

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 7
(2021, chapter 37)

An Act to amend the Election Act

Introduced 27 October 2021
Passed in principle 24 November 2021
Passed 10 December 2021
Assented to 10 December 2021

**Québec Official Publisher
2021**

EXPLANATORY NOTES

Various amendments are made to the Election Act with respect to polling and financing in order to implement the consensus reached within the advisory committee established under that Act.

As regards polling, the purpose of the Act is to improve the process for establishing a new election map, in particular by increasing the minimum time period for the coming into force of a new map.

The purpose of the Act is also to facilitate access to voting for electors and electors' exercise of their right to vote, in particular by amending rules relating to where and how the right to vote can be exercised and relating to the revision of the list of electors. In addition, the Act simplifies the procedure for filing nomination papers and for candidates to exercise their right to vote. It also provides for measures to improve the counting of the votes, including a judicial recount and dissemination of election results.

The purpose of the Act is also to improve the administration of elections, in particular by abolishing the position of officer in charge of the list of electors, by permitting the hiring of election officers 16 years of age or over for certain positions and by amending the procedure for hiring returning officers. More leeway is given to the Chief Electoral Officer in the administration of elections. The model ballot papers are also amended, in particular to leave space to add a photograph of the candidates on them.

The Act proposes various measures regarding financing to streamline the process relating to political financing, update certain provisions of the Election Act and strengthen the protection of personal information, in particular by protecting certain addresses, email addresses and telephone numbers obtained in accordance with the provisions of the Act.

Lastly, the Act contains various consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

- Election Act (chapter E-3.3).

REGULATIONS REPEALED BY THIS ACT:

- Regulation respecting a new election notice in the case of a tie-vote (chapter E-3.3, r. 2);
- Regulation respecting a new election notice following a candidate's death (chapter E-3.3, r. 3);
- Nomination Regulation (chapter E-3.3, r. 7);
- Regulation respecting the paper manufacturer and printer of ballot papers (chapter E-3.3, r. 8);
- Voting Regulation (chapter E-3.3, r. 17).

Bill 7

AN ACT TO AMEND THE ELECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Election Act (chapter E-3.3) is replaced by the following section:

“3. A candidate having filed a nomination paper in accordance with section 237 may vote in the electoral division in which the candidate is running even if that candidate is not domiciled in that electoral division. The candidate must file a request to that effect on revision of the list of electors during an election period.”

2. Section 32 of the Act is amended

(1) by replacing “three months” by “six months”;

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

“When the Legislature ends before the expiry of a six-month period following that publication, the list in force on the day before the end of that Legislature remains in force for the next general election and for the duration of the Legislature following that election. The coming into force of the new list is then postponed until that Legislature ends. The new list is used for the next general election and the process set out in this chapter then resumes.”

3. Section 34 of the Act is amended by replacing “three months” by “six months”.

4. Section 35 of the Act is amended by replacing “not more than 425 electors” in paragraph 1 by “not more than the maximum number of electors prescribed by directive of the Chief Electoral Officer”.

5. Section 40.6.2 of the Act is amended

(1) by striking out “at the elector’s request”;

(2) by inserting “and that the address transmitted is likely the elector’s domiciliary address” at the end.

6. Section 40.12.2 of the Act is amended

(1) by replacing “The chairman may be chosen” in the second paragraph by “The members may be chosen”;

(2) by striking out the third and fourth paragraphs.

7. Section 40.12.3 of the Act is repealed.

8. Section 40.12.4 of the Act is amended by replacing “Sections 40.12.2 and 40.12.3 apply” by “Section 40.12.2 applies”.

9. Section 40.12.18 of the Act is repealed.

10. Section 40.38 of the Act is amended by striking out the last sentence.

11. Section 48 of the Act is amended

(1) by inserting “and email address” after “the address” in paragraph 2;

(2) by inserting “, email address” after “the name, address” in paragraph 4;

(3) by inserting “, email address” after “the name, address” in paragraph 5;

(4) by inserting “and email addresses” after “the addresses” in paragraph 6.

12. Section 52 of the Act is amended, in the first paragraph,

(1) by inserting “and email address” after “the address” in subparagraph 2;

(2) by inserting “, email address” after “the name, address” in subparagraph 4.

13. Section 58 of the Act is amended by replacing the first paragraph by the following paragraph:

“The official representatives of the party and party authorities resulting from the merger shall file the financial statements required by sections 113 and 117, for the part of the fiscal year that has elapsed since the merger, not later than the dates prescribed in those sections during the year immediately following that of the merger.”

14. Section 59 of the Act is amended

(1) in the first paragraph,

(a) by inserting “, his email address” after “of his domicile” in subparagraph 1;

(b) by replacing “the address” in subparagraph 3 by “the address and email address”;

(c) by inserting “, email address” after “the name, address” in subparagraph 5;

(2) by replacing “on the form prescribed” in the second paragraph by “in the form prescribed”.

15. Section 59.1 of the Act is amended by replacing “Upon the filing of the nomination paper,” in the fourth paragraph by “When a nomination paper is filed,”.

16. Section 65 of the Act is amended by inserting “, email address” after “name, address” in the first paragraph.

17. Section 68 of the Act is amended by replacing “au vérificateur” in the first paragraph in the French text by “à l’auditeur”.

18. Section 70 of the Act is amended by replacing “déposé” in the second paragraph in the French text by “produit”.

19. Section 85 of the Act is repealed.

20. Section 88 of the Act is amended, in the second paragraph,

(1) by inserting the following subparagraph after subparagraph 5:

“(5.1) an entrance fee for a fundraising activity, where the fee does not exceed the real cost of the activity, up to one admission per person, in accordance with the Chief Electoral Officer’s directives;”;

(2) by replacing “to a political activity” in subparagraph 6 by “for a political activity, including the entrance fee of the participant’s minor children”;

(3) by striking out subparagraph 10.

21. Section 93.1 of the Act is amended by adding the following at the end of the second paragraph: “However, for any contribution paid by a Member, the Chief Electoral Officer shall post on the Chief Electoral Officer’s website the city and postal code of the Member’s electoral division office instead of the city and postal code of the Member’s domicile.

For that purpose, a Member

(1) who pays a contribution for the first time after being elected, or

(2) whose electoral division office address has changed since the payment of the Member's last contribution

must send, without delay, the address of the Member's electoral division office to the Chief Electoral Officer.

In addition, the Chief Electoral Officer shall replace, on the Chief Electoral Officer's website, the city and postal code of the Member's domicile by the city and postal code of the Member's electoral division office for any contribution paid before the Member's election. For that purpose, the Member must send the address of the Member's electoral division office to the Chief Electoral Officer who, after receiving it, shall make the change without delay. This paragraph does not apply to a Member whose contributions paid before the Member's election have already been the subject of such a change on the Chief Electoral Officer's website."

22. Section 94 of the Act is amended by striking out “, 96”.

23. Section 95 of the Act is amended by inserting “or a debit card issued by a credit card company” at the end.

24. Section 99 of the Act is amended by inserting “or any contribution made by means of a credit card and subsequently cancelled by the card issuer” after “funds” in the fourth paragraph.

25. Section 101 of the Act is amended by replacing “, on the date fixed after consultation with the advisory committee, the Chief Electoral Officer shall publish” in the first paragraph by “, the Chief Electoral Officer shall make available to the public, on the date and by any means he determines,”.

26. The heading of Division IV of Chapter II of Title III of the Act is replaced by the following heading in the French text:

“AUDITEUR”.

27. Section 107 of the Act is amended by replacing “an auditor from among the persons having a legal right to practise public auditing in Québec” by “an auditor from among the chartered professional accountants who hold a public accountancy permit referred to in the Chartered Professional Accountants Act (chapter C-48.1)”.

28. Section 108 of the Act is amended

(1) by replacing “vérificateur” in the introductory clause of the first paragraph in the French text by “auditeur”;

(2) by replacing “vérificateurs” in the second paragraph in the French text by “auditeurs”.

29. Section 109 of the Act is amended by replacing “le vérificateur” in the French text by “l’auditeur”.

30. Section 110 of the Act is amended

(1) by replacing “Le vérificateur” in the French text by “L’auditeur”;

(2) by replacing “la vérification” in the French text by “l’audit”;

(3) by replacing “rapport de vérificateur” in the French text by “rapport de l’auditeur”.

31. Section 111 of the Act is amended by replacing “Le vérificateur” in the French text by “L’auditeur”.

32. Section 112 of the Act is replaced by the following section:

112. The Chief Electoral Officer shall reimburse the authorized parties one-half of the cost incurred for the audit of the financial report provided for in section 113 and one-half of the cost related to obtaining the required security standard certification, in keeping with security requirements, for the collection, processing and storage of bank data in connection with the payment of a contribution by means of a credit card, up to \$21,000.

Where the Chief Electoral Officer requires the audit of a balance sheet that accompanies a joint application for a merger or a financial report produced following a merger under section 56, he shall reimburse one-half of the cost incurred for the audit, up to \$21,000.

Where the Chief Electoral Officer requires the audit of a closing financial report, he shall appoint the auditor and directly discharge the cost of the audit.

The amounts provided for in the first and second paragraphs are adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. Those amounts are rounded down to the nearest dollar if they include a fraction that is less than \$0.50, or up to the nearest dollar if they include a fraction that is equal to or greater than \$0.50. The Chief Electoral Officer shall publish the results of the adjustment in the *Gazette officielle du Québec*.”

33. Section 113 of the Act is amended by replacing “generally recognized accounting principles” in the first paragraph by “Canadian accounting standards for not-for-profit organizations”.

34. Section 116 of the Act is amended by replacing “auditor’s report contemplated” in the first paragraph by “auditor’s report provided for”.

35. Section 126 of the Act is amended by replacing the first paragraph by the following paragraph:

“The information contained in the reports, returns and documents prescribed under this Title is public information, except

(1) the address of a signatory member referred to in the first paragraph of section 47 as well as the number and expiration date of his membership card;

(2) the addresses, email addresses and telephone numbers referred to in paragraphs 3 to 5 of section 48, subparagraphs 3 and 4 of the first paragraph of section 52, subparagraphs 1, 4 and 5 of the first paragraph of section 59 and sections 65 and 127.2;

(3) the lists of members of an authorized party referred to in sections 51.2 and 82.3;

(4) a list of the designations made under section 92; and

(5) the information included in the contribution slip referred to in section 95.1, except the contributor’s given name and surname and domiciliary address and the amount of the contribution.”

36. Section 127.2 of the Act is amended by inserting “, email address” after “the given name, surname” in the first and second paragraphs.

37. Section 127.3 of the Act is amended by inserting the following paragraph after the first paragraph:

“An entry shall also be made in the register to indicate whether or not the financial representatives have undergone the training required under the first paragraph of section 408.1.”

38. Section 127.9 of the Act is amended by adding the following at the end of the second paragraph:

“However, for any contribution paid by a Member, the Chief Electoral Officer shall post on the Chief Electoral Officer’s website the city and postal code of the Member’s electoral division office instead of the city and postal code of the Member’s domicile.

For that purpose, a Member

(1) who pays a contribution for the first time after being elected, or

(2) whose electoral division office address has changed since the payment of the Member's last contribution

must send, without delay, the address of the Member's electoral division office to the Chief Electoral Officer.

In addition, the Chief Electoral Officer shall replace, on the Chief Electoral Officer's website, the city and postal code of the Member's domicile by the city and postal code of the Member's electoral division office for any contribution paid before the Member's election. For that purpose, the Member must send the address of the Member's electoral division office to the Chief Electoral Officer who, after receiving it, shall make the change without delay. This paragraph does not apply to a Member whose contributions paid before the Member's election have already been the subject of such a change on the Chief Electoral Officer's website."

39. Section 127.21 of the Act is amended

(1) by replacing "or misconduct" by ", misconduct or physical disability";

(2) by inserting ", a case of irresistible force" after "official representative of the party".

40. Section 129 of the Act is amended by replacing "last day of the previous Legislature" in the second paragraph by "polling day of the last general election".

41. Section 129.2 of the Act is amended by replacing "last day of the previous Legislature" in the first paragraph by "polling day of the last general election".

42. Section 133 of the Act is amended by replacing "shall publish an election calendar" by "shall make an election calendar available to the public by any means he determines".

43. Section 134 of the Act is replaced by the following section:

134. The Chief Electoral Officer must, during the election period, send a document to every dwelling informing citizens on such matters as voting procedures, the list of electors and its revision, and the rules relating to the financing of political parties and independent candidates as well as those relating to the control of election expenses. In addition, during that period, the Chief Electoral Officer may inform citizens on the above matters by any other means he determines."

44. Section 135 of the Act is replaced by the following section:

“135. The Chief Electoral Officer must, during the election period, send a document to every dwelling informing the electors of the place, date and hours of the polling, the number of their polling station, and the particulars that will be contained in the ballot paper. The document may be accompanied by information on the matters listed in section 134.”

45. Section 135.1 of the Act is amended by replacing “301.23 or of” in the second paragraph by “301.23, in a palliative care hospice governed by the Act respecting end-of-life care (chapter S-32.0001), in an addiction resource governed by the Regulation respecting the certification of community or private resources offering addiction lodging (chapter S-4.2, r. 0.1), in”.

46. Section 136 of the Act is amended by replacing the second paragraph by the following paragraph:

“Persons who exercise the function of returning officer or assistant returning officer are chosen from among the qualified electors. The other election officers are chosen from among persons who are at least 16 years of age and meet the criteria set out in subparagraphs 2 to 5 of the first paragraph of section 1.”

47. Section 139 of the Act is amended by striking out the second paragraph.

48. Section 147 of the Act is amended by replacing “eighteenth day” in the first paragraph by “sixteenth day”.

49. Section 179 of the Act is amended by replacing “, mobile boards of revisors and special boards of revisors” in the first paragraph by “, as well as mobile boards of revisors”.

50. Section 193 of the Act is amended

(1) by replacing “21st to the 12th day” in the first paragraph by “14th to the 4th day”;

(2) by replacing “déposée” in the second paragraph in the French text by “produite”;

(3) by replacing “the 14th day” in the second paragraph by “2:00 p.m. on the 4th day”.

51. Section 197 of the Act is amended, in the first paragraph,

(1) by striking out “Not later than the 22nd day before polling day”;

(2) by inserting “, during the election period,” after “each address”.

52. Section 198 of the Act is amended by replacing “The Chief Electoral Officer sends each elector having requested a change to the permanent list of electors after the order instituting the election was issued a notice informing the elector” by “The Chief Electoral Officer informs, by any means he determines, each elector having requested a change to the permanent list of electors after the order instituting the election was issued”.

53. Section 206 of the Act is amended

(1) by replacing “or by phone, mail or fax” in the first paragraph by “, by phone or by mail”;

(2) by replacing “or fax, or by electronic means provided the person’s signature is reproduced” in the second paragraph by “or using a means of transmission determined by the Chief Electoral Officer and adapted to the latter’s technological environment”;

(3) by striking out the fifth paragraph.

54. Section 216 of the Act is amended by striking out the second paragraph.

55. Section 218 of the Act is amended

(1) by replacing “ninth day” in the first paragraph by “third day”;

(2) by inserting “and include particulars about voting in the advance poll and at the returning officer’s office” at the end of the first paragraph;

(3) by striking out “special” in the second paragraph.

56. Subdivision 4 of Division IV of Chapter III of Title IV of the Act, comprising sections 220 to 228, is repealed.

57. Section 231 of the Act is amended

(1) by replacing “21st” in the first paragraph by “14th”;

(2) by striking out the second paragraph.

58. Section 233.5 of the Act is amended by replacing “to the board of revisors for the electoral division” in the first paragraph by “to a board of revisors”.

59. Section 237 of the Act is amended

(1) by inserting “or using a means of transmission determined by the Chief Electoral Officer and adapted to the latter’s technological environment” at the end;

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

“The person who has offered himself as a candidate using a means of transmission adapted to the Chief Electoral Officer’s technological environment must keep the original of his nomination paper for one year after filing it.”

60. Section 239 of the Act is amended by replacing “in the form prescribed by regulation” in the first paragraph by “in the form prescribed by the Chief Electoral Officer”.

61. Section 241 of the Act is amended, in the first paragraph,

(1) by replacing “prescribed by regulation” in subparagraph 1 by “determined by directive of the Chief Electoral Officer”;

(2) by replacing “prescribed by regulation” in subparagraph 3 by “determined by directive of the Chief Electoral Officer”.

62. Section 243 of the Act is replaced by the following section:

“243. Each person who collects supporting signatures shall declare under oath, before a commissioner for oaths, any person authorized to administer oaths under section 219 of the Courts of Justice Act (chapter T-16) or the returning officer, that the persons who signed the nomination paper did so in his presence and that, to his knowledge, they are electors of that electoral division.

In addition, each person who collects supporting signatures shall certify, on each page of the nomination paper that bears such signatures, that he collected them personally.”

63. Section 245 of the Act is amended

(1) by replacing “Upon the filing of a nomination paper, the returning officer shall verify whether it appears to meet” in the first paragraph by “The returning officer shall verify whether the nomination paper appears to meet”;

(2) by replacing “the electors supporting the nomination are entered on the list of electors for the electoral division” at the end of the first paragraph by “the names of the electors supporting the nomination are entered on the list of electors for the electoral division and whether the name of the candidate is entered on the list of electors. Where the name of the candidate is not entered on the list of electors, the returning officer may enter it. In such a case, the returning officer has the same powers and duties as those entrusted to a board of revisors for the processing of a request for registration”.

64. Section 246 of the Act is amended by inserting “as well as all the information contained in the accompanying documents that concerns the qualification of the person offering himself as a candidate. That information is determined by directive of the Chief Electoral Officer” at the end of the first paragraph.

65. Section 259 of the Act is amended by replacing “immediately publish, in the manner prescribed by regulation,” in the third paragraph by “immediately make available to the public, in the manner determined by directive of the Chief Electoral Officer,”.

66. Section 260 of the Act is amended by replacing “shall publish a notice of a poll” in the first paragraph by “shall make a notice of a poll available to the public by any means he determines”.

67. Section 263 of the Act is amended by inserting the following sentence after the first sentence: “On the tenth, sixth and fifth days before polling day, voting begins at 9:30 a.m. and ends at 8:00 p.m. and on the ninth day before polling day, voting ends at 4:00 p.m.”

68. Section 265 of the Act is amended by striking out both occurrences of “special”.

69. Section 269 of the Act is replaced by the following section:

“**269.** Electors may vote at the returning officer’s main office or at one of the returning officer’s branch offices in an electoral division other than that in which they are domiciled.”

70. Section 272 of the Act is amended by striking out “of the elector’s temporary place of residence”.

71. Section 274 of the Act is amended by inserting the following sentence after the first sentence: “On the tenth, sixth and fifth days before polling day, voting begins at 9:30 a.m. and ends at 8:00 p.m. and on the ninth day before polling day, voting ends at 4:00 p.m.”

72. Section 283 of the Act is amended by adding the following paragraph at the end:

“The request referred to in this section may be filed using a means of transmission determined by the Chief Electoral Officer and adapted to the latter’s technological environment. That request must contain a declaration by the elector attesting that the elector is the elector identified in the request for registration to vote outside Québec. The declaration replaces the signature required under the first paragraph. Moreover, one of the documents required under the second paragraph must bear the elector’s signature.”

73. Section 287 of the Act is amended by inserting “without counterfoil or stub” after “model” in the second paragraph.

74. The Act is amended by inserting the following section after section 288:

“288.1. The Chief Electoral Officer may, on an exceptional basis, ensure that the materials and information referred to in sections 287 and 288 are sent to an elector to whom those sections apply, in Québec, by any means he determines.

Any electors wishing to avail themselves of this section must apply to do so to the Chief Electoral Officer, in the form prescribed by the latter. In the application, electors must declare that

(1) to their knowledge, they will not be able to receive the required voting materials and information in time, or to send in their ballot papers before the close of polling stations on polling day; and

(2) if they exercise their right to vote, they will do so outside Québec.”

75. Section 292 of the Act is amended by replacing the first paragraph by the following paragraph:

“On receiving the envelope, the Chief Electoral Officer verifies the signature on it. If the signature matches the signature on the request filed under the first paragraph of section 283 or, in the case of a request referred to in the fourth paragraph of that section, on one of the documents accompanying the elector’s request, the Chief Electoral Officer keeps the envelope without opening it.”

76. Section 301 of the Act is amended

(1) by striking out “Not later than the twenty-second day before polling day,”;

(2) by inserting “, during the election period,” after “each address”.

77. Section 301.1 of the Act is amended by striking out the second paragraph.

78. Section 301.15 of the Act is replaced by the following section:

“301.15. This subdivision applies to electors domiciled or lodged

(1) in a facility maintained by an institution that operates a hospital centre or a rehabilitation centre;

(2) in a facility maintained by an institution that operates a residential and long-term care centre where no polling station has been set up;

(3) in a private seniors’ residence where no polling station has been set up;

(4) in a palliative care hospice; or

(5) in an addiction resource.”

79. Section 301.19 of the Act is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“Electors who have addressed a request referred to in the first paragraph must make an oath in the presence of the deputy returning officer of the polling station, in the form prescribed by the Chief Electoral Officer, attesting that they are unable to move about for health reasons.”;

(3) by replacing “aidant naturel” in the second paragraph in the French text by “proche aidant”;

(4) by striking out “and be registered on the list of electors for the polling subdivision in which the domicile is located” in the second paragraph.

80. Section 301.25 of the Act is replaced by the following section:

“301.25. Electors may vote at a polling station set up on the campus of a vocational training centre or a post-secondary educational institution.”

81. Section 301.26 of the Act is amended

(1) by striking out “special” in the first paragraph;

(2) by striking out “special” in the second paragraph.

82. Section 301.27 of the Act is amended

(1) by striking out “special” in the first paragraph;

(2) by replacing “9 a.m. to 9 p.m.” in the first paragraph by “9:30 a.m. to 8:00 p.m.”;

(3) by replacing “reduce the number of hours during which” in the second paragraph by “determine the days and hours during which”;

(4) by striking out “special” in the second paragraph.

83. Section 301.28 of the Act is amended by striking out paragraph 3.

84. Section 302 of the Act is amended by replacing “more than 425 electors” in the second paragraph by “more electors than the maximum number prescribed by directive of the Chief Electoral Officer”.

85. Section 308 of the Act is amended by striking out “officers assigned to the list of electors,”.

86. Section 309 of the Act is amended by adding the following subparagraphs at the end of the second paragraph:

“(7) to support and supervise the work of election officers; and

“(8) to temporarily replace an election officer, in accordance with the directives of the Chief Electoral Officer.”

87. Section 310.1 of the Act is repealed.

88. Section 311 of the Act is amended

(1) by replacing “, poll clerk or officer assigned to the list of electors” by “or poll clerk”;

(2) by replacing “in section 310 or 310.1” by “in section 310”.

89. Section 312 of the Act is amended by replacing “17th day” in the first paragraph by “26th day”.

90. Section 315 of the Act is amended by adding the following paragraph at the end:

“(3) to furnish the information to the poll runners, in accordance with the directives of the Chief Electoral Officer, as to the electors who have exercised their right to vote.”

91. Section 315.1 of the Act is repealed.

92. Section 321 of the Act is amended by striking out the second sentence.

93. Section 322 of the Act is amended by replacing “by regulation” by “by directive of the Chief Electoral Officer”.

94. Section 323 of the Act is amended by adding the following paragraph at the end:

“The photograph referred to in subparagraph 3 of the first paragraph of section 241 shall be reproduced in black and white on the stub of the ballot paper, opposite the name of the candidate.”

95. Section 327 of the Act is amended by striking out “special” in the first paragraph.

96. Section 331 of the Act is amended by replacing “prescribed by regulation” by “determined by directive of the Chief Electoral Officer”.

97. Section 338 of the Act is amended by replacing “form prescribed by regulation” in the second paragraph by “form prescribed by the Chief Electoral Officer”.

98. Section 339 of the Act is amended by replacing “form prescribed by regulation” by “form prescribed by the Chief Electoral Officer”.

99. Section 340 of the Act is amended, in the first paragraph,

(1) by replacing “form prescribed by regulation” by “form prescribed by the Chief Electoral Officer”;

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

“(7) who is mobility impaired, if the voting place is not accessible on polling day;

“(8) who is a candidate not domiciled in the electoral division in which he is running.”

100. Section 348 of the Act is amended by replacing “in accordance with the model prescribed by regulation” by “in accordance with a model prescribed by directive of the Chief Electoral Officer”.

101. Section 350 of the Act is amended by replacing “form prescribed by regulation” in the first paragraph by “form prescribed by the Chief Electoral Officer”.

102. Section 361 of the Act is amended by replacing “Before counting the votes cast during the advance poll,” in the second paragraph by “Despite the first paragraph, the counting of the votes cast at the returning officer’s main office or at one of the returning officer’s branch offices, of the votes cast by mail, of the votes cast during the advance poll and of the votes cast on the campus of a vocational training centre or post-secondary educational institution may be held in accordance with the conditions prescribed by directive of the Chief Electoral Officer. Before counting the votes cast,”.

103. Section 370.3 of the Act is amended by striking out “special”.

104. Section 370.6 of the Act is amended by adding the following sentence at the end of the second paragraph: “However, no ballot paper referred to in section 277 that is in an envelope may be cancelled for the sole reason that the envelope is not sealed.”

105. Section 370.9 of the Act is amended by inserting “or for the sole reason that it does not bear the election officer’s initials, if the number of ballot papers in the ballot box corresponds to the number of ballot papers that were placed in it according to the list of electors or the register of votes counted, as the case may be” at the end of the third paragraph.

106. Section 370.10 of the Act is amended by replacing “list of electors” in the fourth paragraph by “statement of votes”.

107. Section 381 of the Act is amended, in the first paragraph,

(1) by replacing “shall, as soon as possible after the election, publish” by “shall, by any means he determines and as soon as possible after the election, make accessible to the public”;

(2) by replacing “electoral precinct, and also indicating the results of each polling subdivision” by “polling station”.

108. Section 385 of the Act is replaced by the following section:

“385. Under pain of dismissal, the application must be served on the Chief Electoral Officer, on the returning officer and on the candidates concerned. The application must be presented within four days after the votes have been added up.”

109. Section 386 of the Act is amended by replacing “the presentation of the application” by “the decision granting the application”.

110. Section 394 of the Act is amended by replacing “shall forthwith publish a notice in the form prescribed by regulation,” in the second paragraph by “shall immediately make available to the public, in the manner determined by directive of the Chief Electoral Officer, a notice”.

111. Section 404 of the Act is amended by inserting “or fundraising” after “political” in paragraph 8.1.

112. Section 405 of the Act is amended by inserting the following paragraph after the third paragraph:

“If the official agent dies, resigns or is unable to act, the leader of the party shall immediately appoint another such agent and notify the Chief Electoral Officer in writing of the appointment. The leader of the party may dismiss the official agent and immediately appoint another, notifying the Chief Electoral Officer in writing of the appointment.”

113. Section 406 of the Act is amended

(1) by replacing the last sentence of the first paragraph by the following sentences: “The leader of the party may dismiss a deputy. The leader of the party shall notify the Chief Electoral Officer in writing of the dismissal. Moreover, the amount fixed in the deed of appointment may be changed, in writing, at any time by the official agent before he files his return of election expenses.”;

(2) by inserting the following paragraphs after the first paragraph:

“Any deputy who resigns shall notify, in writing, the leader of the party and the Chief Electoral Officer of his resignation.

Within ten days of resigning or being dismissed, the deputy shall file with the official agent a return of election expenses, with vouchers, covering the period during which he was in office.”

114. Section 409 of the Act is amended by inserting “or being dismissed” after “of resigning” in the second paragraph.

115. Section 412 of the Act is amended by inserting “or deputy” at the end.

116. Section 414 of the Act is amended by adding the following paragraph at the end:

“Any election expense that has been paid by the official representative or his delegate in accordance with section 403, 419 or 420 is deemed to have been paid out of an election fund.”

117. Section 420 of the Act is amended

(1) by striking out “only” in the first paragraph;

(2) by inserting “or, where the party has no authorized party authority, the party’s official representative” after “where the election is being held” in the first paragraph;

(3) by replacing “or the official agent of the candidate” in the third paragraph by “, the official representative of the party or the official agent of the candidate, as applicable,”.

118. Section 432 of the Act is amended by adding the following paragraphs at the end:

“In the case of a candidate who does not declare any election expenses, the return referred to in this section need not be delivered to the Chief Electoral Officer. A letter attesting that no election expenses have been incurred, signed by the candidate’s official agent must instead be delivered to the Chief Electoral Officer.

This section does not apply to an independent candidate who is not authorized.”

119. The Act is amended by replacing section 444 by the following section:

“**444.** If a candidate or party leader shows to the Chief Electoral Officer that the absence, death, illness, misconduct or physical disability of an official agent, a case of irresistible force or any other reasonable cause prevents the preparation and delivery of the return prescribed by section 432 or section 434, the Chief Electoral Officer may grant an extension of not more than 30 days for the preparation and delivery of that return.”

120. Section 448 of the Act is amended by replacing “sections 442 to 446” in the first paragraph by “sections 442, 443, 445 and 446”.

121. Section 451 of the Act is amended by adding the following paragraph at the end:

“If no election expense was incurred or authorized on behalf of a candidate of an authorized party, that party’s official agent must, on the attestation sent to the Chief Electoral Officer under the first paragraph of section 456.1, renounce the advance provided for in the first paragraph on behalf of the candidate concerned.”

122. Section 456.1 of the Act is amended by inserting “, out of that provided for in section 82.1, out of the sums provided for in section 82.2” after “out of the allowance provided for in section 81” in the second paragraph.

123. Section 490 of the Act is amended by adding the following sentence at the end of the first paragraph: “The Chief Electoral Officer may also, during those periods and for the same reasons, adapt a provision of an agreement that he has entered into with the leaders of the authorized parties represented in the National Assembly under section 489.”

124. Section 503 of the Act is amended by replacing “according to the order of merit of the candidates” in the third paragraph by “according to the criteria determined by the Chief Electoral Officer”.

125. The Act is amended by inserting the following section after section 503:

“**503.1.** The Chief Electoral Officer may draw up a list of candidates who have been successful in the competition and have not obtained a position of returning officer.

The list of candidates may be used to fill a position in an electoral division for which no candidate has been selected following the competition or to fill a vacant position, or if a returning officer is absent or unable to act.

The list is valid until the next competition for a returning officer.”

126. Section 504 of the Act is amended

- (1) by replacing “published” by “made available to the public”;
- (2) by striking out the last sentence.

127. Section 505 of the Act is amended

- (1) by replacing “ten years” by “five years”;
- (2) by inserting the following sentence after the first sentence: “That term may be renewed for a maximum of two periods of five years if the performance evaluation of the returning officer is positive.”

128. Section 552 of the Act is amended

- (1) by replacing “he knows the persons whose names appear on the nomination papers, that they signed” in paragraph 4 by “the persons who signed the nomination paper did so”;
- (2) by replacing “or not accompanied with all the required documents” in paragraph 8 by “or not accompanied with all the required documents, or which is filed by an elector who is not registered on the list of electors”.

129. Section 553 of the Act is amended by striking out “special” in paragraph 1.**130.** Section 559 of the Act is amended by replacing “or statement” in subparagraph 2 of the first paragraph by “, statement or letter”.

131. The Act is amended by replacing Schedules III and IV by the following schedules:


“SCHEDULE III
BALLOT PAPER FOR INMATES (*Section 298*)

OBVERSE

Pierre-A. LARRIVÉE Independent	Jean-Charles BUREAU Political affiliation	Marie BONENFANT Political affiliation
○	○	○

REVERSE

Polling officer's initials


**ASSEMBLÉE
NATIONALE
DU QUÉBEC**

Electoral division of:
NAME OF ELECTORAL DIVISION

Day Month Year


Printer
123, avenue La Rue
Municipality

SCHEDULE III (cont.)
STANDARD BALLOT PAPER (Section 320)

OBVERSE

PHOTO	PHOTO	PHOTO
Pierre-A. LARRIVÉE Independent	Jean-Charles BUREAU Political affiliation	Marie BONENFANT Political affiliation
○	○	○

REVERSE

STUB	No.
COUNTERFOIL	No.
Deputy returning officer's initials	
 ASSEMBLÉE NATIONALE DU QUÉBEC	
Electoral division of: NAME OF ELECTORAL DIVISION	
Day Month Year	
Printer 123, avenue La Rue Municipality	

SCHEDULE IV
BALLOT PAPER FOR ELECTORS OUTSIDE THEIR ELECTORAL
DIVISION (Section 275)

OBVERSE

REVERSE

Political affiliation	Candidate's given name and surname	I VOTE FOR


STUB

COUNTERFOIL

No.

No.

Polling officer's initials



**ASSEMBLÉE
NATIONALE
DU QUÉBEC**

Electoral division of the elector's domicile:

Day Month Year

Printer
123, avenue La Rue
Municipality

SCHEDULE IV (cont.)

BALLOT PAPER FOR ELECTORS OUTSIDE QUÉBEC (Section 287)

OBVERSE

Political affiliation	Candidates given name and surname	I VOTE FOR
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REVERSE

Polling officer's initials



**ASSEMBLÉE
NATIONALE
DU QUÉBEC**

Electoral division of
the elector's domicile:
NAME OF ELECTORAL DIVISION

Day Month Year

Élections Québec
123, avenue La Rue
Municipality

FINAL PROVISIONS

132. As soon as possible after this Act is assented to, the Chief Electoral Officer replaces, on the Chief Electoral Officer's website, the city and postal code of a Member's domicile by the city and postal code of the Member's electoral division office for any contribution the Member has already paid.

133. The Regulation respecting a new election notice in the case of a tie-vote (chapter E-3.3, r. 2), the Regulation respecting a new election notice following a candidate's death (chapter E-3.3, r. 3), the Nomination Regulation (chapter E-3.3, r. 7), the Regulation respecting the paper manufacturer and printer of ballot papers (chapter E-3.3, r. 8) and the Voting Regulation (chapter E-3.3, r. 17) are repealed.

134. This Act comes into force on 10 March 2022, except

(1) sections 21, 38 and 132, which come into force on 10 December 2021;

(2) sections 10, 49 and 50, paragraph 3 of section 53, sections 54 to 57, 68 and 81, paragraphs 1 and 4 of section 82 and sections 83, 95, 103 and 129, which come into force on the date or dates set by the Government on the recommendation of the Chief Electoral Officer.