commissioner within the same time, with the approval of a majority of the committee members from each parliamentary group within the meaning of the Standing Orders of the National Assembly. The appointment must be approved by two thirds of the Members of the National Assembly within 30 days after resumption.

An appointment under this section is valid for the unexpired portion of the term of the replaced commissioner.

- **626.** The Commission may appoint a secretary and determine the secretary's salary, or additional salary if the person appointed is a public servant within the meaning of the Public Service Act (R.S.Q., chapter F-3.1.1). It may also retain the services of any other person.
- **627.** Before taking office, the secretary must take the oath set out in Schedule III before the chair of the Commission.
- **628.** The chair directs the Commission and is responsible for its administration.
- **629.** The Chief Electoral Officer provides all required assistance to the Commission for the performance of its functions, including the assistance of the Chief Electoral Officer's personnel.

The chair supervises and directs the personnel provided by the Chief Electoral Officer.

The Commission has no other personnel than that provided by the Chief Electoral Officer.

- **630.** The chair may choose and appoint an assistant and determine the assistant's level of employment. If the Public Service Act (R.S.Q., chapter F-3.1.1) is not already applicable to the assistant, it becomes applicable to the assistant without further formality.
- **631.** The members of the Commission, the assistant to the chair, the secretary and the personnel placed at the disposal of the Commission may not be prosecuted for an act or an omission in good faith in the exercise of their functions.
- **632.** The minutes of Commission sittings and documents or copies of documents emanating from the Commission are authentic if they are signed by the chair, the assistant to the chair or the secretary.
- **633.** A deed, document or writing is binding on or may be attributed to the Commission only if it is signed by the chair, the assistant to the chair or the secretary and, in the latter two cases, only to the extent prescribed by regulation of the Commission published in the *Gazette officielle du Québec*.
- **634.** The Commission is subject to the Public Administration Act (R.S.Q., chapter A-6.01) only to the extent that it applies to the Chief Electoral Officer under section 584.

The first two paragraphs of section 583 also apply to the Commission, with the necessary modifications.

635. Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be brought and no injunction may be granted against the Commission, its members or its personnel in the exercise of their functions.

A judge of the Court of Appeal may, on a motion, summarily annul any decision rendered or any order or injunction issued contrary to the first paragraph.

CHAPTER IV

PERMANENT BOARD OF REVISORS OF THE LIST OF ELECTORS

DIVISION I

FUNCTIONS

636. A permanent board of revisors of the list of electors is established. The board's function is to update the permanent list of electors on a continuous basis.

DIVISION II

COMPOSITION

637. The permanent board is composed of three members, including the chair, appointed by the Chief Electoral Officer.

The chair may be chosen from among the Chief Electoral Officer's personnel.

The other two members are chosen from two lists of at least five names sent to the Chief Electoral Officer by the leaders of the two authorized parties that elected the greatest number of candidates in the last general election, or by the person designated in writing for that purpose by those leaders.

The lists must be sent to the Chief Electoral Officer within six months after publication of the notice referred to in section 456.

638. The Chief Electoral Officer may refuse a list on reasonable grounds. In such a case, the Chief Electoral Officer requests a new list.

If no list is sent, the Chief Electoral Officer makes the appointment without further formality.

639. If a member of the permanent board is absent or unable to act, the Chief Electoral Officer appoints a substitute. Sections 637 and 638 apply to the appointment, with the necessary modifications.

- **640.** The members of the permanent board are appointed for a term not exceeding five years.
- **641.** The tariff of remuneration and expenses for permanent board members is set by government regulation.
- **642.** The chair of the permanent board convenes the board whenever the chair considers it appropriate.
- **643.** The permanent board sits in Québec or Montréal, at the office of the Chief Electoral Officer.

With the authorization of the Chief Electoral Officer, the board may sit at any other place.

644. The quorum of the permanent board is two members.

Decisions are made by a majority vote. In the case of a tie, the chair has a casting vote.

- **645.** A member of the permanent board must, on pain of forfeiture of office, abstain from participating in any deliberation or decision with respect to which a ground for recusation listed in articles 234 and 235 of the Code of Civil Procedure (R.S.Q., chapter C-25), with the necessary modifications, could be raised against the member. Moreover, the member must withdraw from the sitting for the duration of the deliberations and the vote relating to the matter.
- **646.** The Chief Electoral Officer places at the disposal of the permanent board the personnel it needs for the exercise of its functions.

After consulting the chair of the permanent board and as needed, the Chief Electoral Officer requests returning officers to appoint a sufficient number of teams made up of two revising officers.

The provisions of this Act applicable to revising officers during an election period apply, with the necessary modifications, to revising officers assigned to the permanent board.

DIVISION III

SUSPENSION OF PROCEEDINGS AND END OF TERM

647. The issue of an order instituting a by-election suspends the proceedings of the permanent board for the electoral division concerned until the date of publication of the notice referred to in section 456.

- **648.** The issue of a writ instituting a referendum suspends the proceedings of the permanent board until the date of publication of the notice referred to in section 380 of Appendix 2 to the Referendum Act (R.S.Q., chapter C-64.1).
- **649.** From 1 September of the calendar year in which a regular election is to be held under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or, in the case of a by-election, from the date of publication of the public notice of election, the proceedings of the permanent board are suspended for the territory concerned until the date of publication of the notice referred to in section 260 of that Act.

In the case of a referendum under that Act, the proceedings of the permanent board are suspended for the territory concerned from the date on which the Chief Electoral Officer sends the clerk or the secretary-treasurer a list of the electors registered on the permanent list of electors until

- (1) the date of the sitting referred to in the third paragraph of section 532 of that Act, the date of the reading referred to in section 556 of that Act or the date of publication of the notice referred to in the second paragraph of section 559 of that Act, if no referendum is held; or
- (2) the date of the tabling of the statement of the final results referred to in section 578 of that Act, if a referendum is held.
- **650.** The publication of the public notice referred to in section 51 of the Act respecting school elections (R.S.Q., chapter E-2.3) suspends the proceedings of the permanent board for the territory concerned until the date the notice referred to in section 163 of that Act is published.

The filing of the list of electors under section 347 of the Education Act (R.S.Q., chapter I-13.3) suspends the proceedings of the permanent board for the territory concerned until the date of the tabling under section 351 of that Act.

651. The issue of an order instituting a general election puts an end to the term of office of the members of the permanent board, despite any other date indicated in their instrument of appointment.

CHAPTER V

RETURNING OFFICER

DIVISION I

FUNCTIONS

652. Under the authority of the Chief Electoral Officer, the returning officer is responsible for the administration of this Act and the training of election officers in the electoral division or district to which the returning officer is appointed.

DIVISION II

APPOINTMENT

- **653.** The Chief Electoral Officer appoints a returning officer for each division. The Chief Electoral Officer also appoints a returning officer for each district from among the returning officers appointed for the electoral divisions in the electoral district.
- **654.** A returning officer is appointed following a public competition among the qualified electors domiciled in the electoral division concerned or in a contiguous electoral division, provided, in the latter case, that the person is able to exercise the functions of the office in as satisfactory a manner as if the person were domiciled in the electoral division concerned.

The competition must be designed to allow an impartial assessment of the merits of the candidates.

The selection is made on the basis of qualification and competence criteria and the appointment is made among the candidates in order of merit.

- **655.** A notice of the competition must be published by the Chief Electoral Officer to give qualified persons a reasonable opportunity to apply.
- **656.** A returning officer is appointed for a term of 10 years. At the expiry of the term, the returning officer remains in office until reappointed or replaced.
- **657.** If a returning officer is absent or unable to act or if the office of returning officer is vacant, the Chief Electoral Officer may appoint a substitute. The substitute exercises all the powers and performs all the duties of a returning officer.

The appointment is valid until the end of the absence or inability to act or the appointment of a new returning officer.

- **658.** The requirements of the office of returning officer are determined by regulation.
- **659.** As soon as a returning officer is appointed, the Chief Electoral Officer publishes a notice in the *Gazette officielle du Québec*.
- **660.** Before taking office, a returning officer must take the oath set out in Schedule III before the Chief Electoral Officer or the person designated by the Chief Electoral Officer.
- **661.** On being appointed, the returning officer appoints an assistant returning officer, who may not be the spouse, or a relative within the meaning of the second paragraph of section 240, of the returning officer. Where circumstances

so require, in particular by reason of the area or distance involved, the Chief Electoral Officer may authorize the appointment of a second assistant returning officer.

With the consent of the Chief Electoral Officer, the returning officer may, if necessary, appoint one or more assistants to the assistant returning officer.

The returning officer may also appoint aides to the returning officer.

- **662.** The assistant returning officer assists the returning officer in the functions of office and replaces the returning officer if the latter is absent or unable to act, unless the Chief Electoral Officer exercises the power conferred by section 657.
- **663.** The Chief Electoral Officer may dismiss a returning officer who fails to perform the functions of office, engages in partisan work, is not qualified to hold office or does not comply with one of the requirements of office.

TITLE VIII

ANNUAL REPORTS AND FINANCIAL PROVISIONS

CHAPTER I

ANNUAL REPORTS

664. Not later than 30 September each year, the Chief Electoral Officer and the Commission de la représentation électorale submit their activity reports, including a financial report, for the preceding fiscal year to the President of the National Assembly.

The Chief Electoral Officer's report must give an account of complaints received and how each was dealt with, informational and training activities, requests for access to lists of electors and international activities. The Chief Electoral Officer may recommend new election procedures or new rules on the financing of political parties.

In addition, the Chief Electoral Officer's report must give an account of the management of the permanent list of electors and include an assessment of the quality of the information it contains.

The President of the National Assembly lays the reports before the National Assembly within 15 days after receiving them or, if the Assembly is not sitting, within 15 days after resumption.

CHAPTER II

FINANCIAL PROVISIONS

- **665.** The sums required for the administration of this Act, as well as the sums required for the carrying out of responsibilities assigned to the Chief Electoral Officer and the Commission de la représentation électorale by the Referendum Act (R.S.Q., chapter C-64.1), the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) and the Act respecting school elections (R.S.Q., chapter E-2.3) are taken out of the consolidated revenue fund.
- **666.** The provisions of the Financial Administration Act (R.S.Q., chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Chief Electoral Officer and the Commission de la représentation électorale.
- **667.** Before 1 April each year, the Chief Electoral Officer and the Commission de la représentation électorale prepare their budgetary estimates and send them to the President of the National Assembly.

If, during the fiscal year, the Chief Electoral Officer or the Commission de la représentation électorale foresees that the budgetary estimates will be exceeded for purposes other than those referred to in section 669, they must prepare supplementary budgetary estimates and send them to the President of the National Assembly.

- **668.** The National Assembly refers the budgetary estimates of the Chief Electoral Officer and the Commission de la représentation électorale to a parliamentary committee; the Chief Electoral Officer and the Commission are required to provide the parliamentary committee with a preliminary financial report for the preceding fiscal year.
- **669.** The parliamentary committee may also examine expenditures made for or during a poll and expenditures made for the purposes of any mandate entrusted by the National Assembly to the Chief Electoral Officer or to the Commission de la représentation électorale that could not be included in the budgetary estimates prepared in the preceding fiscal year.
- **670.** The parliamentary committee approves the budgetary estimates and lays its report before the National Assembly.
- **671.** The budgetary estimates of the Commission de la représentation électorale are not examined in committee, however, while the boundaries of electoral divisions and districts are being established.

In such a case, the mere laying of the Commission's budgetary estimates before the National Assembly is valid approval.

672. Within three months after publication of the list of electoral divisions and districts in the *Gazette officielle du Québec*, the Commission de la représentation électorale sends the President of the National Assembly a report on its expenditures resulting from the establishment of the boundaries of electoral divisions and districts.

TITLE IX

REGULATIONS

- **673.** The Government may, by regulation,
- (1) establish a tariff of remuneration and expenses for election officers and members of the permanent board of revisors of the list of electors;
- (2) establish a tariff of fees payable for the production of a list for a municipal or school poll or the registration of qualified electors;
- (3) establish a tariff of fees payable for the communication of the information contained in the permanent list of electors for the purpose of drawing up a list for a federal poll;
 - (4) establish a tariff of costs for a judicial recount;
- (5) determine the maximum amount of expenditures that may be made by the Chief Electoral Officer under the second paragraph of section 202; and
- (6) after consulting with the advisory committee, determine what documents issued by the Government or a government department or body or recognized by the Government may be produced for the purposes of the second paragraph of section 367.
- **674.** The Chief Electoral Officer drafts regulations on all matters that must be provided for by regulation under this Act, except those referred to in section 673.

The regulations are submitted to the Committee on the National Assembly, or to any other committee designated by the National Assembly, which may approve them with or without amendment.

A regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation.

TITLE X

PENAL PROVISIONS

675. The following persons are liable to a fine of \$100 to \$1,000 for a first offence and \$200 to \$2,000 for any subsequent offence within five years:

- (1) the owner, manager, superintendent or caretaker of a residential building or a residence for the elderly referred to in the first paragraph of section 199 who limits, restricts or fails to facilitate access to the building or residence by a person in charge of distributing a notice or document from the Chief Electoral Officer or the returning officer;
- (2) the executive director of an institution referred to in the second paragraph of section 199 who limits, restricts or fails to facilitate access to a facility maintained by that institution by a person in charge of distributing a notice or document from the Chief Electoral Officer or the returning officer; and
- (3) a revisor who refuses or fails to perform the functions of office in accordance with this Act.
- **676.** The following persons are liable to a fine of \$500 to \$2,000:
- (1) a person who knowingly registers on the permanent list of electors or on a list of electors a person who is not a qualified elector or who is not entitled to be registered at that place on the list;
- (2) a person who knowingly omits to register on the permanent list of electors or on a list of electors a person who should be registered;
- (3) a person who requests the registration of a person on the permanent list of electors or on a list of electors knowing that the person is fictitious, is deceased, is not a qualified elector, is described in section 203 or is not entitled to the registration requested;
- (4) a person who requests registration on the list of electors for a polling subdivision knowing that he or she is not entitled to registration on that list;
- (5) a person who, knowing that a person is entitled to registration on a list of electors, requests the removal of that person from the list; and
- (6) a person who, knowing that a person is entitled to registration on the permanent list of electors or on a list of electors, removes that person from the list.
- **677.** A person who writes down or otherwise records information contained in a document produced in accordance with section 363 or the second paragraph of section 367 is liable to a fine of \$500 to \$2,000.
- **678.** A person that uses, communicates or allows the communication of information concerning electors for purposes other than those provided for in this Act, or communicates or allows the communication of information concerning electors to a person not legally entitled to such information is liable to a fine of \$500 to \$2,000.

- **679.** A person that uses a list of electors or information contained in a document produced in accordance with section 363 or the second paragraph of section 367 for commercial purposes or for profit is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and \$3,000 to \$30,000, in the case of a legal person.
- **680.** A person that, without authorization, accesses or attempts to access the register of electors or the register of territories by electronic or telematic means is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and \$3,000 to \$30,000, in the case of a legal person.
- **681.** If a person is convicted under section 678, 679 or 680 and the prosecutor attaches an application to that effect to the statement of offence, a judge may impose an additional fine equal to the monetary benefit acquired by or accrued to the person as a result of the offence, even if the maximum fine under another provision has already been imposed.
- **682.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and \$200 to \$2,000 for any subsequent offence within five years:
- (1) a person who stands as a candidate, knowing that he or she is not qualified to be elected;
- (2) a person who endorses a nomination despite not being registered on the list of electors for the electoral division for which the nomination paper is filed:
- (3) a person who affixes another person's signature as an endorsement signature on a nomination paper;
- (4) a candidate or mandatary who collects endorsement signatures and falsely declares knowing the persons whose names appear on the nomination paper or being present when they signed, or falsely declares that they are electors in the electoral division;
- (5) a person who collects endorsement signatures without being a candidate or mandatary;
 - (6) a candidate who signs more than one nomination paper;
- (7) a person who claims to be a candidate of an authorized party, when the letter referred to in section 280 is false; and
- (8) a returning officer who accepts a nomination paper which is irregular or not submitted with all the required documents.
- **683.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and \$200 to \$2,000 for any subsequent offence within five years:

- (1) an executive director, an owner or a representative of an institution referred to in section 351 who hinders access to a mobile advance polling station:
- (2) a person who alters or imitates the initials of the deputy returning officer:
- (3) a person who acts as the representative of a candidate using a false power of attorney; and
- (4) an election officer who arrives late at the polling station in order to delay the opening of the poll.
- **684.** The following persons are liable to a fine of \$500 to \$2,000:
 - (1) a person who votes more than once in the same election;
- (2) a deputy returning officer who permits a person to vote without being registered on the list of electors or without having obtained an authorization to vote:
- (3) a person who, to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person;
 - (4) a person who votes without having the right to vote;
- (5) a deputy returning officer who gives a ballot paper to a person having refused to take the required oath; and
- (6) a deputy returning officer who knowingly allows a person who has already voted to vote again.
- **685.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and \$200 to \$2,000 for any subsequent offence within five years:
 - (1) a person who falsifies the statement of votes;
- (2) a person who knowingly destroys a ballot paper before the end of the period for contestation of the election; and
- (3) a returning officer who makes a fraudulent declaration of election or issues a fraudulent proclamation of election.
- **686.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and \$200 to \$2,000 for any subsequent offence within five years:

- (1) a person who exercises functions reserved to election officers without being qualified, without being officially appointed or without taking the required oath;
 - (2) a person who misinterprets this Act intentionally;
- (3) a person who counterfeits or misappropriates for partisan purposes a document emanating from the Chief Electoral Officer;
 - (4) a person who hinders the work of an election officer;
- (5) the Chief Electoral Officer, a member of the Chief Electoral Officer's personnel or an election officer, if they fraudulently neglect or refuse to act or act contrary to this Act; and
- (6) an election officer who, having been dismissed or having ceased to hold office, refuses to return the official documents in his or her possession to the returning officer or, in the case of the returning officer, to the Chief Electoral Officer.
- **687.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and \$200 to \$2,000 for any subsequent offence within five years, in the case of natural persons, and to a fine of \$300 to \$3,000 for a first offence and \$600 to \$6,000 for any subsequent offence within five years, in the case of legal persons:
 - (1) an employer that contravenes any of sections 206, 293 to 299 and 361;
- (2) an employer that uses authority or influence to incite an employee to refuse to become an election officer or to abandon that office after accepting it:
- (3) a person that, illegally and without right, manufactures, counterfeits, removes, uses, destroys, gives, sells or issues a badge to be used by an enumerator;
- (4) a person that knowingly spreads false news of the withdrawal of a candidate; and
- (5) a person that knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper.
- **688.** The following persons are liable to a fine of \$200 to \$1,000:
- (1) a person who puts up an election poster or billboard in contravention of any of sections 571 to 574 or without complying with the conditions set out in the first paragraph of section 576; and
- (2) a person who places an election banner, streamer or flag on a public utility pole.

689. A person that knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any procedure relating to a vote, or alters or attempts to alter the result of an election is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and \$3,000 to \$30,000, in the case of a legal person.

690. The following persons are liable to a fine of \$1,000 to \$10,000:

- (1) a candidate or a person who later becomes a candidate who, personally or through another person, obtains or attempts to obtain the elector's vote or incites the elector to refrain from voting by promising or granting the elector a gift, loan, office, job or other benefit; and
- (2) a person who, in order to obtain or after obtaining a gift, loan, office, job or other benefit, agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate.

The first paragraph does not apply

- (1) to an official agent who, as an election expense, provides food or beverages at an assembly of electors or to persons working during an election for the election of a candidate;
- (2) to a person other than an official agent who, at the person's own expense, provides food or beverages at a private assembly of electors held during an election to promote the election of a candidate; or
 - (3) to a person who accepts food or beverages.

691. An official agent who

- (1) incurs or authorizes election expenses exceeding the maximum set out in section 524.
 - (2) files a false report, return or statement,
 - (3) produces a false or falsified invoice, receipt or other voucher, or
- (4) after filing a return of election expenses, pays a claim otherwise than as permitted by section 548

is liable to a fine of \$1,000 to \$10,000.

An elector referred to in section 83 or in the last paragraph of section 84 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of \$1,000 to \$10,000.

692. An official representative who

- (1) files a false report, return or statement,
- (2) produces a false or falsified invoice, receipt or other voucher, or
- (3) pays a claim otherwise than as permitted by section 548

is liable to a fine of \$1,000 to \$10,000.

- **693.** The following persons are liable to a fine of \$1,000 to \$10,000:
- (1) a person who attempts to incur an election expense otherwise than as permitted by this Act;
 - (2) a person who forges an invoice, receipt or voucher; and
 - (3) a person who falsifies an invoice, receipt or voucher.
- **694.** A candidate or party leader who allows an election expense to be incurred or paid for otherwise than as permitted by this Act is liable to a fine of \$1,000 to \$10,000.
- **695.** A person that solicits or collects contributions or incurs expenses without holding an authorization from the Chief Electoral Officer is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and \$3,000 to \$30,000, in the case of a legal person.
- **696.** A Member who sits or votes in the National Assembly in contravention of section 165 or 545 is liable to a fine of \$500 for each day of contravention.
- **697.** A person who fails to file a report or return prescribed by Title III, IV or VI or pay a claim made by the Chief Electoral Officer under section 554 or 556 within the prescribed time is liable to a fine of \$50 for each day of delay.
- **698.** A person who contravenes any of sections 66, 74, 89, 91, 92, 95, 98, 104, 107, 125 to 131, 133 to 135, 137, 138, 140 to 144, 505, 507 and 510 to 522, the second paragraph of section 529 and sections 530 to 533, 568 and 569 is liable to a fine of \$500 to \$10,000.

If a person is convicted under section 125, 128, 129 or 133 and the prosecutor attaches an application to that effect to the statement of offence, a judge may impose an additional fine equal to the illegal contribution for which the person has been convicted, even if the maximum fine under the first paragraph has already been imposed.

699. A person who contravenes a provision of this Act or the regulations for which no penalty is provided is liable to a maximum fine of \$500.

700. A person who, by an act or omission, helps another person to commit an offence is guilty of the offence if the first person knew or should have known that conduct would probably result in the commission of the offence.

A person who encourages, advises, allows, authorizes, orders, incites or leads another person to commit an offence is guilty of the offence and of any other offence the other person commits, if the first person knew or should have known that conduct would probably result in the commission of the offence.

The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.

701. The offences described in sections 676 and 684, paragraphs 1 and 3 of section 685, paragraph 5 of section 686, paragraph 4 of section 687 and sections 689 to 694 are corrupt electoral practices.

In the case of an offence described in paragraph 1 of section 691, however, the judge may rule that the offence is not a corrupt electoral practice if, following a judgment rendered under the second paragraph of section 548, the election expenses incurred or authorized by the official agent exceed the maximum set out in section 524 and the refusal or failure to pay the contested expense resulted from an error in good faith.

702. A person who is convicted or held guilty of an offence that is a corrupt electoral practice loses the right to engage in partisan work, vote or be a candidate in an election for a period of five years from the judgment and is disqualified for the same period from holding an office to which appointments are made by order of the Government or by resolution of the National Assembly.

Furthermore, if a Member of the National Assembly is convicted of an offence under section 689 or 690, the Member's election is void.

- **703.** When a penalty greater than the minimum penalty is requested, the judge considers the following criteria if they are alleged by the prosecutor in the statement of offence:
 - (1) the fact that it is a second or subsequent conviction;
 - (2) the status of the offender; and
 - (3) the size of the expense or contribution.
- **704.** The Chief Electoral Officer may institute penal proceedings for an offence under this Title.

Proceedings are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence. No proceedings may be instituted more than five years after the commission of the offence.

TITLE XI

TRANSITIONAL AND FINAL PROVISIONS

- **705.** This Act replaces the Election Act (R.S.Q., chapter E-3.3).
- **706.** All persons appointed under a provision replaced by this Act who are in office on (*insert the date of coming into force of this section*) continue to hold office until the expiry of the term for which they were appointed or until they are replaced or otherwise cease to exercise the functions of office under this Act. They are deemed to have been appointed under the corresponding provision of this Act.

The first paragraph does not prevent a person from continuing to exercise the functions of office until replaced or reappointed despite the expiry of the person's term of appointment, if the law so provides.

- **707.** Authorizations granted to political parties, party authorities and independent candidates under the Election Act (R.S.Q., chapter E-3.3) before (insert the date of coming into force of this section) are maintained.
- **708.** Sums made available to the Chief Electoral Officer and to the Commission de la représentation électorale under the Election Act (R.S.Q., chapter E-3.3) are transferred to them without further formality.
- **709.** The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) applies to any person hired on a temporary basis under section 497 of the Election Act (R.S.Q., chapter E-3.3), except a returning officer or an assistant returning officer, from the hiring date if it is after 31 December 1987 but before 19 February 2002.
- **710.** The provisions of sections 117, 118, 121, the second paragraph of section 122 that apply to women candidates, and sections 560 to 562 and 566 cease to have effect when the percentage of women elected to the National Assembly reaches 50% or more.

Should that percentage decrease as a result of subsequent elections, the provisions mentioned in the first paragraph apply again upon publication of the notice referred to in section 456.

711. The provisions of sections 119, 120, the second paragraph of section 122 that apply to ethnocultural minority candidates, and sections 563 to 565 cease to have effect when the percentage of members of ethnocultural minorities elected to the National Assembly reaches 20% or more.

Should that percentage decrease as a result of subsequent elections, the provisions mentioned in the first paragraph apply again upon publication of the notice referred to in section 456.

SCHEDULE I

ELECTORAL DIVISION OF ÎLES-DE-LA-MADELEINE

(Section 171)

The electoral division of Îles-de-la-Madeleine comprises the territory of Municipalité des Îles-de-la-Madeleine.

SCHEDULE II

ELECTORAL DIVISION OF NUNAVIK

(Section 171)

The electoral division of Nunavik comprises the entire territory of Québec situated north of the fifty-fifth parallel.

SCHEDULE III

(Sections 201, 594, 602, 623, 627 and 660)

OATH OF OFFICE AND DISCRETION

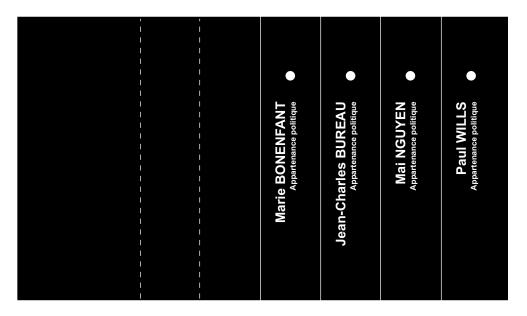
I, *name*, declare under oath that I will perform the functions assigned to me under the Election Act faithfully and honestly and without fear or favour, and that I will not, unless expressly authorized, reveal anything that may come to my knowledge by reason of my functions.

SCHEDULE IV

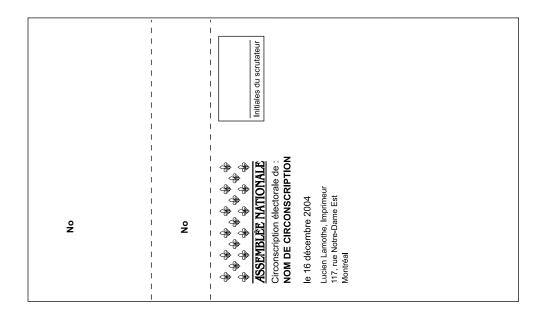
(Sections 319, 340, 391, 392 and 393)

BALLOT PAPER BEARING THE CANDIDATES' NAMES

FRONT



BACK



SCHEDULE V

(Sections 319, 328, 336, 342 and 394)

BALLOT PAPER NOT BEARING THE CANDIDATES' NAMES

FRONT

JE VOTE POUR / I VOTE FOR

Prénom et nom du candidat Given name and family name of candidate

Appartenance politique / Political affiliation

BACK

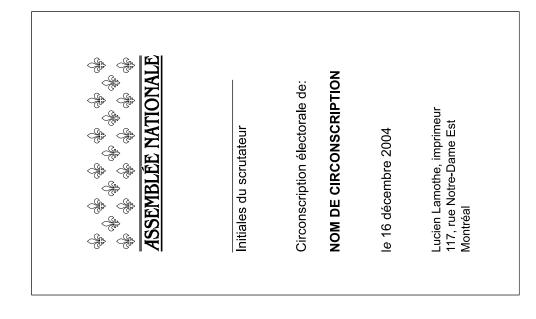


TABLE OF CONTENTS

	SI	ECTIONS
TITLE I	PURPOSE OF THE ACT	1
TITLE II	RIGHT TO VOTE AND RIGHT TO STAND AS CANDIDATE	2-53
CHAPTER I DIVISION I DIVISION II	RIGHT TO VOTE REQUIREMENTS PERMANENT LIST OF ELECTORS §1.—Description, registration, updating	2-50 2-8 9-50
	and confidentiality A. — Description B. — Registration and updating C. — Confidentiality §2. — Ongoing revision and ad hoc revision	9-33 9-12 13-28 29-33 34-42 43-46
	§3. —Registration of electors outside Québec §4. —Sending of the list	47-50
CHAPTER II	RIGHT TO STAND AS CANDIDATE	51-53
TITLE III	AUTHORIZATIONS	54-113
CHAPTER I DIVISION I DIVISION II	ISSUE OF AUTHORIZATIONS GENERAL PROVISIONS INDEPENDENT CANDIDATES AND MEMBERS OF THE NATIONAL ASSEMBLY WHO BECOME	54-97 54-61
DIVISION IV DIVISION V DIVISION VI	INDEPENDENTS POLITICAL PARTIES MERGER OF AUTHORIZED PARTIES PARTY AUTHORITIES PRIVATE INTERVENORS VERIFICATIONS, REFUSALS, REGISTERS AND BY-LAWS	62-67 68-74 75-79 80 81-92
CHAPTER II DIVISION I DIVISION II	WITHDRAWAL OF AUTHORIZATION AUTHORIZED ENTITIES PRIVATE INTERVENORS	98-113 98-111 112,113
TITLE IV	FINANCING AND EXPENSES OF AUTHORIZED ENTITIES	114-165
CHAPTER I DIVISION I DIVISION II	FINANCING ALLOWANCES CONTRIBUTIONS	114-139 114-124 125-139

CHAPTER II DIVISION I		140-165
	EXPENSES AND LOANS	140-144
DIVISION II		145-150
DIVISION III	FINANCIAL REPORTS	151-165
TITLE V	ELECTORAL MAP	166-190
CHAPTER I	NUMBER OF ELECTORAL DIVISIONS AND ELECTORAL DISTRICTS	166-169
CHAPTER II	ESTABLISHMENT OF THE BOUNDARIES OF ELECTORAL DIVISIONS AND ELECTORAL DISTRICTS	170-185
CHAPTER III	BOUNDARIES OF ELECTORAL PRECINCTS AND POLLING	
	SUBDIVISIONS	186-190
TITLE VI	ELECTION PERIOD	191-578
CHAPTER I	ELECTION CALL	191-305
DIVISION I	ORDER OF ELECTION	191-200
DIVISION II	ELECTION OFFICERS	201-211
DIVISION III	LIST OF ELECTORS	212-275
	§1. —Production and sending	212-214
	§2. —Revision	215-275
	A. — Establishment of boards	
	of revisors	215
	B. — Boards of revisors and mobile	
	boards of revisors	216-232
	C. — Revision process	233-254
	D. — Special boards of revisors	255-263
	E. — Board of revisors for electors	
	outside Québec	264-274
	F. — Sending of the revised list	
	of electors	275
DIVISION IV	CANDIDATES	276-305
	§1. —Candidates for a division seat	276-287
	§2. —Candidates for a district seat	288-292
	§3.—Leave	293-300
	§4. —Withdrawal or death of a candidate	301-305
CHAPTER II	POLL	306-497
DIVISION I	NOTICE OF POLL	306,307
DIVISION II	VOTING SECRECY	308-312
. ~= ~		· · ·

DIVICION III	VOTING PROCEDURES	212 205
DIVISION III	VOTING PROCEDURES	313-385
	§1. —Voting methods	313
	§2. —Voting at the returning officer's office §3. —Voting by correspondence	314-319 320-343
	A. — General provisions	320-343
		335,336
	B. — Hospitalized electorsC. — Inmates	337-341
	D. — Voters outside Québec	342,343
	§4. —Advance polling	344-359
	A. — General provisions	344-350
	B. — Mobile advance polling stations	351-359
	§5. —Voting on polling day	360-385
	A. — Polling hours	360,361
	B. — Verification of electors' identity	362-365
	C. — Voting formalities	366-385
DIVISION IV	POLLING FORMALITIES	386-415
	§1. —Polling stations, ballot papers	
	and ballot boxes	386-397
	A. — Polling stations	386-390
	B. — Ballot papers	391-394
	C. — Ballot boxes	395,396
	D. — Provision of required material	
	to deputy returning officer	397
	§2. —Polling officers	398-415
	A. — Representatives	414
	B. — Poll runners	415
DIVISION V	COUNTING AND ADDITION OF VOTES	416-445
	§1. —Place where votes are counted	416
	§2. —Counting of votes	417-428
	§3. —Counting of votes on ballot papers	120 120
	received in envelopes	429-438
	A. — Verification of envelopes	429-433
	B. — Counting of votes	434-438
DIVICION VI	§4. —Addition of votes	439-445
DIVISION VI	PROCLAMATION OF ELECTION AND PUBLICATION OF RESULTS	116 150
DIVISION VII	JUDICIAL RECOUNT	446-459 460-476
	CONTESTATION OF AN ELECTION	477-497
DIVISION VIII	CONTESTATION OF AN ELECTION	4//-49/
CHAPTER III	CONTROL OF ELECTION EXPENSES	498-567
DIVISION I	ELECTION EXPENSES	498-528
DIVISION II	EXPENSES OF PRIVATE	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	INTERVENORS	529-535
DIVISION III		536-551
DIVISION IV	REIMBURSEMENT FOR ELECTION	
	EXPENSES	552-568
	§1. —Reimbursement advance	552-557
	§2. —Reimbursement	558-567

CHAPTER IV	ELECTION ADVERTISING	
DIMIGIONI	AND POSTERS	568-578
DIVISION I	ELECTION ADVERTISING	568,569
DIVISION II	ELECTION POSTERS	570-578
TITLE VII	ELECTORAL SYSTEM OFFICIALS	579-663
CHAPTER I	THE CHIEF ELECTORAL OFFICER	579-609
DIVISION I		579-590
DIVISION II	APPOINTMENT AND PERSONNEL	591-609
CHAPTER II	ADVISORY COMMITTEE	610-617
DIVISION I	FUNCTION	610-612
DIVISION II	COMPOSITION	613-617
CHAPTER III	COMMISSION DE LA REPRÉSENTATION	
	ÉLECTORALE	618-635
DIVISION I	FUNCTIONS	618
DIVISION II	COMPOSITION	619-635
CHAPTER IV	PERMANENT BOARD OF REVISORS	
	OF THE LIST OF ELECTORS	636-651
DIVISION I	FUNCTIONS	636
DIVISION II	COMPOSITION	637-646
DIVISION III		
	END OF TERM	647-651
CHAPTER V	RETURNING OFFICER	652-663
DIVISION I	FUNCTIONS	652
DIVISION II	APPOINTMENT	653-663
TITLE VIII	ANNUAL REPORTS AND FINANCIAL	
	PROVISIONS	664-672
CHAPTER I	ANNUAL REPORTS	664
CHAPTER II	FINANCIAL PROVISIONS	665-672
TITLE IX	REGULATIONS	673,674
TITLE X	PENAL PROVISIONS	675-704
TITLE XI	TRANSITIONAL AND FINAL	
	PROVISIONS	705-711
SCHEDULE I	ELECTORAL DIVISION OF ÎLES-DE-LA-MADELEINE	

SCHEDULE II ELECTORAL DIVISION OF NUNAVIK

SCHEDULE III OATH OF OFFICE AND DISCRETION

SCHEDULE IV BALLOT PAPER BEARING THE CANDIDATES' NAMES

SCHEDULE V BALLOT PAPER NOT BEARING THE CANDIDATES' NAMES