



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 73

(2001, chapter 72)

**An Act to amend the Election Act
and the Referendum Act**

**Introduced 14 December 2001
Passage in principle 19 December 2001
Passage 19 December 2001
Assented to 20 December 2001**

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EXPLANATORY NOTES

This bill contains various amendments to the Election Act and consequential amendments to Appendix 2 to the Referendum Act.

As concerns the work of the permanent board of revisors, certain time limits are shortened and the rules governing modes of service are relaxed. The bill also makes various changes concerning the transmission by the returning officer and the chief electoral officer of the various lists of electors to the candidates, the parties and the Members.

Certain prohibitions are set out with respect to election posters and billboards and certain rules respecting nomination papers are amended.

The bill also abolishes the obligation to send a copy of the list of electors for a polling subdivision to each dwelling. Moreover, an elector who wishes to vote in the advance poll is no longer required to make a declaration under oath and an elector who has left his or her domicile for safety reasons will be allowed to vote without having to disclose the address at which the elector is residing temporarily.

Lastly, the bill contains various administrative, penal and technical provisions and consequential amendments to the Election Act.

LEGISLATION AMENDED BY THIS BILL :

- Referendum Act (R.S.Q., chapter C-64.1);
- Election Act (R.S.Q., chapter E-3.3).

Bill 73

AN ACT TO AMEND THE ELECTION ACT AND THE REFERENDUM ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Election Act (R.S.Q., chapter E-3.3) is amended by inserting the following chapter after section 38 :

“CHAPTER II.1

“TRANSMISSION OF LIST FOLLOWING A NEW DELIMITATION

“38.1. Within 30 days after the expiry of the time limit provided in section 34, the chief electoral officer shall transmit the list of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions to the authorized parties represented in the National Assembly and to any other authorized party that so requests.

“38.2. In addition to the transmission provided for in section 40.38.1, the chief electoral officer shall, between 1 October and 1 November each year, transmit the list of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions to the authorized parties represented in the National Assembly and to any other authorized party that so requests.

“38.3. At the times stated in sections 38.1 and 38.2, a Member may request the chief electoral officer to transmit to the Member the list of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions in respect of a single electoral division resulting from the new delimitation among the divisions that include all or part of the division represented by the Member.

“38.4. If the transmission under section 38.1 is effected after 1 September , no transmission is effected pursuant to section 38.2 between 1 October and 1 November of the same year.

“38.5. The last paragraph of section 40.38.1 and sections 40.38.2 and 40.38.3, with the necessary modifications, apply in respect of this chapter.”

2. Section 40.12.14 of the said Act is amended

- (1) by replacing “30” in the last line of the first paragraph by “20”;
- (2) by inserting “by registered or certified mail or” after “served” in the first line of the second paragraph;
- (3) by inserting “or sent to” after “left at” in the second line of the second paragraph;
- (4) by inserting “by the sender or” after “drawn up” in the first line of the third paragraph.

3. Section 40.12.15 of the said Act is amended by inserting “, if the board has been informed by a person living at the address for which the name of the person concerned is entered on the permanent list of electors that the person concerned is no longer domiciled at that place” after “elector” in the third line.

4. Section 40.12.16 of the said Act is amended by replacing “as provided for” in the second paragraph by “in one of the manners provided for”.

5. Section 40.12.17 of the said Act is amended

- (1) by replacing “30” in the third line of the second paragraph by “20”;
- (2) by adding the following sentence at the end of the second paragraph: “The notice shall be served in one of the manners provided for in section 40.12.14.”

6. Section 59.1 of the said Act is amended by adding the following paragraph at the end:

“Upon the filing of the nomination paper, the candidate’s official representative becomes the candidate’s official agent.”

7. The said Act is amended by inserting the following section after section 135:

“135.1. The owner, administrator, superintendent or caretaker of a multiple-dwelling building shall allow and facilitate access to the building by the persons entrusted with distributing any notice or document from the chief electoral officer or returning officer.

The same rule applies to the executive director of an institution referred to in section 3 with regard to any facility maintained by the institution.”

8. Section 139 of the said Act is amended by adding the following paragraph at the end:

“In the case of an officer in charge of the list of electors, the prohibition ceases to apply on the close of the poll.”

9. Section 146 of the said Act is replaced by the following section :

“146. Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit to each candidate the list of electors for the division, the list of electors entitled to exercise their right to vote outside Québec and a list of the addresses for which no electors’ names are entered.

The lists shall be transmitted in computer form, in duplicate.

The chief electoral officer shall transmit the lists in computer form to the authorized parties represented in the National Assembly, to any other authorized party having so requested and to any independent Member.”

10. Section 147 of the said Act is amended by replacing “The returning officer shall transmit the list” in the first line of the second paragraph by “The list shall be transmitted”.

11. The said Act is amended by inserting the following section after section 182 :

“182.1. Not later than the twenty-second day preceding polling day, the chief electoral officer shall send to each address a notice informing electors of the dates and places at which the boards of revisors will sit and of the revision procedure.”

12. Sections 197 and 198 of the said Act are repealed.

13. Section 198.1 of the said Act is amended by replacing “expédie” in the second line of the French text by “fait parvenir”.

14. Section 209 of the said Act is amended by adding the following sentence at the end of the first paragraph : “The notice shall be served in the manner provided for in section 211.”

15. Section 218 of the said Act, amended by section 15 of chapter 2 of the statutes of 2001, is again amended by replacing “and in duplicate to each authorized party” in the fourth paragraph by “to the authorized parties represented in the National Assembly and to any other authorized party having so requested”.

16. Section 231.2.1 of the said Act, enacted by section 17 of chapter 2 of the statutes of 2001, is amended

(1) by replacing “to each authorized party” in the second line by “to the authorized parties represented in the National Assembly and to any other authorized party having so requested” ;

(2) by striking out “and in duplicate” at the end.

17. Section 237 of the said Act is amended by replacing “not later than” in the first line by “at any time between 2:00 p.m. on the second day following the day of issue of the order and”.

18. Section 238 of the said Act is amended by replacing “a person” in the first line by “one or more persons”.

19. Section 239 of the said Act is amended

(1) by replacing “one” in the sixth line by “one or more mandataries”;

(2) by replacing “mandatory” at the end by “mandatory or mandataries”.

20. Section 242 of the said Act is amended by replacing “or his mandatory is” in the first line of the second paragraph by “and his mandatory or mandataries are”.

21. Section 259.5 of the said Act is amended by adding the following paragraph at the end:

“No election poster or billboard may be placed on the right of way of a road if the right of way is contiguous to a residential immovable.”

22. Section 259.7 of the said Act is amended by adding “or by means of a device that may damage or leave permanent marks on the pole” at the end of subparagraph 3 of the first paragraph.

23. The said Act is amended by inserting the following section after section 262:

“262.1. Not later than the twenty-second day preceding polling day, the chief electoral officer shall send to each address a notice informing electors of the place, dates and hours for advance polling.”

24. Sections 266 and 267 of the said Act are repealed.

25. Section 271 of the said Act is repealed.

26. Section 340 of the said Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) who has left his domicile to ensure his safety or the safety of his children and who wishes to avail himself of the provisions of section 3.”;

(2) by adding the following paragraph at the end:

“As regards the address, section 337 does not apply to the elector referred to in subparagraph 3 of the first paragraph.”

27. Section 452 of the said Act is amended by adding the following paragraph at the end:

“The payment may also be made by means of a transfer of funds to an account of the official representative.”

28. The said Act is amended by inserting the following section after section 501:

“501.1. The chief electoral officer may, on the conditions he determines, allow his signature to be affixed by means of an automatic device to the documents he determines.

The chief electoral officer may also allow a facsimile of his signature to be engraved, lithographed or printed on the documents he determines. The facsimile must be countersigned by a person authorized by the chief electoral officer.”

29. Section 551 of the said Act is amended by replacing “the list of electors” at the end of paragraphs 1 and 2 by “a notice or document from the chief electoral officer or the returning officer”.

30. Section 552 of the said Act is amended by replacing “every mandatary of a candidate” in the first line of paragraph 4 by “mandatary”.

31. The said Act is amended by inserting the following section after section 559:

“559.0.1. Every official representative is liable to a fine of \$1,000 to \$10,000 who

- (1) files a false report, return or statement;
- (2) produces a false or falsified invoice, receipt or other voucher;
- (3) pays a claim otherwise than as permitted by section 445.”

32. Section 564 of the said Act is amended by adding the following paragraph at the end:

“Where a person is found guilty of an offence under section 87, 90, 91 or 95, a judge may, on an application by the prosecutor which is attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the illegal contribution for which the person has been found guilty, even if the maximum fine under the first paragraph has been imposed on the person.”

33. Appendix 2 to the Referendum Act (R.S.Q., chapter C-64.1), amended by section 56 of chapter 2 of the statutes of 2001, is again amended

(1) by inserting the following section after section 135 :

“135.1”;

(2) by replacing section 146 by the following section :

“146 Replace the section by the following section :

“146. Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit to each official delegate the list of electors for the electoral division, the list of electors entitled to exercise their right to vote outside Québec for the division and the list of addresses for which no electors’ names are entered.

The lists shall be transmitted in computer form and in duplicate copies.

The chief electoral officer shall transmit the lists in computer form to the national committees.

For the purposes of this Act, “official delegate” means a person appointed as such by the chairman of a national committee to represent him in an electoral division.”;

(3) by inserting the following section after section 182 :

“182.1”;

(4) by replacing sections 190 to 213 by the following :

“190
to
196

“198.1
to
213”;

(5) by replacing the paragraph relating to the fourth paragraph of section 218 by the following paragraph :

“Replace “to the authorized parties represented in the National Assembly and any other authorized party having so requested” in the fourth paragraph by “to each national committee”.”;

(6) by replacing section 231.2.1 by the following section:

“231.2.1 Replace “to the authorized parties represented in the National Assembly and any other authorized party having so requested” by “to each national committee”.”;

(7) by inserting the following section after section 262:

“262.1”;

(8) by replacing sections 264 to 269 by the following:

“264

“265

“268

“269”;

(9) by striking out section 271;

(10) by replacing section 564 by the following section:

“564 Replace the first paragraph by the following paragraph:

“564. Every person who contravenes any of sections 66, 87, 90 to 93, 95 to 97, 99, 100, 104, 105, 410, 413 to 417, 421, 421.1, 422, 424, 429, 429.1, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000.””

34. Until the Nomination Regulation (1989, G.O. 2, 1570) is amended in accordance with section 550 of the Election Act, the chief electoral officer may adjust the form prescribed in the Regulation for the cases where a candidate designates more than one person to act as mandatary on his or her behalf or prescribe a new form for that purpose.

35. This Act comes into force on 20 December 2001.