

Bill 39

**An Act to establish
a new electoral system**

Section 1

AMENDMENT:

Insert after “THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:”

PART I
NEW ELECTORAL SYSTEM

Bill 39

**An Act to establish
a new electoral system**

Section 218

AMENDMENT:

Strike out “AND FINAL” in the heading preceding section 218.

Bill 39

**An Act to establish
a new electoral system**

Part II

AMENDMENT:

Insert after section 225:

PART II

REFERENDUM ON NEW ELECTORAL SYSTEM

CHAPTER I

DEFINITIONS

225.1. In this Part, “official agent”, “election expense”, “authorized entity”, “party authority”, “authorized party”, “election period” and “official representative” have the meaning assigned to them by the Election Act.

CHAPTER II

HOLDING OF REFERENDUM AND QUALIFIED ELECTORS

225.2. A referendum on the new electoral system provided for in Part I must be held on polling day of the first general election following (*insert the date of assent to this Act*).

The text of the referendum question is as follows:

“Do you agree with replacing the first-past-the-post electoral system by the mixed electoral system with regional compensation set out in the Act to establish a new electoral system?

Yes/No”.

225.3. Any person entitled to exercise the right to vote in the election under sections 1 and 2 of the Election Act is also entitled to exercise the right to vote in the referendum.

CHAPTER III

DESIGNATION OF REFERENDUM CAMPS

DIVISION I

DESIGNATION OF REFERENDUM CAMPS

225.4. For the purposes of the referendum, two referendum camps are to be designated: one camp representing the option in favour of the new mixed electoral system with regional compensation and one camp representing the option against the new electoral system.

225.5. Only a non-profit legal person constituted under Part III of the Companies Act (chapter C-38) after (*insert the date that is 150 days after the date of assent to this Act*) may be designated as a referendum camp.

225.6. The president of a legal person that wishes to be designated as a referendum camp must appoint a financial representative.

225.7. The only expenses that may be incurred by such a legal person, until the Chief Electoral Officer designates the referendum camps, are those required for filing an application for designation as a referendum camp.

The financial representative must ensure compliance with the first paragraph.

225.8. A legal person may not be designated as a referendum camp if one of the following persons is a director, an officer or the financial representative of that legal person:

- (1) a judge of a court of justice;
- (2) a Member of the National Assembly or the leader of an authorized party represented in the National Assembly;
- (3) a Member of the Parliament of Canada;
- (4) a person appointed or designated by the National Assembly to an office under its authority;
- (5) a commissioner of the Commission de la représentation or a returning officer;
- (6) an elector who undertakes to run as an independent candidate in the first general election following (*insert the date of assent to this Act*) in accordance with section 59.1 of the Election Act;
- (7) an official representative, a delegate, an official agent or a deputy of an authorized party, a party authority, an independent Member or an independent candidate, or an officer of such a party or authority;

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

(9) a person found guilty or held to be guilty of a corrupt electoral practice; or

(10) a person who, in the five years preceding (*insert the date of assent to this Act*), was found guilty of an offence listed in Schedule I of the Act respecting contracting by public bodies (chapter C-65.1).

225.9. Not later than the 60th day following (*insert the date that is 180 days after the date of assent to this Act*), a legal person that wishes to be designated as a referendum camp must send an application to that effect to the Chief Electoral Officer in the form determined by the latter.

The application must contain the following information and be accompanied by the documents listed below:

(1) the name of the legal person and its Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) any other name it intends to use in Québec and by which it intends to be identified;

(3) the address of its head office, and its other contact information;

(4) a description of its object;

(5) a copy of its letters patent and by-laws;

(6) the option it wishes to represent;

(7) the first and last names and the contact information of the directors and officers with an indication of the office they hold;

(8) the résumé of the directors and officers;

(9) the first and last names and the contact information of the financial representative;

(10) a declaration by the directors, the officers and the financial representative attesting that they are qualified electors and that they have not received and will not receive any remuneration or indemnity in relation to their office;

(11) a communication plan; and

(12) a budget indicating its estimated income and the expenses it intends to incur.

In addition, the application must include a declaration signed by the president and another director of the legal person attesting that

(1) the legal person will not incur any expense other than those authorized under the first paragraph of section 225.7;

(2) if it is designated as a referendum camp, the public financing that will be granted to it as well as the referendum contributions and the ancillary revenue that will be collected will be used only to promote the option it represents; and

(3) the information provided in the application is, to the best of their knowledge, accurate and complete.

225.10. Not later than the 15th day following the period provided for in the first paragraph of section 225.9, the Chief Electoral Officer must have verified whether the applications received contain all the information requested and whether all the required documents have been provided. The Chief Electoral Officer must also ensure that the legal person's directors, officers and financial representative are qualified electors and are not referred to in one of the paragraphs of section 225.8.

The Chief Electoral Officer may require a legal person to provide, within the time he or she specifies, any information or any complementary document required to process its application.

If, on completing his or her verifications, the Chief Electoral Officer concludes that an application is not admissible, he or she must reject the application and notify the legal person concerned in writing of the grounds for the decision.

225.11. If, on completing his or her verifications, the Chief Electoral Officer sees that more than one legal person is eligible for designation as a referendum camp for one of the referendum options, he or she must invite those legal persons to merge and to file a new application in accordance with section 225.9, in particular to promote the representation of a greater diversity of opinions.

The new application must be filed within 45 days after the Chief Electoral Officer's invitation by the legal person resulting from the merger of the legal persons having accepted to merge.

225.12. If no legal person sends an application for designation as a referendum camp for one of the referendum options, the Chief Electoral Officer must, on the day after the expiry of the period provided for in the first paragraph of section 225.9, invite not fewer than three nor more than twenty electors to constitute a non-profit legal person for the purpose of submitting such an application, which must be received not later than the 30th day after the expiry of that period. The electors must be selected from among persons publicly identified with the option not represented.

225.13. If only one legal person may be designated as a referendum camp for one of the referendum options, it is designated by the Chief Electoral Officer as the referendum camp representing that option.

225.14. If more than one legal person may be designated as a referendum camp for one of the referendum options, the Chief Electoral Officer assesses the applications using the following criteria:

(1) the name of the legal person must make it possible to clearly identify the option it represents;

(2) its object must show that its purpose is to promote that option;

(3) its letters patent must show its ability to represent a diversity of opinions in favour of that option;

(4) the purpose of the activities it intends to hold must be to promote that option; and

(5) the budget must show that the purpose of the expenses it intends to incur is to promote that option.

In assessing the applications, the Chief Electoral Officer must also take into account

(1) the relevant expertise of the directors and officers regarding electoral systems;

(2) the relevant expertise of the directors and officers in communications and administration and as director or officer; and

(3) the directors' and officers' ability to organize a Québec-wide public information campaign for the option it wishes to represent and the means it intends to use to do so.

The Chief Electoral Officer may, by directive, determine any other criterion needed to assess the applications.

Not later than (*insert the date that is 180 days after the date of assent to this Act*), the Chief Electoral Officer must make public how the applications will be assessed using the criteria set out in the first and second paragraphs.

225.15. The Chief Electoral Officer must have completed his or her assessment of the applications not later than the 30th day after the expiry of the period provided for in the second paragraph of section 225.11.

As soon as the assessment has been completed, the Chief Electoral Officer must designate as referendum camps the legal persons that, in his or her opinion, best meet the criteria set out in the first and second paragraphs of section 225.14.

225.16. The Chief Electoral Officer must notify, in writing, the two legal persons designated as referendum camps, indicating to them the grounds for the decision.

The Chief Electoral Officer must also notify in writing all the legal persons not designated, if applicable, indicating to them the grounds for the decision.

The Chief Electoral Officer must publish, on the Chief Electoral Officer's website, the names of the legal persons designated as referendum camps, as well as the names of the legal persons that were not.

225.17. A legal person whose application was not considered admissible or a legal person not designated as a referendum camp may, within 15 days after the decision is rendered by the Chief Electoral Officer, appeal the decision before a judge of the Court of Québec.

The appeal must be served on the Chief Electoral Officer.

The appeal is heard and decided by preference. The appeal does not suspend the execution of the decision, unless the court decides otherwise.

The decision of the judge is final.

225.18. The Chief Electoral Officer must reimburse to the legal persons that may be designated as referendum camps the fees payable for the issue of their letters patent, up to the maximum amount prescribed for regular processing, and for the reservation of their name, if applicable.

225.19. A legal person designated as a referendum camp must meet the conditions set out in this division until polling day.

If the legal person no longer meets a condition set out in this division, the Chief Electoral Officer must, on being notified of that fact, request the president of the referendum camp to bring it into compliance with that condition as soon as possible.

225.20. A legal person designated as a referendum camp under this division is hereinafter called a “referendum camp”.

DIVISION II

OFFICERS OF REFERENDUM CAMPS

§ 1. — President and official delegate

225.21. The president of a referendum camp may appoint not more than one official delegate per electoral division to represent him or her. The president must notify the Chief Electoral Officer in writing of the appointment.

If a referendum camp president does not appoint an official delegate in an electoral division, any responsibility conferred on an official delegate under this Part devolves to the president. Likewise, any document that must then be sent to an official delegate under this Part must be sent to the president.

225.22. A person may not be an official delegate if he or she

- (1) is not a qualified elector; or
- (2) is referred to in any of the paragraphs of section 225.8.

An official delegate may not receive any remuneration or indemnity in relation to that office.

225.23. A referendum camp president who resigns must notify in writing the Chief Electoral Officer.

225.24. If a referendum camp president dies, resigns or is unable to act, the other directors of the camp must immediately appoint another president and notify in writing the Chief Electoral Officer and the officers of the camp of that fact.

225.25. The Chief Electoral Officer must publish in the *Gazette officielle du Québec* a notice of the resignation or replacement of a referendum camp president.

§ 2. — Financial representative and deputies

225.26. The financial representative of a referendum camp is responsible for soliciting referendum contributions and incurring or authorizing expenses and referendum expenses.

225.27. The financial representative may, with the approval of the referendum camp president, appoint a sufficient number of deputies. The financial representative must notify the Chief Electoral Officer in writing of the appointments.

The financial representative may mandate his or her deputies to solicit referendum contributions and to incur or authorize referendum expenses up to the amount set by the financial representative in their deed of appointment. That amount may be changed at any time, in writing, by the financial representative before the latter's return of referendum income and expenses is filed.

All referendum expenses incurred by a deputy are deemed to have been incurred by the financial representative up to the amount set in the deed of appointment.

The deputy must provide the financial representative with an itemized statement of the referendum expenses incurred or authorized by the deputy.

225.28. Section 225.22 applies to a deputy.

225.29. The financial representative and the deputies must, not later than the 10th day after 1 February 2020, undergo training given by the Chief Electoral Officer on financing rules and the control of referendum expenses.

A financial representative or a deputy appointed after that date must undergo such training within 10 days after being appointed.

The Chief Electoral Officer must, by directive, determine the other particulars regarding such training.

225.30. A financial representative who resigns must notify the referendum camp president and the Chief Electoral Officer in writing of the resignation.

Within 30 days after resigning, the financial representative must file with the president a return of referendum income and expenses, with vouchers, covering the period during which the financial representative was in office.

225.31. If the financial representative dies, resigns or is unable to act, the referendum camp president must immediately appoint another financial representative and must notify the Chief Electoral Officer in writing of the appointment.

The president may dismiss his or her financial representative and appoint another in the same manner.

The Chief Electoral Officer must publish, in the *Gazette officielle du Québec*, a notice of the resignation or replacement of a financial representative.

225.32. The Chief Electoral Officer must inform the returning officers of any appointment or replacement of a financial representative or of an official delegate.

If a financial representative is replaced before polling day, the returning officer must post a notice of the replacement with the notice of the poll.

§ 3. — *Leave of president and financial representative*

225.33. Every employer must, on a written request, grant leave without pay to an employee who is acting as president or financial representative of a referendum camp. The request may be made at any time as of the beginning of the referendum period.

225.34. The third and fourth paragraphs of section 249 and sections 250 to 255 of the Election Act apply to this subdivision. To that end, the reference to a candidate in section 251 of that Act must be understood as a reference to the president of a referendum camp and the reference to an official agent must be understood as a reference to the financial representative of such a camp.

§ 4. — *Resignation of a person who wishes to be a candidate or who becomes an election officer*

225.35. A president, an official delegate or another director, a financial representative or a deputy or an officer of a referendum camp who wishes to be a candidate in the first general election following (*insert the date of assent to this Act*) in accordance with section 237 of the Election Act or who becomes an election officer must resign from office as soon as possible after filing a nomination paper or becoming an election officer.

CHAPTER IV

REFERENDUM CAMP FINANCING AND EXPENSES

DIVISION I

PUBLIC FINANCING

225.36. The Chief Electoral Officer must pay, for the benefit of each referendum camp, an allowance of \$850,000 for the purposes of the referendum.

The allowance is paid to the financial representative of each camp in three instalments: a first instalment of \$150,000 on 1 February 2022 and two other instalments of \$350,000 on 1 May 2022 and 1 August 2022.

The allowance is deposited in a single account held by the financial representative at a Québec branch of a bank, trust company or financial services cooperative.

DIVISION II

REFERENDUM CONTRIBUTIONS

225.37. Only an elector may make a referendum contribution. Such a contribution may be made only for the benefit of a referendum camp and only in accordance with this division.

The contribution may be made as of 1 February 2022 and up to the day preceding the filing of the return of referendum income and expenses required under section 225.120.

Any referendum contribution collected after polling day of the first general election following (*insert the date of assent to this Act*) must be collected only for the purpose of settling unpaid claims.

225.38. Money donations to a referendum camp and services rendered and goods provided to it free of charge for the purpose of promoting the option it represents are referendum contributions.

The following are not referendum contributions:

(1) volunteer work performed personally and voluntarily, the result of such work and the use of a personal vehicle for that purpose, provided they are performed or provided without compensation and for no consideration;

(2) the allowance paid to a referendum camp under section 225.36;

(3) ancillary revenue collected at a fundraising activity in accordance with the Chief Electoral Officer's directives; or

(4) air time on the radio or on television or space in a newspaper, periodical or other printed matter made available free of charge by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter to the referendum camps, provided such service is offered equitably as to quality and quantity to each referendum camp.

225.39. Total referendum contributions by the same elector must not exceed \$200 for the benefit of each referendum camp.

225.40. Referendum contributions must only be solicited under the responsibility of a referendum camp's financial representative or of a deputy and only through persons designated in writing by the financial representative.

Every person authorized to solicit contributions must, on request, produce a certificate signed by the financial representative, attesting his or her authority.

225.41. A referendum contribution in cash must only be paid to the Chief Electoral Officer for the benefit of a referendum camp.

However, a referendum contribution of \$50 or less may be paid to the financial representative, a deputy, or the persons designated in writing by the financial representative in accordance with section 225.40.

225.42. Referendum contributions cashed by the Chief Electoral Officer and those referred to in the second paragraph of section 225.41 are deposited in a single account held by the camp's financial representative at a Québec branch of a bank, trust company or financial services cooperative.

Any referendum contribution made by means of a cheque or order of payment without sufficient funds may be recovered by the Chief Electoral Officer out of the referendum contributions deposited under the first paragraph.

225.43. Section 90, the fourth and fifth paragraphs of section 91, and sections 93.1, 95, 95.1, 97, 98 and 100 of the Election Act apply to this division, with the following modifications:

(1) any reference to a contribution must be understood as a reference to a referendum contribution;

(2) any reference to an authorized entity, an authorized party, an authorized independent Member or an authorized independent candidate must be understood as a reference to a referendum camp;

(3) in the third paragraph of section 100 of the Act, the reference to the official representative must be understood as a reference to the financial representative.

DIVISION III

CONTROL OF FINANCING

225.44. For the purposes of this Part, the account referred to in the third paragraph of section 225.36 and the one referred to in the first paragraph of section 225.42 constitute the referendum fund.

225.45. The financing of a referendum camp is comprised solely of the allowance provided for in the first paragraph of section 225.36 and referendum contributions as well as ancillary revenue collected, provided for in section 225.38.

The financing must be used only to promote the option represented by the referendum camp. It may be used, in particular, for referendum publicity or to organize fundraising and information activities and pay expenses and referendum expenses.

225.46. An authorized entity or a Member of the National Assembly must not render services or provide goods free of charge to a referendum camp, nor render such services or provide such goods in exchange for compensation, consideration or any form of reimbursement.

DIVISION IV

REFERENDUM CAMP EXPENSES

225.47. A referendum camp's expenses may be incurred only as of 1 February 2022 and only by the camp's financial representative or by a person he or she designates in writing.

Every person authorized to incur expenses must, on request, produce a certificate signed by the financial representative, attesting his or her authority.

225.48. Every person to whom an amount is due for an expense made by the financial representative of a referendum camp must present a claim to the representative within 60 days after polling day, failing which the claim is prescribed.

225.49. An itemized statement of the expenses incurred under this division must be reported in the return of referendum income and expenses required under section 225.120.

CHAPTER V

ORDER OF REFERENDUM

225.50. The Chief Electoral Officer must inform the returning officer of each electoral division in writing of the order of referendum on the day following the beginning of the referendum period.

The returning officer, under the authority of the Chief Electoral Officer, is responsible, in the electoral division to which the returning officer is appointed, for the administration of this Part and for training the election officers.

225.51. The returning officer must send the address of his or her main office and those of his or her established branch offices, if applicable, to the referendum camp presidents and any official delegates appointed in his or her electoral division.

225.52. For the purposes of the referendum,

(1) the manual that the Chief Electoral Officer must send to each dwelling under section 134 of the Election Act must also include information on the financing of the referendum camps and on the control of referendum expenses as well as the text of the referendum question; and

(2) the reminder that the returning officer must send to every dwelling in his or her electoral division under section 135 of the Election Act must also include the text of the referendum question.

The Chief Electoral Officer and the returning officer may, if they see fit in the circumstances, use one or more manuals to inform electors or one or more reminders.

CHAPTER VI

LIST OF ELECTORS AND CANDIDATES IN A GENERAL ELECTION

225.53. For the purposes of the referendum,

(1) the lists to be sent under the first paragraph of section 146, the first, second and third paragraphs of section 218 and the first paragraph of section 227 of the Election Act and the abstract to be sent under the second paragraph of section 233.6 of that Act must also be sent to the official delegate, by the same means of transmission as the one provided for in those sections;

(2) the lists to be sent under the third paragraph of section 146, the second paragraph of section 147, section 187, the fifth paragraph of section 218 and the third paragraph of section 227 of that Act must also be sent to the presidents of the referendum camps, by the same means of transmission as the one provided for in those sections;

(3) the addresses of the places where a board of revisors is to sit that are to be communicated under the fifth paragraph of section 180 of that Act must also be communicated to the presidents of the referendum camps;

(4) the declaration of the election of a candidate under section 247 or 258 of that Act does not prevent the referendum scheduled in that electoral division from being held; and

(5) the postponement of an election in accordance with section 259 of that Act does not cause the referendum scheduled in that electoral division to be postponed.

CHAPTER VII

REFERENDUM POSTERS AND BILLBOARDS

225.54. The rules set out in sections 259.1 to 259.9 of the Election Act regarding election posters and billboards apply to referendum posters and billboards, with the following modifications:

(1) any reference to an election must be understood as a reference to the referendum;

(2) any reference to the election period must be understood as a reference to the referendum period;

(3) for the purposes of sections 259.7 to 259.9 of that Act, any reference to a candidate, an authorized party or a party must be understood as a reference to a referendum camp; and

(4) for the purposes of sections 259.8 and 259.9 of that Act, any reference to a private intervenor must be understood as a reference to a private referendum intervenor.

CHAPTER VIII

POLL

DIVISION I

PRELIMINARY PROVISION

225.55. In any provision of the Election Act applicable under this chapter,

(1) any reference to a ballot paper is a reference to both a ballot paper for the general election and a referendum ballot paper; and

(2) any reference to a representative or a candidate's representative is also a reference to a representative of an official delegate.

DIVISION II

APPLICATION OF DIVISIONS I TO III OF CHAPTER V OF TITLE IV OF THE ELECTION ACT

225.56. In the first general election after (*insert the date of assent to this Act*), electors, in addition to exercising their right to vote in the general election, also exercise their right to vote in the referendum.

To that end, the rules set out in Divisions I.1 to III of Chapter V of Title IV of the Election Act apply simultaneously to the exercise of those rights to vote, with the modifications provided for in this division.

The rules set out in Division I of Chapter V of Title IV of the Election Act also apply to the referendum, with the modifications provided for in this division.

225.57. For the purposes of Divisions II to III of Chapter V of Title IV of the Election Act, the Chief Electoral Officer may, as he or she sees fit in the circumstances, use one or more ballot boxes to receive the ballot papers.

225.58. For the purposes of Divisions II, II.2, II.3 and III of Chapter V of Title IV of the Election Act, the referendum vote must be cast in a single visit to the polling station and at the same time as the vote in the general election.

MODIFICATIONS TO DIVISION I - NOTICE OF A POLL

225.59. In addition to what is provided for in section 260 of the Election Act, the notice of a poll must also state the text of the referendum question, the name of each referendum camp and, for each of the camps, the first and last names of its president, of its financial representative and, if applicable, of the official delegate.

The returning officer may publish one or two notices of a poll, as the returning officer sees fit in the circumstances.

If the returning officer has received only one nomination paper, the notice of a poll must still be published.

225.60. In addition to what is provided for in section 261 of the Election Act, the notice must also be sent to the official delegate.

MODIFICATION TO DIVISION I.1 – ALTERNATIVE VOTING PROCEDURES

225.61. In addition to what is provided for in the second paragraph of section 262 of the Election Act, electors also vote for one of the referendum options.

MODIFICATIONS TO DIVISION II - VOTING AT THE RETURNING OFFICER'S MAIN OFFICE OR AT ONE OF THE RETURNING OFFICER'S BRANCH OFFICES

§ 1. — *Voting by electors in the electoral division of their domicile*

225.62. In addition to what is provided for in the first paragraph of section 266 of the Election Act, the person assigned to voting also gives the elector the referendum ballot paper, after initialling it in the space reserved for that purpose and removing it from the counterfoil.

For the purposes of the second paragraph of that section, the reference to a candidate must be understood as a reference to a referendum camp and the reference to election purposes must be understood as a reference to referendum purposes.

225.63. In addition to what is provided for in the second paragraph of section 267 of the Election Act, the list must also be sent to the official delegate.

§ 2. — *Voting by electors outside their electoral division*

225.64. For the purposes of the second paragraph of section 269 of the Election Act, the reference to the election must also be understood as a reference to the referendum.

225.65. In addition to what is provided for in section 275 of the Election Act, electors also receive a referendum ballot paper printed according to the model provided in Schedule I to this Part.

225.66. In addition to what is provided for in the first paragraph of section 276 of the Election Act, electors cast their referendum vote by writing a mark on the referendum ballot paper to indicate their choice regarding the referendum question.

For the purposes of the second paragraph of that section, the reference to a candidate must be understood as a reference to a referendum camp and the reference to election purposes must be understood as a reference to referendum purposes.

225.67. In addition to what is provided for in the second paragraph of section 279 of the Election Act, the list must also be sent to the official delegate.

225.68. For the purposes of the second paragraph of section 280.1 of the Election Act, the reference to the election must also be understood as a reference to the referendum.

MODIFICATIONS TO DIVISION II.1 - VOTING BY MAIL

§ 1. — *Voting by electors outside Québec*

225.69. In addition to what is provided for in the second paragraph of section 287 of the Election Act, the referendum ballot paper must be printed according to the model provided in Schedule I to this Part.

225.70. Section 288 of the Election Act does not apply to the referendum.

225.71. In addition to what is provided for in section 289 of the Election Act, electors cast their referendum vote by writing a mark on the referendum ballot paper to indicate their choice regarding the referendum question.

§ 2. — *Voting by inmates*

225.72. In addition to what is provided for in the first paragraph of section 298 of the Election Act, inmates who are electors also vote on a referendum ballot paper printed according to the model provided in Schedule I to this Part.

MODIFICATIONS TO DIVISION II.2 - ADVANCE POLLING

§ 1. — *General provisions*

225.73. In addition to what is provided for in the first paragraph of section 300 of the Election Act, the information must also be sent to the official delegate.

225.74. In addition to what is provided for in section 301.5 of the Election Act, the list must also be sent to the official delegate.

§ 2. — *Special provisions for polling stations set up in residential facilities*

225.75. In addition to what is provided for in section 301.9 of the Election Act, the list must also be sent to the official delegate.

MODIFICATION TO DIVISION II.3 – ON-CAMPUS VOTING IN VOCATIONAL TRAINING CENTRES AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

225.76. For the purposes of the second paragraph of section 301.25 of the Election Act, the reference to the election must also be understood as a reference to the referendum.

MODIFICATIONS TO DIVISION III - POLLING DAY

§ 1. — *Preparation for the poll*

Polling stations

225.77. The polling stations established in accordance with sections 302 to 307 of the Election Act are also used for the purposes of the referendum.

225.78. In addition to what is provided for in the fourth paragraph of section 302 of the Election Act, the information must also be sent to the official delegate.

225.79. In addition to what is provided for in the first paragraph of section 306 of the Election Act, polling day is a holiday for pupils in every school of a school board situated in an electoral division in which a referendum is held.

Polling officers

225.80. In addition to what is provided for in section 313 of the Election Act, the list and information must also be sent to the official delegate.

Representatives

225.81. In addition to what is provided for in section 316 of the Election Act, an official delegate may attend every operation related to the poll. The official delegate may, in addition, make the designation referred to in that section. In such a case, the official delegate must sign the power of attorney provided for in section 317 of that Act.

Poll runners

225.82. In addition to what is provided for in section 318 of the Election Act, an official delegate may make the designation provided for in that section. In such a case, the official delegate must sign the power of attorney provided for in section 319 of that Act.

Ballot papers and ballot boxes

225.83. Electors must cast their referendum vote on a referendum ballot paper that is separate from the ballot paper used for the general election.

225.84. The Chief Electoral Officer must have referendum ballot papers printed according to the model provided in Schedule I to this Part.

The printer must see that no ballot paper of the model ordered by the Chief Electoral Officer is provided to any other person.

225.85. For the purposes of the referendum, section 324 of the Election Act is to be read as follows:

“324. Referendum ballot papers must contain, on the front, the text of the referendum question in French and in English.

The referendum ballot papers must also contain, on the back, a space reserved for the mark by which the electors express their choice.

However, in polling stations situated on an Indian reserve or in a place where one or several Aboriginal communities live, the question on the referendum ballot paper used must be in French, in English and in the language of the majority in each of the Aboriginal communities, to the extent that the Chief Electoral Officer is able to have the ballot papers printed in that language.

The Chief Electoral Officer is responsible for determining which Aboriginal language must be used and have the question on the ballot paper translated into that language.”

225.86. In addition to what is provided for in the second paragraph of section 327 of the Election Act, the returning officer also gives the deputy returning officers an additional sealed envelope, bearing the returning officer’s initials on the seal, containing the same number of referendum ballot papers.

§ 2. — *The vote*

Polling hours

225.87. In addition to what is provided for in section 334 of the Election Act, the Chief Electoral Officer and the returning officer must also be easily accessible to the referendum camp presidents and their official delegates.

Exercise of the right to vote

225.88. In addition to what is provided for in section 341 of the Election Act, the deputy returning officer must also give the elector the referendum ballot paper after writing his or her initials in the space reserved for that purpose and detaching it from the counterfoil.

225.89. In addition to what is provided for in section 348 of the Election Act, the template enabling a visually handicapped person to exercise his or her right to vote in the referendum without assistance is prescribed by the Chief Electoral Officer.

To that end and in a separate step, the deputy returning officer must, in accordance with the needs expressed by the elector, read the question on the referendum ballot paper and indicate the order in which the options appear on the ballot paper.

225.90. In addition to the information listed in subparagraphs 1 to 5 of the first paragraph of section 350 of the Election Act, a person referred to in the first paragraph of that section may also require a person to declare under oath that he or she

- (1) has not already voted in the current referendum;
- (2) has received no benefit intended to engage his or her support in favour of an option; and
- (3) has no referendum ballot paper in his or her possession that may be used in the current referendum.

225.91. In addition to what is provided for in the first paragraph of section 352 of the Election Act, no person may, on the premises of a polling station, use any sign to indicate his or her affiliation with a referendum camp or support for or opposition to either of the referendum options.

To that end, the returning officer may have any prohibited partisan publicity removed if, after being asked to remove it, the referendum camp concerned refuses or neglects to do so.

Secrecy of voting

225.92. In addition to what is provided for in section 356 of the Election Act, no elector may, on the premises of a polling station, indicate, in any manner, the option in favour of which he or she intends to vote or has voted.

225.93. In addition to what is provided for in section 357 of the Election Act, no person referred to in that section or official delegate may, on the premises of a polling station, attempt to learn the option in favour of which an elector intends to vote or has voted.

225.94. In addition to what is provided for in section 358 of the Election Act, no person referred to in that section or official delegate who has given assistance to another elector may disclose the option in favour of which the elector has voted.

225.95. In addition to what is provided for in section 359 of the Election Act, no person may be compelled to disclose for which option he or she has voted.

§ 3. — *Proceedings after the vote*

Counting of votes on ballot papers placed in a ballot box

225.96. In addition to what is provided for in the first paragraph of section 361 of the Election Act, an official delegate may also be present when the referendum votes are counted.

225.97. The steps set out in sections 364 to 370 of the Election Act are first carried out to count the general election votes. They are then repeated to count the referendum votes, with the following modifications:

(1) for the purposes of the first paragraph of section 365 of that Act, a referendum ballot paper is declared valid if it is marked in the circle opposite one of the referendum options;

(2) for the purposes of subparagraph 4 of the second paragraph of section 365 of that Act, a referendum ballot paper must be rejected if it is marked in favour of more than one option;

(3) subparagraph 5 of the second paragraph of section 365 of that Act does not apply;

(4) for the purposes of section 367 of that Act, an objection as to the validity of a referendum ballot paper may be raised by an official delegate or his or her representative; and

(5) for the purposes of the first paragraph of section 369 of that Act, the reference to each candidate must be understood as a reference to each option.

Counting of votes on ballot papers received in envelopes

225.98. The steps set out in sections 370.9 and 370.10 of the Election Act must first be carried out to count the general election votes. They must then be repeated to count the referendum ballot papers, taking into account, for the purposes of section 370.9 of that Act, the modifications provided for in section 225.97.

In addition to what is provided for in the second paragraph of section 370.9 of that Act, the president of a referendum camp may designate a representative to attend the counting of votes.

§ 4. — *Addition of votes*

225.99. In addition to what is provided for in the first paragraph of section 371 of the Election Act, the returning officer must also notify each official delegate.

In addition to what is provided for in the second paragraph of that section, an official delegate may also attend the addition of the votes.

225.100. For the purposes of the first paragraph of section 372 of the Election Act, the returning officer must first add up the general election votes. The returning officer then adds up the referendum votes. To add up the referendum votes, the returning officer must compile the votes cast in favour of each of the referendum options in each polling subdivision of the electoral division.

225.101. In addition to what is provided for in the first paragraph of section 375 of the Election Act, the returning officer must also announce the option that, once the votes have been added up, has received the greatest number of votes.

225.102. Section 376 of the Election Act does not apply to the referendum.

DIVISION III

DECLARATION AND PUBLICATION OF RESULTS

225.103. If no application for a judicial recount of votes is filed within the time prescribed concerning the referendum results, the returning officer must make a declaration indicating which option received the greatest number of votes. The returning officer must send a copy of the declaration to each official delegate.

The returning officer must send the declaration and the result of the addition of referendum votes to the Chief Electoral Officer without delay.

225.104. The Chief Electoral Officer must compile the declarations received. Once the compilation is completed, the Chief Electoral Officer must immediately issue a declaration of the final result of the referendum, indicating the option that received the greatest number of votes. The Chief Electoral Officer must send the declaration to the Secretary General of the National Assembly and to the referendum camp presidents.

225.105. The Chief Electoral Officer must, as soon as possible, publish in the *Gazette officielle du Québec* a notice stating the final result of the referendum, indicating the option that received the greatest number of votes and stating, for each electoral division, the number of votes cast in favour of each referendum option.

225.106. The Chief Electoral Officer must, as soon as possible after the referendum, publish a detailed return of the referendum containing, in particular, the results for each electoral precinct, and also indicating the results for each polling subdivision.

The Chief Electoral Officer must send the return to the Secretary General of the National Assembly. The return must be posted on the Chief Electoral Officer's website.

225.107. Sections 378 and 379 of the Election Act apply to this division, with the following modifications:

(1) in addition to what is provided for in the first paragraph of section 378 of that Act, the return must also cover the referendum proceedings, and the reference to the ballot papers in the second paragraph of that section must also be understood as a reference to the referendum ballot papers; and

(2) for the purposes of section 379 of that Act, the reference to the election must be understood as a reference to the referendum.

DIVISION IV

JUDICIAL RECOUNT

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

225.109. The rules set out in sections 383 to 393 and 395 to 400 of the Election Act concerning judicial recounts apply to a judicial recount of referendum results, with the following modifications:

(1) any reference to an election must be understood as a reference to a referendum;

(2) for the purposes of section 383 of that Act, the president of a referendum camp whose option came second in the referendum may apply to a judge of the Court of Québec for a judicial recount;

(3) in addition to what is provided for in the first paragraph of section 387 of that Act, the notice in writing must also be sent to the referendum camp presidents;

(4) the second paragraph of section 388 of that Act is to be read without taking into account the words "and the mandataries of the candidates";

(5) in addition to what is provided for in section 389 of that Act, paragraphs 1 and 2 of section 225.97 and section 225.98 of this Act apply to a decision on the validity of a referendum ballot paper;

(6) for the purposes of the first paragraph of section 392 and the second paragraph of section 395 of that Act, the reference to a candidate must be understood as a reference to an option; and

(7) section 393 of that Act is to be read as follows:

“**393.** The returning officer must declare the option that received the greatest number of votes to be the winning option, and section 225.103 of the Act to establish a new electoral system (*insert the year and chapter number of that Act*) applies, with the necessary modifications.”

CHAPTER IX

CONTROL OF REFERENDUM EXPENSES

DIVISION I

PRELIMINARY PROVISIONS

225.110. In any provision of the Election Act that applies to the referendum under this chapter,

(1) any reference to an election expense must be understood as a reference to a referendum expense;

(2) any reference to the election period must be understood as a reference to the referendum period;

(3) any reference to the official agent, the candidate’s or party’s official agent, or a candidate’s or authorized party’s official agent must be understood as a reference to the financial representative of a referendum camp;

(4) any reference to an election must be understood as a reference to the referendum; and

(5) any reference to the leader of the party or to the candidate must be understood as a reference to the president of a referendum camp.

225.111. For the purposes of this chapter, the referendum period begins on 1 May 2022 and ends on polling day, at the closing time of the polling stations.

DIVISION II

REFERENDUM EXPENSES

225.112. The cost of any goods or services used during the referendum period to directly or indirectly promote or oppose either of the referendum options is a referendum expense.

225.113. The following are not referendum expenses:

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

(2) the cost at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price regardless of the order instituting the first general election after (*insert the date of assent to this Act*);

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

(4) the reasonable expenses incurred by a natural person, out of the person's own money, for meals and lodging while traveling for the purposes of the referendum, if the expenses are not reimbursed to him or her;

(5) the transportation costs of a natural person, out of the person's own money, if those costs are not reimbursed to him or her;

(6) the reasonable expenses incurred for the publication of explanatory commentaries on this Part, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose either of the referendum options;

(7) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire referendum period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a referendum camp;

(8) the publicity expenses, the total of which does not exceed \$1,500 for the entire referendum period, incurred by an authorized private referendum intervenor in accordance with Division IV of this chapter, without directly promoting or opposing a candidate or party, to promote or oppose either of the referendum options or to advocate abstention or the spoiling of ballots; and

(9) the remuneration paid to a representative referred to in section 225.81.

225.114. No referendum camp may, during the referendum period, incur referendum expenses to directly promote or oppose the election of a candidate or a party's candidates.

225.115. During the referendum period, only the financial representative of a referendum camp or a deputy may incur or authorize referendum expenses.

225.116. The financial representative or a deputy may pay a referendum expense only out of the referendum fund.

225.117. Any person to whom an amount is due for a referendum expense must present his or her claim to the financial representative within 60 days after polling day, failing which the person's claim is prescribed.

Where the financial representative has died or resigned and has not been replaced, the claim must be presented within the same time to the president of the referendum camp.

225.118. Referendum expenses are limited so as never to exceed \$1,500,000 for a referendum camp for all the electoral divisions.

225.119. Sections 403, 407, 415 to 417, 421, 421.1, 423 and 424, the first paragraph of section 429 and sections 429.1 to 431 of the Election Act apply to this division, with the following modifications:

(1) for the purposes of sections 403, 415 to 417 and 421 of that Act, as modified by paragraph 1 of section 225.110 of this Act, the reference to referendum expenses includes expenses referred to in paragraph 8 of section 225.113 of this Act and, for the purposes of those sections, as modified by paragraph 3 of section 225.110 of this Act, the reference to the financial representative of a referendum camp includes the private referendum intervenor referred to in Division IV of Chapter IX of this Act if the private referendum intervenor is an elector, and the representative of such an intervenor if the private referendum intervenor is a group of electors";

(2) in the first paragraph of section 407 of that Act, the reference to the return of election expenses must be understood as a reference to the return of referendum income and expenses;

(3) for the purposes of the first paragraph of section 421.1 of that Act, the reference to the private intervenor must be understood as a reference to the private referendum intervenor; and

(4) section 423 of that Act is to be read as follows:

“**423.** During a referendum period, a radio, television or cable broadcaster and the owner of a newspaper, periodical or other publication may make air time on the radio or on television or space in the newspaper, periodical or other publication available free of charge to the referendum camp presidents, provided such service is offered equitably as to quality and quantity to the presidents of the referendum camps.”

DIVISION III

RETURN OF REFERENDUM INCOME AND EXPENSES

225.120. The financial representative of a referendum camp must, within 120 days after polling day, file with the Chief Electoral Officer a return of referendum income and expenses in the form prescribed by the Chief Electoral Officer.

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

If the financial representative has appointed deputies under section 225.27, the return must be accompanied by the deeds of appointment, including any changes made to them.

225.121. In addition to referendum income and expenses, the return must indicate or contain

(1) an itemized statement of the expenses incurred by a referendum camp under Division IV of Chapter IV of this Part;

(2) the financial institutions where the amounts of money collected by the referendum camp are deposited and the account numbers used;

(3) the total value of services rendered and goods provided free of charge;

(4) the number of electors having paid a referendum contribution and the total amount of those contributions; and

(5) the name and full domiciliary address of each elector having paid one or more referendum contributions and the total amount of those contributions.

The information referred to in subparagraph 5 of the first paragraph must be presented in alphabetical order of the names of the electors.

In addition, the return must be accompanied by a list of the designations made under section 225.40 drawn up in the form prescribed by the Chief Electoral Officer.

225.122. The return of referendum income and expenses must be signed by the president of the referendum camp and accompanied by a declaration by the president in the form prescribed by the Chief Electoral Officer.

The declaration must state, in particular, that the president has been informed of the financing rules and referendum expenses rules, has reminded the persons authorized to solicit referendum contributions or persons authorized to incur or authorize referendum expenses of their obligation to comply with those rules, has been informed of the referendum camp's solicitation practices and considers that they comply with this Part, has read the return and has obtained any clarification the president wished to receive regarding its content.

225.123. The Chief Electoral Officer must publish a summary of the return of referendum income and expenses required under section 225.120 within 90 days after the expiry of the time prescribed for filing it.

225.124. On filing the return of referendum income and expenses required under section 225.120, the financial representative must send the sums or goods remaining in the referendum fund to the Chief Electoral Officer, who must remit them to the Minister of Finance.

225.125. Before filing the return of referendum income and expenses and the declaration prescribed in section 225.120, the financial representative must have discharged all the claims received within the period of time prescribed in section 225.117.

However, the financial representative must mention, in the return, every claim that is undischarged because it is being contested.

Only the Chief Electoral Officer may discharge a contested claim in execution of a judgment from a court of competent jurisdiction obtained by the creditor after a hearing and not following acquiescence in the application or a settlement agreement.

225.126. Every payment made by the Chief Electoral Officer after the filing of the return of referendum income and expenses following a judgment rendered with respect to any expense contested under section 225.125 entails an automatic correction of the return of referendum income and expenses.

225.127. The judge having jurisdiction to decide an application under sections 443, 444 and 446 of the Election Act, which apply under section 225.129

of this Act, or an application under section 225.125 of this Act is the chief judge of the Court of Québec.

No such application may be heard without a notice of at least three clear days to the Chief Electoral Officer and to the presidents of the referendum camps.

225.128. The Chief Electoral Officer must have access to all books, accounts and documents pertaining to the referendum camps' financial affairs.

At the Chief Electoral Officer's request, a referendum camp must, within 30 days, provide any information required for the purposes of this Part.

225.129. Sections 436, 443, 444 and 446 of the Election Act apply to this division.

However, any reference to sections 432 and 434 of the Election Act must be understood as a reference to section 225.120 of this Act.

DIVISION IV

AUTHORIZATION AND EXPENSES OF PRIVATE REFERENDUM INTERVENORS

225.130. No person may incur expenses referred to in paragraph 8 of section 225.113 unless the person has been issued an authorization in accordance with Division V of Chapter VI of Title IV of the Election Act, as modified by this division, that allows the person to act as a private referendum intervenor.

Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for such an authorization.

225.131. The third, fourth and fifth paragraphs of section 457.2 and sections 457.3 to 457.21 of the Election Act apply to this division, with the following modifications:

(1) any reference to a private intervenor must be understood as a reference to a private referendum intervenor;

(2) any reference to the returning officer, except the reference in the second paragraph of section 457.21 of that Act, must be understood as a reference to the Chief Electoral Officer;

(3) subparagraphs 4 and 5 of the first paragraph of section 457.3 are to be read as follows:

“(4) indicate the referendum option the elector intends to promote or whether the elector intends to advocate abstention or the spoiling of ballots;

“(5) declare that the elector is not a referendum camp director or officer;”;

(4) in addition to what is provided for in subparagraph 6 of the first paragraph of section 457.3 of that Act, an elector applying for authorization must declare that the elector is not acting directly or indirectly on behalf of any referendum camp;

(5) the elector’s application referred to in the second paragraph of section 457.3 of that Act must also include an undertaking to comply with the provisions of this Part that apply to the elector;

(6) subparagraph 6 of the first paragraph of section 457.4 of that Act is to be read as follows:

“(6) indicate the referendum option the group intends to promote or whether the group intends to advocate abstention or the spoiling of ballots;”;

(7) in addition to what is provided for in subparagraph 7 of the first paragraph of section 457.4 of that Act, a group applying for authorization must declare that it is not acting directly or indirectly on behalf of any referendum camp;

(8) subparagraph 8 of the first paragraph of section 457.4 of that Act is to be read as follows:

“(8) declare that its representative is not a referendum camp director or officer;”;

(9) the group’s application referred to the second paragraph of section 457.4 of that Act must also include an undertaking to comply with the provisions of this Part that apply to the group;

(10) section 457.5 of that Act is to be read as follows:

“457.5. An application for authorization must be filed with the Chief Electoral Officer from the 15th day following the beginning of the referendum period up until the 13th day preceding polling day.”;

(11) the second paragraph of section 457.7 of that Act is to be read as if “candidate” were replaced by “official delegate”;

(12) section 457.8 of that Act is to be read as follows:

“**457.8.**Not later than the 10th day preceding polling day, the Chief Electoral Officer must transmit to the referendum camp presidents and to the official delegates a list of the authorizations the Chief Electoral Officer has granted.

The list must indicate the name of each private referendum intervenor, the name of the private referendum intervenor’s representative, if any, and the number and date of the authorization. The list must also indicate whether the intervenor intends to promote either of the referendum options or to advocate abstention or the spoiling of ballots.”;

(13) section 457.12 of that Act is to be read as if “become a member of a party” were replaced by “become a director or officer of a referendum camp”;

(14) section 457.13 of that Act is to be read as if “that are not related to the purpose stated in the application for authorization” were replaced by “that do not promote the option indicated in the application for authorization, that do not advocate abstention or the spoiling of ballots”;

(15) for the purposes of subparagraph 3 of the first paragraph of section 457.20 of that Act, the expression “this Act” must be understood as referring to this Part; and

(16) the second paragraph of section 457.21 of that Act is to be read as follows:

“The application must be served beforehand on the Chief Electoral Officer.”

DIVISION V

MODIFICATION TO DIVISION I OF CHAPTER VI OF TITLE IV OF THE ELECTION ACT – ELECTION EXPENSES

225.132. For the purposes of the first general election after (*insert the date of assent to this Act*), paragraph 13 of section 404 of the Election Act is replaced by the following paragraphs:

“(13) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by an authorized private intervenor in accordance with Division V of this chapter, without directly promoting or opposing a candidate or party and without directly promoting or opposing either of the referendum options, to publicize or obtain support for the intervenor’s views on a matter of public interest or to advocate abstention or the spoiling of ballots;

“(13.1)the publicity expenses incurred by a private referendum intervenor in accordance with paragraph 8 of section 225.113 of the Act to establish a new electoral system (*insert the year and chapter number of that Act*);

“(13.2)the referendum expenses incurred by a referendum camp.”

CHAPTER X

CONTESTATION OF REFERENDUM

225.133. Any elector qualified to vote in an electoral division or a referendum camp president may contest the validity of the referendum result obtained in that division if the result or the declaration pertaining to it is irregular, or if a corrupt electoral practice was used whereby it is alleged that the referendum result is invalid.

225.134. Sections 459 to 465, the second paragraph of section 466, section 467 and sections 474 to 477 of the Election Act apply to such a contestation, with the following modifications:

(1) any reference to the election must be understood as a reference to the referendum;

(2) for the purposes of the first paragraph of section 460 and the second paragraph of section 477 of that Act, the reference to section 380 of that Act must be understood as a reference to section 225.103 of this Act;

(3) the second paragraph of section 460 of that Act is to be read as follows:

“However, in the case of a corrupt electoral practice referred to in paragraph 1 of section 225.147 of the Act to establish a new electoral system (*insert the year and chapter number of that Act*), the application is presented within 60 days following the sending of the return referred to in section 225.120 of that Act.”; and

(4) section 467 of that Act is to be read as follows:

“**467.** The court decides whether

(1) the referendum result was duly declared; or

(2) the referendum result is in favour of the other option.”

CHAPTER XI

FUNCTIONS AND POWERS OF THE CHIEF ELECTORAL OFFICER

225.135. The Chief Electoral Officer must see to the administration of this Part.

225.136. The Chief Electoral Officer must conduct a public information campaign concerning the referendum on the reform of the electoral system.

225.137. With respect to referendum camps, referendum camp financing and the control of referendum expenses, the Chief Electoral Officer must, in particular,

- (1) designate the referendum camps;
- (2) verify whether the referendum camps are complying with this Part;
- (3) receive, examine and audit the returns of referendum income and expenses;
- (4) receive, and verify the compliance of, electors' referendum contributions and remit them to the referendum camp concerned; and
- (5) inquire into the legality of the referendum camps' expenses and of referendum contributions and expenses.

225.138. If, during the referendum period, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Part or a provision of the Election Act that applies to the referendum under this Part does not meet the demands of the situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

However, the Chief Electoral Officer must first inform the referendum camp presidents of the decision the Chief Electoral Officer intends to make and must use all necessary means to inform the official delegates and the electors concerned of the Chief Electoral Officer's decision.

Within 30 days after polling day, the Chief Electoral Officer must send to the President or the Secretary General of the National Assembly a report on the decisions the Chief Electoral Officer has made under this section. The President must table the report in the National Assembly within 30 days after receiving it or, if the National Assembly is not sitting, within 30 days of resumption.

225.139. The Chief Electoral Officer and his or her personnel have similar powers with respect to the referendum to those conferred on them by the Election Act with respect to elections.

The Chief Electoral Officer also has, with respect to the authorization and financing of referendum camps, to referendum camp representatives and to control of referendum expenses, powers that are similar to the powers conferred on the Chief Electoral Officer by the Election Act with respect to the authorization and financing of political parties, to party authorities and representatives and to control of election expenses.

225.140. Within 120 days after (*insert the date of assent to this Act*), the Chief Electoral Officer must produce a document to be used to explain the application of this Part.

225.141. Section 486, paragraphs 1 to 3, 5 and 6 of section 488, the second paragraph of section 490, the first paragraph of section 490.1, sections 490.2 to 490.4, the first paragraph of section 491, and sections 492 to 494 and 495.1 to 497 of the Election Act apply to this chapter, with the following modifications:

(1) the expressions “this Act” and “this Act and the regulations”, or any other similar expression, must be understood as referring to this Part;

(2) for the purposes of paragraphs 2 and 2.1 of section 488 of the Election Act, the reference to a contribution must be understood as a reference to a referendum contribution and the reference to an authorized entity must be understood as a reference to a referendum camp;

(3) paragraph 5 of section 488 of that Act is to be read as follows:

“(5) at the request of a referendum camp, provide the information required for the training of the referendum camp representatives;”;

(4) for the purposes of paragraph 6 of section 488 of that Act, the public advertisements referred to are those concerning the referendum; and

(5) the postponement provided for in the second paragraph of section 490 of that Act also applies to the referendum.

CHAPTER XII

PENAL PROVISIONS

225.142. A director, officer or financial representative of a referendum camp who is not a qualified elector commits an offence and is liable to a fine of \$1,000 to \$10,000.

225.143. A director, officer, financial representative, official delegate or deputy of a referendum camp who receives remuneration or compensation in relation to his or her office commits an offence and is liable to a fine of \$5,000 to \$20,000.

225.144. A president, director or financial representative of a legal person that wishes to be designated as a referendum camp who incurs an expense other than those provided for in the first paragraph of section 225.7 commits an offence and is liable to a fine of \$5,000 to \$20,000.

225.145. The following persons commit an offence and are liable to a fine of \$5,000 to \$20,000:

(1) a president or director of a referendum camp whose declaration referred to in subparagraph 2 of the third paragraph of section 225.9 is false; and

(2) a financial representative of a referendum camp who uses the public financing granted, the ancillary revenue and the referendum contributions collected for any other purpose than to promote the option represented.

225.146. The following persons commit an offence and are liable to a fine of \$5,000 to \$20,000:

(1) a referendum camp president or an official delegate, or a person who later becomes a president or an official delegate, who, in order to influence the vote of an elector, obtains or attempts to obtain, personally or through another person, the elector's vote or incites the elector to refrain from voting by promising or granting the elector any gift, loan, office, employment or other benefit; and

(2) every person who, in order to obtain or because he or she has obtained a gift, loan, office, employment or any other benefit, agrees to refrain from voting or to vote in favour of an option, or incites a person to refrain from voting or to vote in favour of an option.

The first paragraph does not apply

(1) to a financial representative of a referendum camp who provides, as referendum expenses, food or beverages to a meeting of electors or to a person working to promote a referendum option;

(2) to any person other than a financial representative who, at the person's own expense, provides food or beverages at a private meeting of electors held to promote a referendum option; or

- (3) to any person accepting food or beverages.

225.147. Every financial representative of a referendum camp commits an offence and is liable to a fine of \$5,000 to \$20,000 who

- (1) incurs or authorizes referendum expenses exceeding the maximum set in section 225.118;

- (2) files a false return or declaration;

- (3) produces a false or falsified invoice, receipt or other voucher; or

- (4) after filing the return, pays a claim otherwise than as permitted by section 225.125.

225.148. Every referendum camp president who allows a referendum expense to be incurred or paid otherwise than as permitted by this Part commits an offence and is liable to a fine of \$5,000 to \$20,000.

225.149. Every person who solicits or collects referendum contributions or incurs expenses without having been designated as a referendum camp by the Chief Electoral Officer commits an offence and is liable to a fine of \$5,000 to \$20,000 in the case of a natural person, or to a fine of \$10,000 to \$50,000 in the case of a legal person.

225.150. The following persons commit an offence and are liable to a fine of \$50 for each day of delay:

- (1) a referendum camp president who does not comply with the Chief Electoral Officer's request referred to in the second paragraph of section 225.19;

- (2) every person who fails to provide, within the time prescribed, information or a document required in accordance with section 225.128; or

- (3) a financial representative who fails to file the return of referendum income and expenses required under section 225.120.

225.151. Every authorized entity or every Member of the National Assembly that contravenes section 225.46 commits an offence and is liable to a fine of \$5,000 to \$20,000.

225.152. Every person who contravenes any of the provisions of sections 225.31, 225.40 to 225.42 and 225.47 of this Act and any of the provisions of sections 93, 95, 97, 416, 417, 423, 424, 457.2, 457.9 and 457.11 to 457.17 of

the Election Act, as modified by sections 225.43, 225.110, 225.119 and 225.131 of this Act, as applicable, commits an offence and is liable to a fine of \$500 to \$10,000.

225.153. Every person who contravenes or attempts to contravene any of the provisions of sections 225.37 to 225.39, 225.115 and 225.116 of this Act or any of the provisions of sections 90, 100 and 415 and the first paragraph of sections 429 and 429.1 of the Election Act, as modified by sections 225.43, 225.110 and 225.119 of this Act, as applicable, commits an offence and is liable to a fine of \$5,000 to \$20,000 in the case of a natural person, or to a fine of \$10,000 to \$50,000 in the case of a legal person.

If a person is found guilty of an offence for contravening or attempting to contravene any of the provisions of section 225.37 and 225.39 of this Act or section 90 of the Election Act, as modified by section 225.43 of this Act, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is found guilty, even if the maximum fine under the first paragraph has been imposed on the person.

225.154. If the president of a referendum camp or an official delegate, another of its officers, its financial representative or a deputy commits, allows or tolerates an offence under this Part, the referendum camp is presumed to have committed the same offence.

225.155. Any offence provided for in section 225.142, 225.147 or 225.151, or in section 225.153 where it refers to sections 225.37 and 225.39, is a corrupt electoral practice.

However, in the case of an offence under subparagraph 1 of the first paragraph of section 225.147, the judge may rule that the alleged offence is not a corrupt electoral practice if, pursuant to a judgment rendered under section 225.125 of this Act, the referendum expenses incurred or authorized by the financial representative exceed the maximum set in section 225.118 and if the refusal or failure to pay the contested expense arises from an error in good faith.

225.156. Sections 551.1.1, 551.4, 553.1 to 555, paragraphs 1 to 3 and 5 of section 556, sections 556.1 and 557, the second paragraph of section 559, sections 559.1 to 559.2, 564.1, 565 and 566, the first paragraph of section 568 and sections 568.1 to 569.1 of the Election Act apply to this Part, with the following modifications:

(1) the expressions “this Act”, “the law”, “this title” or “this Title” must be understood as referring to this Part;

(2) any reference to an election must be understood as a reference to the referendum;

(3) any reference to a contribution must be understood as a reference to a referendum contribution;

(4) for the purposes of section 551.4 of that Act, the reference to sections 555.1, 551.2 and 551.3 of that Act must also be understood as a reference to sections 225.143 to 225.145 of this Act;

(5) in paragraph 3 of section 553 of that Act, the reference to the representative of a candidate is also a reference to the representative of an official delegate;

(6) in paragraph 2 of section 554 of that Act, the reference to the ballot paper must be understood as a reference to the referendum ballot paper;

(7) paragraph 3 of section 554 of that Act is to be read as follows:

“(3) every returning officer who falsely announces that an option has, once the votes have been added up, received the greatest number of votes or issues a fraudulent declaration as to the option that has received the greatest number of votes.”;

(8) in paragraph 2 of section 559.2 of that Act, the reference to the official agent must be understood as a reference to the financial representative and the reference to the private intervenor must be understood as a reference to the private referendum intervenor;

(9) in section 565 of that Act, the expression “this Act or the regulations” must be understood as referring to this Part; and

(10) the second paragraph of section 569 of that Act is to be read as follows:

“Such proceedings are prescribed seven years after the date the offence was committed. However, proceedings relating to an offence under section 553.1, paragraph 1 or 3 of section 554, paragraph 3 of section 555, section 557, as modified by section 225.156 of the Act to establish a new electoral system (*insert the year and chapter number of that Act*), or section 225.146 of that Act are prescribed 10 years after the date the offence was committed.”

The provisions listed in this section that apply to corrupt electoral practices under the Election Act also apply to corrupt electoral practices under this Part.

CHAPTER XIII

MISCELLANEOUS PROVISIONS

225.157. For the purposes of the referendum,

(1) the official agent or the deputy of an authorized party or of a candidate may incur expenses relating to the referendum during the election period referred to in paragraph 1 of section 404 of the Election Act; such expenses are recorded as part of election expenses subject to the limits set out in section 426 of the Election Act and must be declared in the return of election expenses required under section 432 or 434 of the Election Act, as applicable; and

(2) the oath of office set out in Schedule II to the Election Act is amended by inserting “and the Act to establish a new electoral system (*insert the year and chapter number of that Act*)” after “Election Act (chapter E-3.3)”.

225.158. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to applications for designation as a referendum camp, documents referred to in section 225.9 that are to accompany such applications, or the information and documents relating to the assessment of applications under section 225.14.

The contributor’s given name and surname, his or her domiciliary address and the amount of the referendum contribution that are contained in the contribution slip referred to in section 95.1 of the Election Act, as modified under section 225.43 of this Act, are public.

225.159. If required for the purposes of the referendum, the Chief Electoral Officer may complete this Part by applying, with the necessary modifications, any provision of the Election Act not referred to in this Part.


225.160. Provisions of any regulation or order made under the Election Act that are required for the application of a provision referred to in this Part apply, with the necessary modifications.

225.161. [[The sums necessary for the purposes of this Part are taken out of the consolidated revenue fund.]]

SCHEDULE I

(Section 225.84)

REFERENDUM BALLOT PAPER

	No.
	No.
<p>Êtes-vous en accord avec le remplacement du mode de scrutin majoritaire uninominal à un tour par le mode de scrutin mixte avec compensation régionale prévu par la Loi établissant un nouveau mode de scrutin ?</p>	<div>Deputy returning officer's initials</div>
<p>Do you agree with replacing the first-past-the-post electoral system by the mixed electoral system with regional compensation set out in the Act to establish a new electoral system?</p>	 ASSEMBLÉE NATIONALE DU QUÉBEC
	Electoral division of NAME OF ELECTORAL DIVISION
	Month day, year
	Printer 123, avenue La Rue Municipality
<p>OUI YES</p>	
<p>NON NO</p>	

Bill 39

**An Act to establish
a new electoral system**

Section 227

AMENDMENT:

Replace by:

PART III

FINAL PROVISION

227. Sections 225.1 to 226 of this Act come into force on (*insert the date of assent to this Act*).

The other provisions of this Act come into force only if, following the referendum to be held under Part II, the majority of the votes declared valid, that is 50% of the votes plus one vote, are in favour of the new electoral system provided for by this Act.

If the majority referred to in the second paragraph is obtained,

(1) sections 2 to 15 and 36, paragraph 2 of section 40, sections 41, 172 and 201, paragraph 2 of section 203, section 204, section 210 insofar as it replaces Schedules I to IV to the Election Act, and sections 211 and 218 to 220 of this Act come into force on the first day of the 43rd Legislature;

(2) the other provisions of this Act come into force on the date of the publication in the *Gazette officielle du Québec* of the first list of electoral divisions and regions, except sections 22, 23, 25, 28, 33, 42, 47 to 49, 52, 107 to 109 and 147, paragraph 2 of section 174 and sections 190 to 198, 212 to 216 and 225, which come into force on the first day of the legislature beginning after the first general election held using that list.