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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 450  
(1998, chapter 52)

**An Act to amend the Election Act,  
the Referendum Act and other  
legislative provisions**

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**Introduced 14 May 1998  
Passage in principle 4 June 1998  
Passage 21 October 1998  
Assented to 21 October 1998**

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## **EXPLANATORY NOTES**

*This bill introduces new provisions into the Election Act to allow an elector or a group composed in the majority of electors to incur publicity expenses, without directly promoting or opposing any candidate or party, in order to publicize or obtain support for the views of the elector or group on a matter of public interest or to advocate abstention or the spoiling of ballots. The elector or group, designated in the Act by the expression “private intervenor”, will be subject to a number of rules whereby, for instance, they will be required to obtain prior authorization, prohibited from spending more than \$300 on publicity and from incurring expenses jointly with any other person and required to file a complete expense report.*

*The bill makes certain changes to the rules governing election expenses, thus providing, among other things, that expenses not exceeding \$200 incurred to hold meetings will not be considered election expenses provided the meetings are not directly or indirectly organized on behalf of a candidate or party.*

*The bill introduces similar provisions in the Referendum Act and in the Act respecting elections and referendums in municipalities. However, as far as the Referendum Act is concerned, private intervenors will include both persons who, without directly promoting or opposing an option, wish to advocate abstention or the spoiling of ballots and persons who, not being able to join either national committee, wish to incur publicity expenses to promote an option. The maximum amount that may be spent on publicity by a private intervenor under the Referendum Act will be \$1,000. The maximum amount relating to expenses for the holding of meetings remains \$600.*

*The bill also amends the Election Act and the Health Insurance Act to facilitate the entry of the names of new electors on the permanent list of electors.*

*Various modifications are also made to the Election Act to facilitate its administration. For example, independent Members of the National Assembly will be required to obtain authorization to allow them to solicit and collect contributions. The Government will not be required to issue an order instituting a by-election if a*

*vacancy occurs more than four years after the last general election. Other amendments concern the establishment and operation of boards of revisors, the revision of the list of electors entitled to vote outside Québec and the financing of election expenses. In addition, a new chapter is introduced concerning election posters and billboards.*

*Regarding the polling itself, the format of the ballot paper is modified as are the rules governing the manner of marking the ballot paper.*

*The Election Act is further amended to create new offences and to raise the amount of certain fines.*

*Finally, amendments consequential to the amendments in the Election Act and a number of other adjustments are made to the Referendum Act.*

**LEGISLATION AMENDED BY THIS BILL :**

- Health Insurance Act (R.S.Q., chapter A-29);
- Referendum Act (R.S.Q., chapter C-64.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Election Act (R.S.Q., chapter E-3.3).



# Bill 450

## AN ACT TO AMEND THE ELECTION ACT, THE REFERENDUM ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### ELECTION ACT

**1.** Section 3 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by inserting, after the second paragraph, the following :

“An elector who leaves his domicile temporarily to receive health care, to undergo a rehabilitation program or to ensure his safety or the safety of his children may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where he resides for any such purpose.

An elector who is a Member of the National Assembly upon the issue of the order instituting the election and who is running in an electoral division other than the electoral division in which he is domiciled may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where the main office he uses for the purposes of the election is situated.”;

(2) by replacing “is deemed to choose to be considered to be domiciled in the place where he is residing” in the first two lines of the third paragraph by “to whom any of the preceding paragraphs apply is deemed to choose to be considered to be domiciled where he resides or, in the case of the fourth paragraph, where his main office is situated”.

**2.** Section 40.9 of the said Act is replaced by the following :

**“40.9.** The name of every person of full age having informed the Régie de l’assurance-maladie du Québec that he has acquired Canadian citizenship, having registered with the Régie for the first time as a Canadian citizen or having been identified by the Department of Citizenship and Immigration of Canada as a new Canadian citizen shall be entered on the permanent list of electors by the chief electoral officer. The chief electoral officer shall notify the elector in writing that his name has been entered on the permanent list of electors, requesting the elector to correct or complete the information which concerns him, where required.

If the notice is returned to the chief electoral officer without having reached the addressee or if the chief electoral officer is notified by the person that he cannot or does not wish to be entered on the permanent list of electors, the person's name shall be struck off the list.

**“40.9.1.** After receiving information from the Régie de l'assurance-maladie du Québec concerning a person who has reached or is about to reach 18 years of age, the chief electoral officer shall advise the person in writing that he will be entered on the permanent list of electors, unless the chief electoral officer is advised by the person that he cannot or does not wish to be so entered.

However, no entry shall be made if the notice is returned to the chief electoral officer without having reached the addressee.”

**3.** The said Act is amended by inserting, after section 40.38, the following :

#### **“CHAPTER III.1**

##### **“TRANSMISSION OF THE LIST**

**“40.38.1.** Not later than 1 October each year, the chief electoral officer shall transmit the list of the electors entered on the permanent list of electors to be used in a provincial poll to the authorized parties represented in the National Assembly, to any other authorized party that so requests and to any Member.

In the case of a Member, the list transmitted is the list for the electoral division represented by the Member.

However, no list shall be transmitted if 1 October falls within an election or referendum period or if a general election or a referendum was held within the three months preceding that date.

**“40.38.2.** The list shall be transmitted in computer form and in duplicate.

The list shall indicate the name, address, date of birth and sex of each elector. In the case of electors who are entitled to vote outside Québec, the list shall also indicate their address outside Québec.

**“40.38.3.** The list transmitted shall contain a cautionary note concerning its confidentiality and shall state the penalties applicable to any person who communicates or uses the information contained in the list of electors for purposes other than those provided for by this Act.

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

**4.** The headings of Title III and of Chapter I of Title III of the said Act are replaced by the following :

**“TITLE III**

**“AUTHORIZATION AND FINANCING OF POLITICAL PARTIES,  
INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND  
INDEPENDENT CANDIDATES**

**“CHAPTER I**

**“AUTHORIZATION OF POLITICAL PARTIES, PARTY AUTHORITIES,  
INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND  
INDEPENDENT CANDIDATES”.**

**5.** Section 41 of the said Act is amended by adding the following :

“For the purposes of this Act, the expression “independent candidate” includes any person who, at the time of the person’s application for authorization, undertakes to run as an independent candidate.

For the purposes of this Act, an independent Member is a Member of the National Assembly who belongs to no authorized political party.”

**6.** Section 43 of the said Act is amended by inserting “, an independent Member” after “authority” in the first line of the third paragraph.

**7.** Section 46 of the said Act is amended by inserting “, the independent Member” after “authority” in the second line of the second paragraph.

**8.** Section 47 of the said Act is amended

(1) by replacing “ten” in the second line of the first paragraph by “20”;

(2) by replacing “1 000 electors declaring” in the second line of the second paragraph by “at least 25 electors per electoral division in 20 electoral divisions who declare”;

(3) by adding, at the end, the following :

“The application must also be accompanied with a deposit of \$500, refundable upon the filing of the first financial report of the party under section 113 or upon the filing of the closing financial report under section 67.”

**9.** The said Act is amended by inserting, after section 47, the following :

**“47.1.** Before filing an application for authorization, a party may reserve a name for a period not exceeding six months by transmitting a written application to that effect to the chief electoral officer.

The second and third paragraphs of section 50 apply to the application, with the necessary modifications.

A party having reserved a name may, however, change the name in its application for authorization.”

**10.** Section 48 of the said Act is amended by inserting “and of two officers” after “leader” in paragraph 5.

**11.** Section 51 of the said Act is amended by inserting, after the first paragraph, the following :

“The application must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.”

**12.** Section 53 of the said Act is amended by replacing “obtain the authorization of” in the first and second lines by “so advise”.

**13.** Section 54 of the said Act is amended

(1) by replacing “The application for authorization to merge is made by means of a joint application” in the first line of the first paragraph by “The merger notice shall be given jointly and”;

(2) by replacing “The joint application” in the first line of the second paragraph by “The notice”;

(3) by replacing subparagraph 1 of the second paragraph by the following :

“(1) indicate the name of the party to result from the merger ;”;

(4) by striking out “proposed” in subparagraphs 2, 4 and 5 of the second paragraph;

(5) by adding the following :

“The merger notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of each party concerned and certified by two or more officers of each of the parties.”

**14.** Section 55 of the said Act is repealed.

**15.** The heading of Division V of Chapter I of Title III of the said Act is amended by adding, at the end, “OR OF A MEMBER OF THE NATIONAL ASSEMBLY WHO BECOMES AN INDEPENDENT”.



**16.** Section 59 of the said Act is amended by inserting “Where the application for authorization is filed at the same time as the nomination paper,” at the beginning of the second paragraph.

**17.** The said Act is amended by inserting, after section 59, the following :

“**59.1.** Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer from the expiry of a period of three years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.

Any elector who undertakes to run as an independent candidate in a by-election may file an application for authorization with the chief electoral officer from the date on which the seat becomes vacant.

The application for authorization must contain the information referred to in section 59 as well as the signatures and addresses of at least 100 electors of the electoral division declaring that they support the application.”

**18.** Section 60 of the said Act is amended by replacing “the candidate” in the first line of the second paragraph by “an independent candidate who was not elected”.

**19.** Section 61 of the said Act is amended

(1) by inserting “who was not elected” after “candidate” in the first line of the first paragraph;

(2) by replacing the second paragraph by the following :

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

**20.** The said Act is amended by inserting, after section 62, the following :

“**62.1.** A Member of the National Assembly who becomes an independent without having been elected as such must file an application with the chief electoral officer within 30 days of acquiring that status.”

**21.** Section 63 of the said Act is amended by inserting “, independent Member” after “party authority” in the second line of the second paragraph.

**22.** Section 64 of the said Act is amended by inserting “, an independent Member” after “authority” in the fourth line of the first paragraph.

**23.** Section 65 of the said Act is amended by adding “or the independent Member” at the end of the third paragraph.

**24.** The said Act is amended by inserting, after section 65, the following :

“**65.1.** Within six months after being authorized, a party must transmit to the chief electoral officer a copy of its by-laws duly adopted by its members at a general meeting.

An authorized party must also transmit to the chief electoral officer a copy of any amendments to its by-laws for updating purposes.”

**25.** Section 66 of the said Act is amended by adding the following :

“The notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party, and certified by two or more officers of the party.”

**26.** Section 67 of the said Act is amended by adding, at the end, the following :

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

**27.** Section 69 of the said Act is amended

(1) by replacing “ten” in the second line by “20” ;

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

“The chief electoral officer shall also withdraw the authorization of any independent Member if the Member joins a political party.”

**28.** Section 70 of the said Act is amended

(1) by inserting “or an independent Member” after “candidate” in the second line ;

(2) by adding the following :

“The chief electoral officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.”

**29.** Section 71 of the said Act is amended by inserting “, independent Member” after “party authority” in the second and third lines.

**30.** Section 72 of the said Act is amended by inserting “, an independent Member” after “authority” in the fourth line of the first paragraph.

**31.** The said Act is amended by inserting, after section 74, the following :

“**74.1.** If an independent Member ceases to be authorized because he has joined an authorized party, because he has died or because he has decided not to run again on the expiry of his term of office, sections 76, 77 and 80 apply, with the necessary modifications.

Any surplus shall, after the payment of debts, be remitted to the authorized party which the independent Member has joined or, in other cases, to the Minister of Finance.”

**32.** The heading of Chapter II of Title III of the said Act is amended by inserting “, INDEPENDENT MEMBERS” after “PARTIES”.

**33.** Section 91 of the said Act is amended by inserting “, independent Member” after “party” in the first line of the first paragraph.

**34.** Section 101 of the said Act is amended

(1) by inserting, after paragraph 1, the following :

“(1.1) the names of the independent Members;”;

(2) by inserting “and each independent Member’s” before “official representative” in paragraph 2.

**35.** Section 103 of the said Act is amended by replacing “or of a party authority” in the first line by “, of a party authority or of an independent Member ”.

**36.** Section 117 of the said Act is amended by inserting “or of an independent Member” after “authority” in the second line of the first paragraph.

**37.** Section 118 of the said Act is amended by replacing “or of an authorized party authority” in the first and second lines by “, of an authorized party authority or of an independent Member”.

**38.** Section 121 of the said Act is amended by adding, at the end, “and with respect to the independent Members, if any, representing those electoral divisions”.

**39.** Section 122 of the said Act is amended by inserting “who was not elected” after “candidate” in the first line of the first paragraph.

**40.** Section 123 of the said Act is amended by inserting “who was not elected” after “candidate” in the first line of the first paragraph.

**41.** Section 124 of the said Act is amended by replacing “a candidate” in the second line by “an independent candidate who was not elected”.

**42.** Section 125 of the said Act is amended

(1) by inserting “who was not elected and” after “candidate” in the first line of the first paragraph;

(2) by striking out the second paragraph.

**43.** Section 127 of the said Act is amended by replacing “independent candidate, if elected” in the third line of the first paragraph by “independent Member”.

**44.** Section 130 of the said Act is amended by inserting, after the first paragraph, the following :

“However, the Government is not required to make such an order if the vacancy occurs more than four years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.”

**45.** Section 147 of the said Act is amended by replacing “twenty-third” in the first line of the first paragraph by “eighteenth”.

**46.** Section 187 of the said Act is replaced by the following :

“**187.** The chief electoral officer shall choose and appoint, after consulting with the parties represented in the National Assembly, the revisor who shall act as chairman of the board of revisors.”

**47.** Section 188 of the said Act is amended

(1) by replacing “chairman” in the third line of the first paragraph by “vice-chairman”;

(2) by striking out the second paragraph.

**48.** Section 195 of the said Act is amended

(1) by inserting “and receive applications of electors from 11 :00 a.m. to 9 :00 p.m. during that period” after “poll” in the third line of the first paragraph ;

(2) by adding, after the second paragraph, the following :

“The chairman may, after consulting with the returning officer, extend the hours of the board if the number of applications warrants it.”

**49.** Section 209 of the said Act, amended by section 15 of chapter 8 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “Whenever the board of revisors makes a decision in the absence of the elector concerned or of the person having made the application, it shall immediately notify the elector concerned in writing of the decision.”

**50.** The said Act is amended by inserting, after section 212, the following:

“**212.1.** Notwithstanding section 212, the board of revisors is not required to convene a person by way of a written notice before striking off or refusing to enter the person’s name where the person was met by the revising officers and confirmed not being a qualified elector.”

**51.** The said Act is amended by inserting, after section 216, the following:

“**216.1.** The board of revisors, on its own initiative or on an application, may review or revoke a decision to strike off or refuse to enter a person’s name

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where the person concerned, owing to reasons considered sufficient, could not present observations.

Upon the completion of the work of the board of revisors, its powers under this section may be exercised by the special board of revisors.”

**52.** Section 230 of the said Act is amended by adding, at the end, the following: “The board may, however, receive an application to have the name of a deceased elector struck off the list.”

**53.** Section 231 of the said Act is amended by inserting “Subject to section 216.1,” at the beginning.

**54.** The said Act is amended by inserting, after section 231.3, the following:

#### “DIVISION V.1

#### “REVISION OF THE LIST OF ELECTORS ENTITLED TO VOTE OUTSIDE QUÉBEC

“**231.4.** The chief electoral officer shall establish in the chief electoral officer’s office a board of revisors to receive applications for revision relating to electors who are entitled to vote outside Québec.

**“231.5.** Sections 183, 184, 186 to 188, 190, 191 and 196 apply to the establishment and operation of the board of revisors, with the necessary modifications.

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

**“231.6.** The board of revisors shall sit from Monday of the third week preceding that of the poll to Thursday of the week preceding that of the poll, on the days and during the hours determined by the chief electoral officer.

However, applications by an elector for the striking of a name off the list must be filed not later than Tuesday of the second week preceding that of the poll.

**“231.7.** An elector who finds that the name of a person is entered on the list of electors, for his electoral division, who are entitled to vote outside Québec though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision of the person’s domicile to have the person’s name struck off the list.

The elector shall declare under oath that, to his knowledge, the person is not entitled to be entered on the list of electors who are entitled to vote outside Québec, on the grounds put forward to the board.

**“231.8.** The board of revisors seized of the application shall transmit the application to the board of revisors established in the office of the chief electoral officer which shall make any relevant inquiries, employing, if necessary, the services of revising officers assigned to the boards of revisors established in the different electoral divisions.

**“231.9.** The board of revisors shall, before striking a person’s name off the list, seek by all means possible to communicate with the person so that the person may present observations.

**“231.10.** If, on considering an application for the striking of a person’s name, the board of revisors concludes that the person is entitled to be entered on the list of electors for the polling subdivision in which the person’s domicile is situated, the board of revisors shall see that the person’s name is entered on that list after having struck the name off the list of electors who are entitled to vote outside Québec.

**“231.11.** Where the board of revisors concludes that a person’s name must be struck off, it shall notify the person in writing of the decision.

The board of revisors shall also transmit the decision to the personnel assigned to the handling of ballot papers for electors entitled to vote outside Québec.

**“231.12.** Where the chief electoral officer finds that an elector has become entitled to vote outside Québec since the issue of the order instituting the election and that the elector’s name is entered on the list of electors for the polling subdivision in which the elector’s domicile is situated, the chief electoral officer shall direct the returning officer concerned to strike the elector’s name off that list.

**“231.13.** An elector entitled to vote outside Québec who wishes to vote in the polling subdivision in which the elector’s domicile is situated on the Tuesday of the second week preceding that of the poll shall apply in person to the board of revisors assigned to the polling subdivision for entry on the list.

The elector’s application must be accompanied with an application for the striking of the elector’s name off the list of electors entitled to vote outside Québec.

The board of revisors shall transmit the decision to strike the elector’s name to the chief electoral officer who shall forward the decision to the personnel assigned to the handling of ballot papers outside Québec.

**“231.14.** Upon completing its work, the board of revisors established in the office of the chief electoral officer shall transmit to the returning officer of each electoral division concerned an abstract of the changes it has made to the list of the electors, for the electoral division, who are entitled to vote outside Québec.

The abstract shall be forwarded by the returning officer to each candidate.”

**55.** Section 242 of the said Act is amended by replacing “in” in the second line of the first paragraph by “whose names are entered on the list of electors for”.

**56.** Section 245 of the said Act is amended

(1) by replacing the last sentence by the following : “The returning officer shall verify whether the electors supporting the nomination are entered on the list of electors for the electoral division.”;

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

“Following such verifications, the returning officer shall issue a notice of conformity and a receipt, which constitutes proof of the nomination.”

**57.** The said Act is amended by inserting, after section 259, the following :

## **“CHAPTER IV.1**

### **“ELECTION POSTERS AND BILLBOARDS**

**“259.1.** Notwithstanding any inconsistent legislative or regulatory provision, election posters and billboards shall not be subject, during an election period, to any restriction or condition except as provided by this Act.

**“259.2.** Election posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school boards.

Election posters may also be placed on public utility poles.

**“259.3.** Election posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.

**“259.4.** No election poster or billboard may be placed on a classified historic monument or in a classified historic site within the meaning of the Cultural Property Act (chapter B-4) or in a site declared a national historical site under that Act.

**“259.5.** No election poster or billboard may be placed on a monument, a sculpture, a tree, a fire hydrant, a bridge, a viaduct or an electrical tower.

No election poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case the applicable rules must be complied with.

**“259.6.** Posters and billboards and their supports must be made of good quality materials and must be safe and be kept in good repair.

Posters and billboards must be affixed in such a manner that they can be easily removed.

**“259.7.** Election posters placed on public utility poles must meet the following conditions :

- (1) the highest part of the poster must not be more than three metres above ground ;
- (2) the poster must not have any metal or wood frame ;
- (3) the poster must not be affixed with nails or metal fasteners ;
- (4) the poster must not obstruct any identification plate on the pole.



Moreover, no banner, streamer or flag may be affixed to a public utility pole.

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

**“259.8.** All election posters and billboards must be removed not later than 15 days after the polling date, failing which they may be removed by the local municipality or by the owner of the property or poles, at the expense of the party or candidate concerned or, where applicable, of the private intervenor within the meaning of Division V of Chapter VI, following the expiry of a five-day notice to that effect transmitted to the party, candidate or private intervenor.

The notice shall indicate the places where posters or billboards are to be removed. If posters or billboards had to be removed by the municipality or by the owner at the expense of the party, candidate or private intervenor, the bill shall indicate the place and date of removal.

**“259.9.** The party, candidate or private intervenor shall ensure that the provisions of this chapter are complied with.”

**58.** Section 293.5 of the said Act is replaced by the following :

**“293.5.** The chief electoral officer shall send to every elector whose duly completed application for registration to vote outside Québec is received by the chief electoral officer before the eighteenth day preceding polling day the material necessary for the exercise of the right to vote and a list of the places where the elector may consult the list of candidates.

The ballot paper shall be in the form prescribed by Schedule IV and shall contain the name of the elector’s electoral division.”

**59.** Section 298 of the said Act is amended

(1) by replacing “he shall open the envelope, remove therefrom the envelope containing the ballot paper and place in a ballot box” at the end of the first paragraph by “the chief electoral officer shall keep the envelope without opening it” ;

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

“In addition, the chief electoral officer shall verify whether the ballot paper is from an elector whose name has been struck off by the board of revisors. If such is the case, the chief electoral officer shall reject the envelope without opening it.”

**60.** Section 302 of the said Act is amended by inserting, after the third paragraph, the following :

“Where a polling subdivision is an unorganized territory or contains fewer than 50 electors, the returning officer may establish a single polling station for that polling subdivision and the nearest polling subdivision.”

**61.** Section 303 of the said Act is amended by inserting, at the end of the third paragraph, the following : “The chief electoral officer shall note, in the return published under section 381, the cases where such authorization was granted.”

**62.** Section 343 of the said Act is replaced by the following :

**“343.** The elector shall mark the ballot paper in one of the circles with the pencil given to him by the deputy returning officer at the same time as the ballot paper.”

**63.** Section 346 of the said Act is amended by replacing “make an “X”, a checkmark or a line in each of the circles thereon” in the second and third lines by “mark each of the circles of the ballot paper”.

**64.** Section 347 of the said Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following :

“(1) by a person who is his spouse or relative within the meaning of section 205 ;

“(2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station. That person shall declare under oath that he has not assisted any other elector during the poll.”

**65.** Section 350 of the said Act is amended by inserting “ or had his main office” after “resided” in subparagraph 2 of the first paragraph.

**66.** Section 364 of the said Act is amended by adding, after subparagraph 8 of the second paragraph, the following :

“(9) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.”

**67.** Section 365 of the said Act is amended by replacing the second paragraph by the following :

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

**68.** The said Act is amended by inserting, after section 366, the following :

“**366.1.** The deputy returning officer shall record in the statistical report of rejected ballots the reasons why the ballots were rejected.”

**69.** Section 401 of the said Act is amended by adding, at the end, the following :

“In addition, for the purposes of sections 403, 415, 416, 417 and 421, the expression “election expenses” includes expenses referred to in paragraph 13 of section 404 and the expression “official agent” includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

**70.** Section 404 of the said Act is amended

(1) by inserting, after paragraph 8, the following :

“(8.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;”;

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

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

“(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, without directly promoting or opposing a candidate or party, 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.”

**71.** Section 415 of the said Act is amended by striking out “contemplated in section 403” in the second line.

**72.** The said Act is amended by inserting, after section 421, the following :

“**421.1.** For the purposes of section 421, a printer, manufacturer, owner or radio or television broadcaster shall also, in the case of a private intervenor within the meaning of Division V or the representative of such an intervenor, indicate the authorization number issued under section 457.6.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$300, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement

or publicity to be produced, published or broadcast, the name and title of the official agent or deputy official agent of a candidate or party.”

**73.** Section 432 of the said Act is amended by inserting “who was not elected” after “candidate” in the first line of the third paragraph.

**74.** Section 441 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following: “The official agent of an independent candidate who was elected shall remit such sums to the candidate’s official representative.”;

(2) by inserting “who was not elected” after “candidate” in the first line of the second paragraph.

**75.** Section 457 of the said Act is amended

(1) by replacing “20%” in subparagraph 2 of the first paragraph by “15%”;

(2) by inserting “who was not elected” after “candidate” in the first line of the second paragraph.

**76.** Section 457.1 of the said Act is amended by inserting “that obtained at least 1% of the valid votes” after “party” in the first line of the first paragraph.

**77.** The said Act is amended by inserting, after section 457.1, the following:

#### **“DIVISION V**

#### **“EXPENSES OF PRIVATE INTERVENORS**

**“457.2.** 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 authorization as a private intervenor.

**“457.3.** An elector who applies for authorization must

(1) indicate his name, date of birth, domiciliary address and telephone number;

(2) declare that he is a qualified elector;

(3) declare that he does not intend to directly promote or oppose any candidate or party;

(4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;

(5) declare that he is not a member of any party ;

(6) declare that he is not acting directly or indirectly on behalf of any candidate or party ;

(7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

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

**“457.4.** A group that applies for authorization must

(1) indicate its name, address, telephone number, date of formation and objects ;

(2) indicate the name, domiciliary address and telephone number of its leaders ;

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors ;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group ;

(5) declare that the group does not intend to directly promote or oppose any candidate or party ;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views ;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate or party ;

(8) declare that the representative of the group is not a member of any party ;

(9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

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

**“457.5.** An application for authorization must be filed at the office of the returning officer of the electoral division of the applicant’s domicile.

The application must be filed during the period extending from the twenty-seventh to the thirteenth day preceding polling day.

**“457.6.** The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

**“457.7.** Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer shall, during the election period, allow an elector to consult, in the returning officer’s main office, any application for authorization which was granted.

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

**“457.8.** Not later than the tenth day preceding polling day, the returning officer shall transmit to the authorized parties represented in the National Assembly, to any other party which so requests and to each candidate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor’s representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

**“457.9.** An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

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

**“457.10.** The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.

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

**“457.11.** If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.

**“457.12.** A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

**“457.13.** A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

**“457.14.** A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.

**“457.15.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.

A private intervenor that is a group of electors must defray the cost of any expense out of the funds of the members of the group who are electors.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor’s account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

**“457.16.** In the case of a private intervenor that is a group of electors, only the representative may incur expenses on behalf of the private intervenor.

The representative of a private intervenor is bound by the provisions of sections 457.13 to 457.15 and must ensure that they are complied with.

**“457.17.** A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

**“457.18.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the chief electoral officer a report of all the private intervenor’s expenses, in the form prescribed by the chief electoral officer.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

**“457.19.** Sections 435, 436 and 444 apply to the report referred to in section 457.18, with the necessary modifications.

**“457.20.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor

(1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information ;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization ;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. A decision to withdraw the authorization must be in writing and contain reasons.

**“457.21.** Any person whose application for authorization is rejected or any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.

The appeal shall be 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.”

**78.** Section 487 of the said Act is amended

(1) by inserting “, independent Members” after “authorities” in paragraph 1 ;

(2) by inserting “, independent Members” after “authorities” in the first line of paragraph 2.

**79.** Section 501 of the said Act is amended by replacing “or by a member of his personnel and, in the latter case” in the second and third lines by “, by a member of his personnel or by the assistant to the chairman of the Commission de la représentation, if any, and, in the latter two cases”.

**80.** Section 537 of the said Act is amended by replacing the first sentence by the following : “The chairman may appoint an assistant to assist him in the exercise of his duties.”



**81.** Section 552 of the said Act is amended by replacing “elector in” in the second line of paragraph 2 by “elector whose name is entered on the list of electors for”.

**82.** Section 553.1 of the said Act is amended by inserting, after paragraph 2, the following :

“(2.1) every person who, to be admitted to vote or to allow someone to vote, makes a false declaration or assumes the identity of another person;”.

**83.** Section 555 of the said Act is amended by inserting, after paragraph 1, the following :

“(1.1) every person who misinterprets the law intentionally;

“(1.2) every person who counterfeits or misappropriates for partisan purposes a document emanating from the chief electoral officer;”.

**84.** The said Act is amended by inserting, after section 556, the following :

“**556.1.** The following persons are liable to a fine of \$200 to \$1,000 :

(1) every person who erects an election poster or billboard in contravention of any of the provisions of sections 259.2 to 259.5 or of the conditions provided in the first paragraph of section 259.7;

(2) every person who affixes an election banner, streamer or flag on a public utility pole.”

**85.** Section 559 of the said Act is amended

(1) by inserting “false or” after “produces a” in paragraph 3;

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

“Every elector referred to in section 457.3 or in the last paragraph of section 457.4 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of \$1,000 to \$10,000.”

**86.** The said Act is amended by inserting, after section 559, the following :

“**559.1.** The following persons are liable to a fine of \$1,000 to \$10,000 :

(1) every person who attempts to incur an election expense otherwise than as permitted by this Act;

(2) every person who makes a false invoice, receipt or voucher;

(3) every person who falsifies an invoice, receipt or voucher.”

**87.** Section 562 of the said Act is amended by striking out “125,”.

**88.** Section 564 of the said Act is amended

(1) by replacing “and 429.1” in the second line by “, 429.1, 457.9 and 457.11 to 457.17”;

(2) by replacing “\$100” in the last line by “\$500”.

**89.** Section 566 of the said Act is amended by replacing “, through encouragement or advice or by his orders, incites” in the first line of the second paragraph by “encourages, advises, allows, authorizes or orders”.

**90.** The said Act is amended by inserting, after section 568, the following :

**“568.1.** Where a penalty greater than the minimum penalty is requested, the judge shall have regard, in particular, to the following criteria if they are alleged by the prosecutor in the statement of offence :

(1) the fact that it is a second or subsequent conviction;

(2) the status of the offender;

(3) the size of the expense or contribution.”

**91.** Schedule III to the said Act is replaced by the following :

“SCHEDULE III


(Sections 277 and 320)

BALLOT PAPER

OBVERSE

<b>Marie BONENFANT</b> Political affiliation ●
<b>Jean-Charles BUREAU</b> Political affiliation ●
<b>Pierre-A. LARRIVÉE</b> Independent ●

REVERSE

No.
No.
 <b>NATIONAL ASSEMBLY</b>
Electoral division of:
<b>21 June 1979</b> Lucien Lamothe, Imprimeur 117, rue Notre-Dame Montréal
Initials of deputy returning officer

”

## REFERENDUM ACT

**92.** The Referendum Act (R.S.Q., chapter C-64.1) is amended by inserting, after section 24, the following :

**“24.1.** Any application for affiliation to a national committee must be made within seven days after the adoption of the by-laws of the national committee.

The national committee must decide the application within seven days after the application is made.”

**93.** Sections 402, 403 and 404, the third paragraph of section 406 and sections 413, 414, 416 and 417 of Appendix 2 to the said Act are reenacted.

**94.** Appendix 2 to the said Act, amended by section 22 of chapter 8 of the statutes of 1997, is again amended

(1) by adding, in section 3, the following paragraph :

“Replace the fourth paragraph by the following :

“An elector who is a Member of the National Assembly representing an electoral division other than the electoral division in which he is domiciled may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where the main office he uses as a Member of the National Assembly in the electoral division he represents is situated.”;

(2) by replacing the paragraph relating to the second paragraph of section 46 by the following :

“Replace the words “Within 30 days of resigning, the official representative shall file with the party, the party authority, the independent Member or the independent candidate” in the second paragraph by the words “Within 30 days of resigning, the official agent shall file with the national committee”, and the words “financial report” by the words “return of regulated expenses”.”;

(3) by replacing section 187 by the following :

“187            Replace the words “parties represented in the National Assembly” by the words “national committees referred to in section 184”;

(4) by replacing section 188 by the following :

“188            Replace the section by the following section :

“**188.**    The revisor recommended by the national committee to which the greatest number of Members of the National Assembly belong shall act as vice-chairman of the board of revisors.”;

(5) by replacing section 231.3 by the following :

“231.3  
to  
231.14”;

(6) by inserting, after section 255, the following :

“259.1            Replace the word “election” by the word “referendum” and the words “an election” by the words “a referendum”

“259.2            Replace the word “Election” in the first and second paragraphs by the word “Referendum”.

“259.3            Replace the word “Election” by the word “Referendum”.

“259.4            Replace the word “election” by the word “referendum”.

“259.5            Replace the word “election” in the first and second paragraphs by the word “referendum”.

“259.6

“259.7            Replace the words “Election” and “election” in the first and third paragraphs by the words “Referendum” and “referendum”.

“259.8            Replace the word “election” in the first paragraph by the word “referendum”.

Replace the words “party or candidate concerned” in the first paragraph by the words “national committee concerned”.

Replace the words “party, candidate” in the second paragraph by the words “national committee”.

“259.9            Replace the words “The party, candidate” by the words “The national committee”.”;

(7) by replacing section 293.5 by the following :

“293.5           Strike out the words “and a list of the places where the elector may consult the list of candidates” in the first paragraph.

                  Strike out the words “be in the form prescribed by Schedule IV and shall” in the second paragraph.”;

(8) by inserting, after section 366, the following :

“366.1”;

(9) by inserting, after section 381, the following :

“401            Replace the section by the following section :

                  “**401.** For the purposes of sections 403, 415, 416, 417 and 421, the expression “regulated expenses” includes expenses referred to in paragraph 10 of section 404 and the expression “official agent” includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and a representative of a private intervenor if the private intervenor is a group of electors.””;

(10) by inserting, after subparagraph 5 of section 404, the following :

                  “(5.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;”;

(11) by replacing subparagraph 9 of section 404 by the following :

                  “(9) the expenses incurred for the holding of meetings, the total of which does not exceed \$600 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 national committee;”;

(12) by inserting, after subparagraph 9 of section 404, the following :

                  “(10) the publicity expenses, the total of which does not exceed \$1,000 for the entire referendum period, incurred by a neutral intervenor authorized under Division V, without directly promoting or opposing an option, to advocate abstention or the spoiling of ballots.”;

(13) by adding, at the end of section 413, the following :

“However, a non-affiliated elector authorized under Division V may incur regulated publicity expenses provided that the total of the expenses for the entire referendum period does not exceed \$1,000.”;

(14) by inserting, after section 421, the following :

“421.1 Replace the second paragraph by the following paragraph :

“Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$1,000, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast the name and title of the official agent or deputy official agent of a national committee or of the local agent of the official agent.”;

(15) by inserting “, other than expenses incurred by a non-affiliated elector” after “expenses” in the second line of the first paragraph of section 425 ;

(16) by adding, at the end of section 426, the following :

“However, the national committee that represents the option for which the fewest non-affiliated electors have been authorized under section 457.6 to incur regulated expenses may spend an additional amount equal to 50% of the difference between the expenses that authorized non-affiliated electors favourable to one option may incur and the expenses that may be incurred by those favourable to the other option.

The amount is established by the chief electoral officer who shall draw up a certificate and transmit a copy to the chairman and the official agent of each national committee not later than the tenth day preceding polling day.”;

(17) by inserting, after section 448, the following :

“457.2 Replace the section by the following section :

“**457.2.** 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 authorization as a neutral intervenor.

Only an elector who cannot join a national committee may apply for authorization as a non-affiliated elector.

Neutral intervenors and non-affiliated electors are private intervenors.””;

“457.3 Replace subparagraphs 3 to 6 of the first paragraph by the following subparagraphs :

“(3) in the case of a neutral intervenor, state briefly the purpose of the application and declare that he does not intend to directly promote or oppose either option ;

“(4) in the case of a non-affiliated elector, indicate which option he intends to promote and state briefly why he cannot join a national committee ;

“(5) declare that he is not associated with and has not contributed to either national committee ;

“(6) declare that he is not acting directly or indirectly on behalf of either national committee ;”.

Insert, at the beginning of subparagraph 7 of the first paragraph, the following : “in the case of a neutral intervenor,”.

“457.4 Replace the words “any candidate or party” at the end of subparagraph 5 of the first paragraph by the words “either option”.

Replace subparagraph 6 of the first paragraph by the following subparagraph :

“(6) state briefly the purpose of the application,”.

Replace the words “any candidate or party” at the end of subparagraph 7 of the first paragraph by the words “either national committee”.

Replace the words “a member of any party” at the end of subparagraph 8 of the first paragraph by the words “associated with and has not contributed to either national committee”.

“457.5

“457.6

“457.7 Replace the word “election” in the first paragraph by the word “referendum”.

Replace the words “a candidate” in the second paragraph by the words “an official delegate”.



“457.8 Replace the section by the following section :

“**457.8.** Not later than the tenth day preceding polling day, the returning officer shall transmit to the national committees and to each official delegate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor’s representative, if any, and the number and date of the authorization. The list shall also indicate whether the private intervenor is a neutral intervenor or a non-affiliated elector and, in the latter case, the option that the non-affiliated elector intends to promote.”

“457.9 Replace the words “an election” in the first paragraph by the words “a referendum”.

“457.10

“457.11

“457.12 Replace the section by the following section :

“**457.12.** A private intervenor who is an elector or the representative of a private intervenor may not join or contribute to a national committee during the referendum period.”.

“457.13 Replace the section by the following section :

“**457.13.** A neutral intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose either option.

A non-affiliated elector may not incur expenses that do not promote the option indicated in the application for authorization.”

“457.14

to

“457.16

“457.17 Replace the figure “\$25” in the first paragraph by the figure “\$60”.

“457.18

to

“457.20

“457.21        Replace the words “a judge of the Court of Québec” in the first paragraph by the words “the Conseil du référendum”.

Replace the word “court” in the third paragraph and the word “judge” in the last paragraph by the word “council”.”;

(18) by inserting, after section 556, the following :

“556.1        Replace the words “an election” in paragraphs 1 and 2 by the words “a referendum”.”;

(19) by inserting, after section 559, the following :

“559.1        Replace the words “an election” in paragraph 1 by the words “a regulated”.”;

(20) by inserting “or the report referred to in section 457.18” after “expenses” in section 563 ;

(21) by replacing section 564 by the following :

“564            Replace the section by the following section :

“**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.”.”;

(22) by inserting, after section 568, the following :

“568.1”;

(23) by replacing section 569 by the following :

“569            Replace the words “Such proceedings” in the second paragraph by the words “Proceedings are instituted before the Court of Québec. They”.”.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**95.** The English text of section 364 of the Act respecting elections and referendums in municipalites (R.S.Q., chapter E-2.2), amended by section 84 of chapter 31 of the statutes of 1998, is again amended by striking out “yet” in the third line of the definition of “electoral district”.

**96.** Section 450 of the said Act is amended by adding, at the end, the following :

“In addition, for the purposes of sections 452, 459, 460, 461 and 463, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

**97.** Section 453 of the said Act is amended by adding, at the end, the following :

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

“(9) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII.1, without directly promoting or opposing a candidate or party, 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.”

**98.** The said Act is amended by inserting, after section 463, the following :

“**463.1.** Where, pursuant to section 450, a writing, object, material, advertisement or publicity referred to in section 463 must mention the name and title of the private intervenor referred to in Division VIII.1 or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 512.5.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 463 exceeds \$300, only the name and title of the official agent or deputy official agent of the candidate or authorized party may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.”

**99.** The said Act is amended by inserting, after section 512, the following :

#### “DIVISION VIII.1

#### “EXPENSES OF PRIVATE INTERVENORS

“**512.1.** 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 authorization as a private intervenor.

**“512.2.** An elector who applies for authorization must

(1) indicate his name, date of birth, domiciliary address and telephone number ;

(2) declare that he is a qualified elector ;

(3) declare that he does not intend to directly promote or oppose any candidate or party ;

(4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views ;

(5) declare that he is not a member of any party ;

(6) declare that he is not acting directly or indirectly on behalf of any candidate or party ;

(7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

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

**“512.3.** A group that applies for authorization must

(1) indicate its name, address, telephone number, date of formation and objects ;

(2) indicate the name, domiciliary address and telephone number of its leaders ;

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors ;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group ;

(5) declare that the group does not intend to directly promote or oppose any candidate or party ;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views ;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate or party ;

(8) declare that the representative of the group is not a member of any party;

(9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

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

**“512.4.** An application for authorization must be filed with the treasurer of the municipality in which the applicant is an elector.

The application must be filed during the period extending from the fiftieth to the twentieth day preceding polling day.

**“512.5.** The treasurer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Before rejecting an application, the treasurer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

**“512.6.** Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the treasurer shall, during the election period, allow an elector to consult, at the treasurer's office, any application for authorization which was granted.

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

**“512.7.** Not later than the fifteenth day preceding polling day, the treasurer shall transmit to the authorized parties and to each candidate a list of the authorizations which have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

**“512.8.** An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

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

**“512.9.** The representative of a group of electors who resigns shall notify the leader of the group and the treasurer in writing.

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

**“512.10.** If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the treasurer in writing forthwith.

**“512.11.** A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

**“512.12.** A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

**“512.13.** A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association, with any person.

**“512.14.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.

A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor’s account in a bank, trust company or savings and credit union having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

**“512.15.** In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.

The representative of a private intervenor is bound by the provisions of sections 512.12 to 512.14 and must ensure that they are complied with.

**“512.16.** A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

**“512.17.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the treasurer a report of all the private intervenor’s expenses, in the prescribed form.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

**“512.18.** Sections 499, 500, 501 and 506 apply to the report referred to in section 512.17, with the necessary modifications.

**“512.19.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor

(1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information ;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization ;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.

**“512.20.** Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

The motion must be served beforehand on the treasurer or the chief electoral officer, as the case may be.

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

The decision of the judge is final.”

**100.** Section 595 of the said Act is amended by adding, at the end, the following :

“Every elector referred to in section 512.2 or in the last paragraph of section 512.3 is guilty of an offence who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or other voucher.”

**101.** Section 622 of the said Act is amended by adding, at the end, the following :

“For the purposes of subparagraph 2 of the first paragraph, the expression “election expense” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

**102.** Section 623 of the said Act is amended by adding, at the end, the following :

“For the purposes of this section, the expression “election expenses” includes expenses referred to in paragraph 9 of section 453 and the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

**103.** Section 624 of the said Act is amended by adding, at the end, the following :

“For the purposes of this section, the expression “official agent” includes a private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.”

**104.** The said Act is amended by inserting, after section 624, the following :

**“624.1.** Every person who contravenes any of sections 463.1, 512.8 and 512.10 to 512.16 is guilty of an offence.”

**105.** The said Act is amended by inserting, after section 626, the following :

**“626.1.** Every private intervenor within the meaning of Division VIII.1 of Chapter XIII of Title I, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to transmit the report prescribed in section 512.17 within the time fixed in that section is guilty of an offence.”

**106.** Section 645 of the said Act is amended by replacing “paragraph 1” in the second line of the second paragraph by “subparagraph 1 of the first paragraph”.



## HEALTH INSURANCE ACT

**107.** Section 65.0.1 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 19 of chapter 98 of the statutes of 1997, is again amended

(1) by striking out “of each beneficiary who has reached the age of 18, and” in the eighth and ninth lines of the first paragraph ;

(2) by adding, at the end of the first paragraph, the following: “The Régie shall also transmit the same information concerning any beneficiary who is to reach the age of 18, at least six months before the beneficiary’s birthday.”

## TRANSITIONAL AND FINAL PROVISIONS

**108.** A Member of the National Assembly who, on 21 October 1998, is an independent Member within the meaning of section 41 of the Election Act must make an application for authorization pursuant to section 62.1 of the said Act within 30 days of that date.

**109.** Notwithstanding section 227 of the Election Act, at the first general election following 21 October 1998, each returning officer shall establish, for the purposes of that election, three special boards of revisors in his electoral division, including one at his office.

**110.** This Act comes into force on 21 October 1998.

However, the provisions of sections 46, 47, 55, 56 and 81 and those of paragraphs 3 and 4 of section 94 come into force on the date or dates to be fixed by order of the Government. The Government may not make such an order until after the first general election subsequent to 21 October 1998.