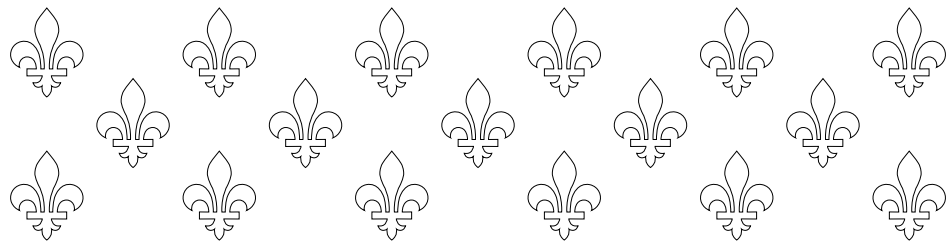

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 66
(2002, chapter 10)

An Act to amend the Act respecting school elections

Introduced 11 December 2001
Passage in principle 26 March 2002
Passage 6 June 2002
Assented to 8 June 2002

Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Act respecting school elections so as to specify and complete the rules governing the election process applicable to the election of school board commissioners.

First, the bill moves the date of the school poll to be held every four years from the third to the first Sunday in November. The rules respecting the ineligibility of a person for the office of commissioner are specified and the election period is reduced from 75 to 44 days.

The chief electoral officer is given the mandate of providing school boards with any assistance required in the organizing and holding of a school poll, and is given the power to make inquiries into the application of the rules pertaining in particular to the election process, the financing of candidates and the control of election expenses.

The bill amends the rules relating to the revision of the list of school electors during the election period, among other things by indicating the cases in which revision is required, better defining the revision process, and providing for the communication of any changes made to the list between the different English and French language school boards whose territories partly or wholly coincide.

Provisions respecting the financing of candidates and the control of election expenses are introduced. Thus, a candidate who wishes to solicit or collect contributions and incur expenses for the purposes of his or her election is required to obtain an authorization to do so. The bill also provides that only an elector is authorized to make a contribution, and that the contribution will be limited to $1,000 for any one authorized candidate up to $3,000 per elector for the same school board. In addition, only an authorized candidate will be authorized to incur or authorize election expenses, the amount of which is limited. Every authorized candidate will be required to file a financial report and a return of election expenses but will retain the right to be reimbursed for election expenses, subject to certain conditions.

Lastly, the ballot paper is modified and school boards are given the possibility of testing new voting methods in accordance with an agreement with the chief electoral officer.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting school elections (R.S.Q., chapter E-2.3);

– Election Act (R.S.Q., chapter E-3.3);

– Education Act (R.S.Q., chapter I-13.3).

Bill 66

AN ACT TO AMEND THE ACT RESPECTING SCHOOL ELECTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing "third" by "first".

2. Section 11.1 of the said Act is amended by adding the following paragraph at the end:

"In this section, "parents" means the person having parental authority or, unless that person objects, the person having custody *de facto* of the student."

3. The said Act is amended by replacing section 11.3, enacted by section 7 of chapter 45 of the statutes of 2001, by the following sections:

"**11.3.** The chief electoral officer shall transmit to each school board the list of the persons in whose respect he has been unable to update the information on the permanent list of electors.

"**11.4.** The school board that receives the list may verify the information concerning those persons and, where applicable, inform them that it was not possible to update the entries in their respect on the permanent list of electors.

"**11.5.** During an election year, the chief electoral officer shall send to each person whose name appears on the list transmitted under section 11.3, a notice informing the person that it was not possible to update the entries in respect of the person on the permanent list of electors.

The notice must indicate the procedure to follow to remedy the situation if the person wishes to do so."

4. Section 12 of the said Act is amended by replacing "has been domiciled in Québec for six months" in paragraph 3 by "is domiciled in the territory of the school board and has been domiciled in Québec for at least six months."

5. Section 13 of the said Act is amended by inserting ", at the time of voting, be an elector of the school board and" after "must" in the first line.

6. The said Act is amended by inserting the following section after section 18:

"**18.1.** The elector who has opted to vote at an English language school board and establishes his domicile in the territory of another English language school board is deemed to have exercised the option in favour of the latter school board."

7. Section 21 of the said Act is amended

(1) by inserting the following subparagraphs after subparagraph 3 of the first paragraph:

"(3.1) the chief electoral officer and the other members of the Commission de la représentation;

"(3.2) public servants, except employees within the meaning of the Labour Code (chapter C-27), of the Ministère de l'Éducation or of any other department who are assigned to the Ministère de l'Éducation on a permanent basis;";

(2) by inserting the following subparagraph after subparagraph 4 of the first paragraph:

"(4.1) election officers of the school board;".

8. The said Act is amended by inserting the following sections after section 21:

"**21.1.** Any candidate at a previous election whose financial report or return of election expenses required under any of sections 206.10, 206.13, 209, 209.3 and 209.4 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

"**21.2.** Any candidate at a previous election who has not paid in full the debts arising from his election expenses in accordance with section 206.56 is ineligible for four years from his default.

Notwithstanding the foregoing, the ineligibility affecting an elected candidate shall cease on the day of the transmission of the financial report establishing that the debts have been paid in full where the transmission occurs before the expiry of the four-year period.

"**21.3.** A person is ineligible for office as a member of the council of commissioners if he holds office as member of the council of another school board or if he is a candidate for such an office.

Any person who is already holding an office on the council of commissioners is also ineligible for office as a member of the council, except in the event of an election at which the office held by the person is open for nominations or ceases to exist."

9. Section 27 of the said Act is amended by replacing "of the board of revisors" in the first and second lines of the first paragraph by "and the secretary of a board of revisors, the revising officers".

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

"**28.1.** A person is disqualified from holding office as an election officer of any school board if the person has been found guilty of an offence that is a corrupt electoral practice within the meaning of section 223.1 of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of the Election Act (chapter E-3.3).

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes res judicata."

11. The said Act is amended by inserting the following after section 30:

"**30.1.** No penalty may be imposed by the school board on election officers who are employees of the school board for acts performed in good faith by the election officers in the performance of their duties, even outside the election period within the meaning of section 206.1.

Any contravention of the first paragraph authorizes the persons on whom the penalty is imposed to assert their rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Labour Code apply, with the necessary modifications.

"DIVISION III.1

"CHIEF ELECTORAL OFFICER

"**30.2.** The chief electoral officer may make recommendations and issue directives to the returning officer regarding the performance of the latter's duties.

"**30.3.** The chief electoral officer may, on request, provide the returning officer with any assistance he may need to perform his duties.

"**30.4.** The chief electoral officer may, of his own initiative or at the request of a person, inquire into the application of this chapter, Chapters V to VII, Chapter X and Chapter XI.

"**30.5.** The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

"**30.6.** Where the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he must inform that person of his refusal and give the reasons therefor in writing.

"**30.7.** For his inquiries, the chief electoral officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.

"**30.8.** If, during the election period within the meaning of section 206.1, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 30.4 does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Education of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not in session, within 30 days of resumption.

"**30.9.** With respect to informing the public, the chief electoral officer may, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters V to VII, Chapter X and Chapter XI;

(2) provide any person applying therefor with advice and information regarding the application of Chapter XI;

(3) maintain an information centre on Chapter XI;

(4) regularly hold information meetings and conferences for the benefit of the candidates, the school boards and the public;

(5) make any publicity he considers necessary.

"**30.10.** The chief electoral officer may entrust the exercise of any power or any function he indicates that is assigned to him under this Act to such person as he may designate."

12. Section 35 of the said Act is amended by replacing "or" in the second line of the first paragraph by "of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of".

13. Section 38 of the said Act is amended

(1) by replacing "75" in the first line of the first paragraph by "44";

(2) by replacing "30 September" in the first line of the second paragraph by "1 September".

14. Section 39 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"**39.** Not later than 45 days before polling day, the chief electoral officer shall transmit to the returning officer the list of school electors containing, for each sector, the list of electors domiciled in the territory concerned by the election, and an extract of the permanent list of electors containing, for each electoral division, the list of electors having their domicile in the territory of the school board and indicating whether an elector may exercise his right to vote at a French language or English language school board, and whether the first or the second paragraph of section 11.1 applies to the elector.

At the time of a by-election, the returning officer shall request, in writing, that the chief electoral officer transmit to him the documents referred to in the first paragraph."

15. Sections 39.1 and 40 of the said Act are replaced by the following section:

"**40.** The list of electors of all sectors of an electoral division shall constitute the list of electors of that electoral division, and the list of electors of all the electoral divisions shall constitute the list of electors of the school board."

16. Section 41 of the said Act is amended by replacing "45" in the first line by "33".

17. Section 42 of the said Act is repealed.

18. Section 43 of the said Act is amended

(1) by replacing "fortieth day preceding" in the first line of the first paragraph by "twenty-sixth day before";

(2) by striking out “or if the notice prescribed in section 42 has not been given,” in the second and third lines of the first paragraph.

19. Subdivision 2 of Division II of Chapter V of the said Act is replaced by the following:

“§2. — *Cases where revision is required*

“**44.** Where a poll must be held, the list of electors of the school board or, as the case may be, of the electoral division must be revised.

Where no poll is to be held, the list may be revised by decision of the returning officer.

Where the holding of a poll ceases to be necessary following the end of the period for filing nomination papers, the returning officer shall decide whether the revision is to be continued or interrupted. If the revision is interrupted, the returning officer shall give public notice thereof as soon as practicable. The notice shall be transmitted to the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3).

“§3.— *Boards of revisors*

“**45.** The returning officer shall establish a board of revisors.

The returning officer may establish several boards of revisors and apportion and coordinate their work.

“**46.** The returning officer shall determine the place where each board of revisors will sit.

The place must, except in exceptional circumstances, be accessible to handicapped persons.

“**47.** Each board of revisors shall be composed of three revisors appointed by the returning officer.

The returning officer may be a member of a board of revisors.

“**48.** The returning officer shall appoint the chair and vice-chair of the board of revisors from among its members.

The returning officer shall be the chair of the board of revisors of which he is a member.

“**49.** The returning officer may appoint a secretary to the board of revisors, whose chief duties shall be to draw up notices of hearings and summonses, to assist the board in the performance of its work and to record all decisions of the board.

"**50.** The returning officer may appoint any revising officer he considers necessary, whose chief duties shall be to serve notices of hearings and summonses and to gather, at the request of the board of revisors, any information relevant to the making of a decision.

"§4. — *Revision period*

"**51.** Not later than 25 days before polling day, the returning officer shall give a public notice setting forth

(1) the fact that the list of electors of the electoral division will be revised;

(2) the requirements to be met by a person to be an elector and to be entitled to have his name entered on the list;

(3) the place, days and times fixed for examining the list and making applications for entry, striking off or correction;

(4) the fact that proof of identity must be provided upon making an application.

Where the notice is given before the end of the period for filing nomination papers, it may indicate that the list will be revised only if the holding of a poll makes revision mandatory.

The returning officer shall send a copy of the notice to the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3) and to each candidate.

"**52.** Not later than 25 days before polling day, the returning officer shall send to each address for which the name of an elector is entered on the list of electors to be revised or to each elector whose name is entered on that list, a notice that reproduces the particulars concerning the electors domiciled at that address whose names are entered on the list of electors, except their date of birth.

The notice shall be sent with the information concerning the dates and procedure for revision and shall indicate in particular that an application for revision may be made to the returning officer or, as the case may be, to a person designated for that purpose under section 58.2. In addition, it shall indicate the places, dates and times of the advance poll and of the poll.

"**53.** The chief electoral officer shall send to each address for which no electors' names are entered on the permanent list of electors, a notice indicating that no electors' names are entered for that address.

The chief electoral officer shall inform the returning officer of the addresses to which such a notice has been sent.

"**54.** The board of revisors shall sit on the days and at the times fixed by the returning officer, subject to the first paragraph of section 55, during the period beginning 24 days and ending 15 days before polling day.

The chair of the board of revisors may, after consulting with the returning officer, add hours and days of sittings of the board of revisors. The chair shall notify the candidates of his decision.

"**55.** The returning officer shall ensure that the board of revisors holds sittings for the purpose of receiving applications on at least two days, including during the evening of the seventeenth day before polling day.

According to whether the returning officer decides that the board is to hold sittings for that purpose in the morning, in the afternoon or in the evening, the board shall sit from at least 10:00 a.m. to 1:00 p.m., from 2:30 p.m. to 5:30 p.m. or from 7:00 p.m. to 10:00 p.m., respectively.

"§5. — *Revision process*

"**56.** Before the beginning of the work of a board of revisors, the returning officer shall provide two copies of the list of school electors to be revised, one for the use of the board of revisors and the other for deposit for examination by the public at the place where the board is sitting.

No mention of the date of birth or sex of electors or of the particular provided for in section 11.2 shall be made on the copy deposited for examination.

The returning officer shall also provide a copy of the extract of the permanent list of electors referred to in the first paragraph of section 39.

"**57.** An elector who finds that his name is not entered on the list of electors although it should be must, if he wishes to exercise the right to vote, apply in person to the competent board of revisors to have his name entered on the list.

An elector who finds that his name is entered on the list of electors although it should not be must apply in person to the competent board of revisors to have his name struck off the list.

An elector who finds that his name is entered on the list of electors although he does not wish to have it entered on the list must apply in person to the competent board of revisors to have his name struck off the list. The elector may request that his name be struck off only for the purposes of a school poll.

An elector who finds that his name is entered on the list of electors for the wrong domicile must apply in person to the competent board of revisors to have the erroneous entry struck off the list and, if he wishes to exercise the right to vote, to have his name entered correctly on the list.

Where two boards of revisors of a school board are competent to each receive one of the applications referred to in the fourth paragraph, the board before which the first application is made becomes competent to hear the other application. The board of revisors that disposes of the applications shall notify the returning officer of its decision concerning the part of the list that is not within its competence, and the returning officer shall send the notice to the other board of revisors.

"**58.** If an elector whose name is entered on the part of the list of electors corresponding to an electoral division finds that the name of a person who is not entitled to be entered on that part of the list has been entered thereon, he may apply in person to the competent board of revisors to have the name of that person struck off the list.

"**58.1.** An elector must apply in person to the competent board of revisors to have an error in the entry of his name, address, sex, date of birth or, as the case may be, the particular provided for in section 11.2, corrected.

"**58.2.** From the twenty-fourth to the seventeenth day before polling day, an application under any of sections 57 to 58.1 may also be made, in accordance with sections 58.3 and 58.4, to the returning officer or to a person who may be designated for that purpose by the returning officer.

During that period, the notice provided for in section 18 may be addressed to the returning officer or to a person who may be designated for that purpose by the returning officer, or be presented to a board of revisors of the English language school board.

The returning officer shall forward the applications and notices received by the returning officer or a designated person to the competent board of revisors not later than 10:00 p.m. on the seventeenth day before polling day. The returning officer shall also forward to the board from the first day on which it sits, the notices provided for in section 18 that he has received.

"**58.3.** An application for entry, striking off or correction may be made by the spouse, including the de facto spouse, or by a relative of the person entitled to make the application, or by a person who is cohabiting with the person.

For the purposes of the first paragraph, "relative" means a father, mother, grandfather, grandmother, father-in-law or stepfather, mother-in-law or stepmother, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, grandson or granddaughter.

"**58.4.** Every application to the competent board of revisors must be made under oath.

The board may require the person making an application to submit to it any proof necessary for the making of a decision. However, in the case of an

application to have the name of a person domiciled in the territory of the school board entered, the board shall require from the person making the application the former address of the domicile of the person in respect of whom the application is being made as well as two documents, one showing the name and date of birth of the person in respect of whom the application is being made and the other showing the name of that person and the address of the person's domicile.

"**58.5.** The board of revisors shall examine the applications made to it as soon as they are received, and shall dispose of them immediately in all cases where it is possible to do so.

"**58.6.** The board of revisors or any member it authorizes for the purpose may make an inquiry to ascertain whether a person whose name is entered on the list of electors or who is applying to have his name entered thereon is so entitled. The person and any witnesses summoned may be assisted by an advocate.

"**58.7.** Where the decision of the board of revisors concerning an application for entry or striking off entails entering or striking off a name for which no application has been made, the board of its own initiative may enter the name or strike it off.

Where a correction is made or a name is entered on or struck off a part of the list that is not within the competence of the board, the board shall give notice of its decision to the returning officer who shall transmit the notice to the competent board.

"**58.8.** Before striking off or refusing to enter the name of a person, the board of revisors shall give one clear day's advance notice to the person.

The notice shall be transmitted to the address entered on the list of electors or to any place where the board or the revising officer has reason to believe that the person may be reached.

However, the board is not required to give notice where

(1) the person is present before the board;

(2) the board is satisfied with the proof made to it that the person in respect of whom the application for striking off is made is under curatorship or is deceased;

(3) the person has met with and confirmed to a revising officer that he is not entitled to have his name entered on the list of electors.

"**58.9.** The board of revisors, on its own initiative or on an application, may revoke or review 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, was unable to present observations.

"**58.10.** In every case where the board of revisors makes a decision in the absence of the person concerned by the application or filing the application, the board shall immediately notify the elector in writing of its decision, unless the elector is under curatorship.

"**58.11.** Two revisors constitute a quorum of the board of revisors.

"**58.12.** Every question submitted to the board of revisors shall be decided by a majority vote.

In the event of a tie-vote, the chair or, in his absence, the vice-chair shall have a casting vote.

"**58.13.** The board of revisors shall transmit its decisions to the appropriate returning officer in accordance with the returning officer's directives.

The board of revisors shall also transmit its decisions to the returning officer of a school board whose territory wholly or partly coincides with the territory of the school board whose list of electors has been submitted to it for revision.

The returning officer shall incorporate the changes into the list or prepare an abstract of changes, including the changes referred to in the second paragraph.

"**58.14.** The returning officer shall communicate to the chief electoral officer the changes made to the list that concern the persons domiciled in the territory of the school board, in the manner determined by the chief electoral officer.

The returning officer shall also communicate to the chief electoral officer, if the change entails entering the name of a person who has changed his domicile, the former address of the domicile of that person and, if the change entails striking off the name of a person who requests that the striking off apply only for the purposes of a school poll, the request made by that person.

"**58.15.** As soon as practicable after receiving the decisions of the board of revisors, the returning officer shall transmit, free of charge, to each candidate, a copy of the revised list or of an abstract of the changes made to the list submitted to be revised without those candidates having to request the copies.

"**58.16.** The abstract of changes forms part of the list of electors until the changes are incorporated into the list."

20. Subdivision 3 of Division II of Chapter V of the said Act becomes subdivision 6.

21. Section 59 of the said Act is replaced by the following section:

"**59.** The list of electors comes into force upon completion or interruption of the revision or, where the list is not revised, upon the expiry of the period prescribed in section 62 for filing nomination papers.

The returning officer shall indicate at the end of the list of electors the day on which it comes into force."

22. Section 60 of the said Act is amended by replacing "a free" in the second line by "free of charge and in the form requested, a".

23. Section 61 of the said Act is repealed.

24. The said Act is amended by inserting the following section after section 61:

"**61.1.** The list of electors shall remain in force until a new list which replaces it comes into force."

25. Section 62 of the said Act is amended

(1) by replacing "on or before the fourteenth day preceding polling day between 10:00 a.m. and 5:00 p.m. or, as the case may be, during the nomination period fixed by the council of commissioners" in the second, third and fourth lines of the first paragraph by "on the opening days and hours of the office, at any time from the thirty-third day to 5:00 p.m. on the twenty-eighth day before polling day";

(2) by adding "for the purposes of this division" at the end of the second paragraph;

(3) by striking out the third paragraph.

26. Section 65 of the said Act is amended by replacing "between the seventy-fifth day and the twenty-fifth day preceding" in the first and second lines of the first paragraph by "at any time from the forty-fourth to the twenty-eighth day before".

27. Section 69 of the said Act is amended by replacing ", address and occupation" in the first and second lines by "and address".

28. Section 71 of the said Act is amended by replacing "by ten" in the first and second lines of the first paragraph by "by at least ten".

29. Section 72 of the said Act is amended by replacing “school board” at the end of the first paragraph by “electoral division”.

30. Section 75 of the said Act is amended by replacing “ils soient” in the second line of the French text by “il soit”.

31. Section 77 of the said Act is repealed.

32. Section 78 of the said Act is amended by replacing “Notwithstanding section 10 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only a” in the first, second and third lines by “Every”.

33. Section 79 of the said Act is replaced by the following section:

“**79.** If, at the end of the period for filing nomination papers, the returning officer has accepted only one nomination paper for an office or if only one candidate for that office remains, he shall declare that candidate elected.

In other cases, a poll must be held to determine which candidate will be elected to such office.

Where, as a result of a withdrawal after the end of the period referred to in the first paragraph but before the close of the poll, there remains only one candidate for an office, the returning officer shall declare that candidate elected.”

34. Section 80 of the said Act is repealed.

35. Section 83 of the said Act is repealed.

36. Section 84 of the said Act is replaced by the following sections:

“**84.** Subject to section 84.2, the returning officer shall recommence election proceedings to fill an office on the council of commissioners, where

(1) no person is nominated as a candidate for the office before the end of the period prescribed for filing nomination papers or all the persons nominated have withdrawn before the end of the period;

(2) every candidate for the office withdraws after the end of the period referred to in paragraph 1 but before the close of the poll;

(3) a candidate for the office dies after the end of the period referred to in paragraph 1 but before the close of the poll;

(4) all the ballot papers placed in the ballot box in favour of the candidates for the office have been rejected during the counting of the votes or, as the case may be, during the recount.

"**84.1.** Within 30 days of ascertaining a situation justifying the recommencement, the returning officer shall fix the date of the poll on a Sunday in any of the four following months. Where that is the case, he shall notify the council of commissioners as soon as practicable of the date fixed for the poll.

Notice of the election must be given not later than 37 days before polling day.

The persons entitled to have their names entered on the list of electors or to be candidates are the same as in the original election.

The list of electors in force shall be used and no new list need be prepared. The list shall be deposited as soon as practicable after publication of the notice of election. No revision of the list is required if the revision was completed for the purposes of the original election.

"**84.2.** Election proceedings may be recommenced only once.

Where a situation arises justifying the recommencement of the proceedings a second time, the returning officer shall notify the Minister of Education, who may then appoint an eligible person to the office concerned or order that the proceedings be recommenced according to the rules he determines. The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment."

37. Section 85 of the said Act is amended by replacing "place and time when advance polling stations" in subparagraph 2 of the first paragraph and "place and time when polling stations" in subparagraph 3 of that paragraph by "address and hours at or during which advance polling places" and "address and hours at or during which polling places", respectively.

38. Section 86 of the said Act is replaced by the following sections:

"**86.** The notice of poll shall be published not later than 15 days before polling day.

"**86.1.** The returning officer may cause a reminder to be addressed to every person whose name is entered on the list of electors and who is entitled to vote at the poll.

The reminder shall contain all the particulars contained in the notice of poll or only those relating to the candidates for whom the addressee is entitled to vote and to the voting place where he may exercise that right on polling day."

39. Section 87 of the said Act is amended

(1) by striking out ", seven days before polling day," in the first line;

(2) by adding the following paragraphs:

"The returning officer shall establish at least one advance polling station for each electoral division in which a poll is to be held.

If the returning officer establishes several advance polling stations, he shall determine which sector is attached to each station.

The returning officer shall notify each candidate of his decision as soon as practicable."

40. The said Act is amended by inserting the following section after section 88:

"**88.1.** Advance polling stations must be accessible to handicapped persons."

41. Section 89 of the said Act is amended by replacing "9:00 a.m. to 7:00" in the first line by "12:00 noon to 8:00".

42. Sections 91 and 92 of the said Act are repealed.

43. The said Act is amended by inserting the following sections after section 93:

"**93.1.** The poll clerk shall prepare the list of the electors who have voted in advance at the polling station and transmit it, as soon as practicable, to the returning officer or to the person designated by the latter. The returning officer shall transmit a copy of the list to each candidate not later than three days before polling day.

"**93.2.** From 7:00 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes cast in an advance polling station, in the presence of those representatives who wish to attend.

The counting shall be effected at the place determined by the returning officer, in accordance with the rules applicable to the counting of the votes cast on polling day, with the necessary modifications.

If the deputy returning officer or poll clerk who acted in the advance polling station is unable to act, the returning officer shall appoint a substitute for the purposes of this section."

44. The heading of subdivision 3 of Division IV of Chapter V of the said Act is replaced by the following heading:

"§3. — *Polling stations and poll officers*".

45. The said Act is amended by inserting the following section after the heading of subdivision 3 of Division IV of Chapter V:

"**93.3.** The returning officer shall establish as many polling stations as he considers necessary for each sector and determine which electors of the sector are entitled to vote at each polling station.

The returning officer shall notify each candidate of his decision as soon as practicable."

46. Section 94 of the said Act is amended by replacing the first two paragraphs by the following paragraphs:

"**94.** The polling stations of a sector must be situated in one place of convenient access, and, except in exceptional circumstances, must be accessible to handicapped persons.

However, where a special circumstance justifies it, the returning officer may establish the polling stations in more than one place.

In addition, if the returning officer is unable to establish a polling station in a place accessible to handicapped persons, he must obtain the authorization of the chief electoral officer before establishing it in a place not so accessible."

47. Section 98 of the said Act is replaced by the following sections:

"**98.** The returning officer may appoint an officer in charge of information and order for each place where a polling station is situated.

"**98.1.** The officer in charge of information and order shall, in particular,

(1) receive the electors when they enter the polling place and direct them to the polling station where they may exercise their right to vote;

(2) ensure access to the polling stations and maintain orderly movement in the polling place;

(3) see to it that only the number of electors allowed by law are admitted to a polling station at the same time;

(4) see to it that only the electors who are on the premises of a polling station at the time scheduled for closing and who have not been able to vote before that time are allowed to exercise their right to vote after that time;

(5) see to it that only the persons authorized are present on the premises of a polling station;

(6) inform the returning officer of any situation requiring his intervention."

48. Section 103 of the said Act is replaced by the following sections:

"**103.** Where several candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where applicable, above the indication of his membership in a recognized ticket.

The order in which the particulars relating to each candidate for the same office who has the same name appear shall be determined by a drawing of lots carried out by the returning officer.

"**103.1.** The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the recognition of the ticket has been withdrawn or the name of the ticket appearing on the nomination paper is inaccurate."

49. Section 104 of the said Act is replaced by the following section:

"**104.** The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person."

50. Section 105 of the said Act is replaced by the following sections:

"**105.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The deputy returning officer shall inform every elector to whom he gives such a ballot paper of the candidate's withdrawal.

Any vote cast in favour of the candidate, before or after his withdrawal, is null.

"**105.1.** Where the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

"**105.2.** The returning officer shall obtain a ballot box for each polling station.

"**105.3.** Each ballot box must be made of durable material with a slit or narrow opening on the top so constructed that the ballot papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened.

"**105.4.** The returning officer, on behalf of the school board, may enter into any contract to procure the materials required for the poll."

51. Section 106 of the said Act is amended by replacing "the list of electors of the polling station" in the third and fourth lines by "a copy of the part of the list of electors used for the advance poll and comprising the electors who are entitled to vote at the polling station".

52. Section 113 of the said Act is amended by adding the following paragraph at the end:

"Only the deputy returning officer, the poll clerk and the representatives assigned to the polling station may be present at the station, together with the returning officer, the election clerk and the assistant returning officer. The officer in charge of information and order may be present at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 124 may be present for the time required to enable the elector to exercise his right to vote."

53. Section 115 of the said Act is amended by replacing "list of electors used at the polling station" in the second line by "part of the list of electors referred to in section 106".

54. Section 117 of the said Act is amended

(1) by inserting "the poll clerk," after "returning officer," in the second line of the first paragraph;

(2) by inserting "or the poll clerk" after "returning officer" in the third line of the first paragraph;

(3) by replacing "I swear" in the fourth line of the first paragraph by "I declare under oath";

(4) by replacing "and an entry thereof shall be made" in the second paragraph by ". An indication of the oath or the refusal shall be entered".

55. Section 118 of the said Act is replaced by the following section:

"**118.** An elector whose name, address or, as the case may be, date of birth differs slightly from that entered on the list of electors shall nevertheless be admitted to vote, after declaring under oath that the erroneous entry was intended to refer to him. An indication thereof shall be entered in the poll book."

56. Section 119 of the said Act is amended by replacing the second paragraph by the following paragraph:

"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."

57. Section 122 of the said Act is amended by adding the following paragraphs at the end:

"Notwithstanding the foregoing, the deputy returning officer shall not cancel a ballot paper which does not bear any initials where all of the following conditions are met:

(1) the ballot paper presented by the elector is, on its face and without being unfolded, the ballot paper given to him by the deputy returning officer;

(2) the deputy returning officer signs a written declaration supported by an oath attesting that he inadvertently omitted or forgot to affix his initials to the ballot paper.

The deputy returning officer shall then, in full view of the persons present, affix his initials to the reverse of the ballot paper and allow it to be placed in the ballot box. An indication thereof shall be entered in the poll book."

58. Section 124 of the said Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

"(1) by a person who is the elector's spouse or a relative within the meaning of section 58.3;

"(2) by another person, in the presence of the deputy returning officer or the poll clerk. That person shall declare under oath that he has not assisted another elector during the poll."

59. The said Act is amended by inserting the following sections after section 124:

"**124.1.** The deputy returning officer shall provide a visually handicapped person who so requests with a template to enable him to vote without assistance. The deputy returning officer shall adjust the template and the ballot paper, give them to the person and indicate to him the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.

The deputy returning officer shall, upon request, assist the elector in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.

"**124.2.** A deaf or mute elector may be assisted, for the purpose of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf."

60. Section 127 of the said Act is repealed.

61. Section 129 of the said Act is amended by adding the following paragraph at the end:

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

62. Section 130 of the said Act is amended by adding the following paragraph at the end:

"Where several polling stations are situated at the same place, the counting of votes shall begin only after the poll is closed at all the polling stations."

63. Section 131 of the said Act is amended by adding the following paragraph at the end:

"(3) the names of the persons who have performed duties as election officers or representatives assigned to the polling station."

64. Section 133 of the said Act is amended

(1) by striking out "as provided in section 119" in the second line of the first paragraph;

(2) by adding the following subparagraph after subparagraph 6 of the second paragraph:

"(7) has been marked otherwise than with the pencil given to the elector by the deputy returning officer."

65. Section 135 of the said Act is amended by adding "or that the circle is not completely filled" at the end of the second paragraph.

66. Section 137 of the said Act is amended by replacing "the poll" in the second line of the first paragraph by "votes".

67. Section 138 of the said Act is amended by replacing "the poll" in the fourth line of the first paragraph by "votes".

68. Section 141 of the said Act is amended by replacing "the poll" in the first and second lines by "votes".

69. Section 142 of the said Act is amended by replacing "the poll" in the first line of the first and second paragraphs by "votes".

70. Section 150 of the said Act is amended by replacing "the poll" in the second line of the second paragraph by "votes".

71. Section 155 of the said Act is amended by replacing “the poll” in the second line of the first paragraph by “votes”.

72. Section 159 of the said Act is amended

(1) by striking out “or under section 83” in the fourth line;

(2) by inserting “and to the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3)” after “each candidate” in the fifth line.

73. Section 160 of the said Act is amended by replacing “a new election is held” in the first line of the second paragraph by “the date of the declaration of election of the candidate elected at a new election”.

74. The said Act is amended by inserting the following section after section 160:

“**160.1.** During the period beginning at 4:30 p.m. 28 days before polling day in a general election and ending when the majority of the candidates elected to the office of commissioner for seats open for nominations at that election have been declared elected, the council of commissioners or the executive committee shall not sit unless a fortuitous event necessitating its intervention occurs, or to comply with an obligation imposed by law. Deliberations during such a sitting shall pertain only to such event.

If the majority of the candidates elected to the office of commissioner for seats open for nominations at the election have not been declared elected before the fifth day following polling day, the provisions of the first paragraph cease to apply from the beginning of that day.”

75. Section 195 of the said Act is amended by replacing “4” in the second line by “4.1”.

76. Section 199 of the said Act is amended

(1) by replacing “12 months or less” in the first line of the first paragraph by “between 12 and 4 months”;

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

“If 4 months or less remain before the end of the term of office of the commissioner in whose seat a vacancy has occurred, the council of commissioners may fill the vacancy in the manner provided in the first paragraph.”

77. Section 200 of the said Act is amended by replacing “on the Sunday following the seventy-fifth day after the notice” in the fourth line of the second paragraph by “on a Sunday in the four months following the notice”.

78. The said Act is amended by inserting the following sections after section 200:

"**200.1.** Where a by-election is required to be held owing to a vacancy in the office of a commissioner who remained in office in accordance with any of sections 150 to 152 of the Education Act (chapter I-13.3), the by-election shall be held

(1) in the part of the territory that has been annexed where that territory constituted or included the whole of an electoral division represented by the commissioner, in the case of a commissioner referred to in section 150 of that Act;

(2) in the part of the territory corresponding to the part of the electoral division represented by the commissioner in which the greatest number of electors were resident before the annexation, in the case of a commissioner referred to in section 151 of that Act;

(3) in the part of the territory corresponding to the electoral division represented by the commissioner the whole of which has been integrated, or, where the division represented by the commissioner has not been integrated in its entirety, in the part of the territory corresponding to the part of that division in which the greatest number of electors were resident at the time of integration, in the case of a commissioner referred to in section 152 of that Act.

"**200.2.** The director general of the school board shall notify the Minister of Education in writing if the council lacks a quorum by reason of vacancies.

In that case, the Minister may make the appointments necessary to attain the quorum.

The persons appointed by the Minister are deemed to have been elected and are declared elected on the day of their appointment."

79. The said Act is amended by inserting the following section after section 203:

"**203.1.** Every employer shall, upon written request, grant leave without pay to an employee who is a member of the council of commissioners of a school board.

The request may be made at any time after the date the employee is declared elected, even before the employee becomes a member of the council.

Notwithstanding the foregoing, no employer may be required pursuant to the first paragraph to grant leave without pay to an employee for a total period of more than eight years or two terms, whichever is longer."

80. The said Act is amended by replacing Chapter XI by the following chapter:

"CHAPTER XI

"FINANCING OF CANDIDATES AND CONTROL OF ELECTION EXPENSES

"DIVISION I

"DEFINITIONS

"**206.1.** In this chapter,

"election period" means the period beginning 44 days before polling day or, in the case of a by-election, on the day following the publication of the notice of election and ending on polling day at the time of closing of the polling stations;

"financial institution" means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (2000, chapter 29);

"fiscal year" means the calendar year.

In this chapter, the word "candidate" includes any person who subsequently becomes a candidate or has indicated an intention to become a candidate.

"DIVISION II

"CHIEF ELECTORAL OFFICER

"**206.2.** The chief electoral officer shall see to the carrying out of this chapter.

The chief electoral officer may conduct studies on the financing of candidates and their election expenses.

"**206.3.** The chief electoral officer shall, in particular,

(1) authorize candidates;

(2) verify that the candidates are complying with this chapter;

(3) give directives on the carrying out of this chapter;

(4) receive and examine the reports and returns transmitted to him.

"**206.4.** The chief electoral officer may delegate to the returning officer of the school board, the exercise of any power or function he indicates as regards the authorization of a candidate.

The returning officer may delegate in writing the exercise of any power or function referred to in the first paragraph to employees of the school board. The returning officer shall so advise the chief electoral officer.

"**206.5.** For the purposes of the carrying out of this chapter, the director general of a school board is under the authority of the chief electoral officer.

Section 30.1 applies, with the necessary modifications, to the director general of the school board.

"DIVISION III

"AUTHORIZATION

"**206.6.** Every candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall obtain an authorization from the chief electoral officer in accordance with this division.

An elector who undertakes to run as a candidate in the next general election may file an application for authorization from 1 January of the year in which the general election is to be held.

An elector who undertakes to run as a candidate in a by-election may file an application for authorization from the date on which the seat becomes vacant.

"**206.7.** The application for authorization of such an elector must be made in writing and contain the following information:

(1) the name, domiciliary address and telephone number of the candidate;

(2) the name of the school board where he intends to be a candidate for election to the council of commissioners;

(3) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept;

(4) the names, domiciliary addresses and signatures of at least ten electors of the school board for which the application for authorization is filed declaring that they support the application for authorization, where it is filed before the filing of the nomination paper.

The chief electoral officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

The authorization is valid only in respect of the school board mentioned in the application.

"**206.8.** The authorization granted to a candidate entitles him to solicit and collect contributions until polling day.

After polling day, the authorization granted to the candidate entitles him to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses.

Where a candidate withdraws or is declared elected before polling day, his authorization entitles him, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before the withdrawal or declaration of election.

"**206.9.** The authorization granted to a candidate expires on 31 December of the year following the year of the election unless it is withdrawn before then.

The authorization of a candidate who was elected and who has not discharged all the debts arising from his election expenses by that date expires on the date the financial report establishing that all the debts have been discharged is filed.

"**206.10.** The chief electoral officer may, upon the written application of a candidate, withdraw the candidate's authorization.

The application must be accompanied with a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the application. In addition, the application must be accompanied with the financial report for the preceding fiscal year where it has not been filed with the director general of the school board.

Notwithstanding the foregoing, the chief electoral officer shall not withdraw the authorization of a candidate who has not paid all the debts arising from his election expenses.

The chief electoral officer may also withdraw the authorization of a candidate who contravenes Division IV or V.

"**206.11.** The chief electoral officer shall withdraw the authorization of a candidate who dies.

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.

"**206.12.** Where the authorization of a candidate is withdrawn, the sums and assets remaining from those he obtained as a candidate shall be remitted to the chief electoral officer by the persons holding them not later than 10 days after he is notified of the withdrawal.

"**206.13.** A candidate whose authorization has been withdrawn shall transmit to the chief electoral officer, within 60 days after the withdrawal of authorization,

(1) a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization;

(2) the preceding financial report, where it has not been filed with the director general of the school board;

(3) a list of his creditors including their names, addresses and the amounts due to each.

In addition, the candidate shall, at the request of the chief electoral officer, remit to him any book, account or document relating to his financial business.

"**206.14.** The chief electoral officer shall liquidate the assets of the authorized candidate. He shall pay, *pro rata*, the debts of the candidate out of the sums remitted to him and the proceeds of the liquidation. The balance shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

"**206.15.** Where the chief electoral officer intends to refuse or withdraw his authorization, he shall give the candidate the reasons for his decision and an opportunity to be heard.

Every summons is made by registered or certified mail or by any other means considered valid by the chief electoral officer.

The first and second paragraphs do not apply where the chief electoral officer is bound to withdraw the authorization or where the withdrawal of authorization is made at the request of the candidate.

"**206.16.** As soon as practicable after granting or withdrawing his authorization, the chief electoral officer shall make that information available to the public and notify the director general of the school board.

The chief electoral officer shall also publish a notice to that effect in a newspaper having general circulation in the territory of the school board.

“DIVISION IV

“CONTRIBUTIONS, EXPENSES AND LOANS

“**206.17.** The following are contributions:

(1) any gift of money to an authorized candidate;

(2) any service rendered or goods furnished to an authorized candidate free of charge and for election purposes;

(3) any money, goods or services furnished by the authorized candidate himself for the purposes of his election, except money used to pay an expense referred to in section 206.37.

Where goods or services are furnished for election purposes to an authorized candidate at a price lower than their value, the difference constitutes a contribution.

For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which he offers his goods or services to the public at the time they are furnished to the authorized candidate; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the authorized candidate.

“**206.18.** The following are not contributions:

(1) the work performed by individuals, voluntarily and not for consideration, and the fruit of that work;

(2) an anonymous donation collected at a meeting or rally held for electoral purposes;

(3) an amount paid under any Act, including a reimbursement under section 207;

(4) a loan granted for election purposes, by an elector of the school board or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted;

(5) suretyship contracted by an elector of the school board;

(6) at the option of the authorized candidate, applied equally to all the participants, an entrance fee to an electoral activity or rally, where the fee is not over $60 per day, up to one admission per person;

(7) time or space made available free of charge, during the election period, in accordance with section 206.46.

"**206.19.** Only an elector of a school board may make a contribution to a candidate in the territory of that school board.

An elector may make a contribution only in favour of a candidate holding an authorization that is valid for the school board.

"**206.20.** Every contribution must be made by the elector himself and, except in the case of a service, out of his own property.

"**206.21.** The total amount of contributions by the same elector for the same fiscal year shall not exceed $1,000 to each of the authorized candidates, up to a maximum of $3,000 per elector for the same school board.

"**206.22.** Contributions shall not be solicited except by the authorized candidate himself or through persons the authorized candidate designates in writing for that purpose. The person who receives a contribution shall issue a receipt to the contributor.

"**206.23.** Every contribution of money of over $100 must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized candidate.

"**206.24.** On being cashed, a contribution is deemed paid by the person who made it and received by the authorized candidate for whom it is intended.

"**206.25.** The authorized candidate shall deposit, in a Québec branch of a financial institution, the funds obtained by the authorized candidate in such capacity.

"**206.26.** Every contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor ; where the contributor cannot be found, the contribution or the amount at which it is evaluated shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

"**206.27.** An authorized candidate who, during political meetings or rallies held in the period covered by a financial report, collected a total amount of anonymous donations exceeding 20% of the total amount of contributions he collected in that period shall, within 30 days after the filing of the financial report, remit to the director general of the school board an amount equal to the amount by which the donations exceed that percentage.

The director general shall deposit the amount into the general fund of the school board.

"**206.28.** No person other than an authorized candidate may incur or authorize election expenses.

"**206.29.** Every loan made by an authorized candidate for election purposes shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest.

Where an elector becomes surety for a loan, the contract of suretyship shall set out the name and address of the elector and the amount for which he becomes surety.

"**206.30.** The total of the following amounts shall not, for a given elector, exceed $10,000:

(1) the outstanding principal of any loan granted by the elector to one or more authorized candidates; and

(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized candidates.

"**206.31.** An authorized candidate must, at least once a year, pay the interest due on the loans he has contracted.

"**206.32.** No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 206.39 or which has been used by an authorized candidate to pay election expenses.

"DIVISION V

"ELECTION EXPENSES

"**206.33.** For the purposes of sections 206.35 and 206.41 to 206.44, the expression "election expense" includes expenses referred to in paragraph 8 of section 206.36 and the expression "authorized candidate" includes a private intervenor within the meaning of Division VIII, if the private intervenor is an elector, and a representative of such an intervenor if the private intervenor is a group of electors.

"**206.34.** The cost of any goods or services used during an election period to

(1) promote or oppose, directly or indirectly, the election of a candidate,

(2) propagate or oppose the program of a candidate,

(3) approve or disapprove courses of action advocated or opposed by a candidate, or

(4) approve or disapprove any act done or proposed by a candidate,

is an election expense.

"**206.35.** Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

"**206.36.** The following are not election expenses:

(1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes of or with a view to the election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward;

(3) the transportation costs of any person other than an authorized candidate, paid out of his own money, if the costs are not reimbursed to him;

(4) the cost of the food and beverages served at an electoral activity where the cost is included in the entrance fee paid by participants;

(5) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an authorized candidate;

(6) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an authorized candidate for election expenses, unless the authorized candidate has paid the interest and declared it as an election expense in his return of election expenses;

(7) 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 an authorized candidate;

(8) 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, without directly promoting or opposing a candidate, 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.

"**206.37.** The reasonable costs incurred by an authorized candidate for transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity.

"**206.38.** During an election period, no person other than an authorized candidate may incur or authorize election expenses.

"**206.39.** In no case may an authorized candidate pay the cost of any election expense otherwise than out of an election fund.

Any election expense referred to in section 206.35 that has been paid is deemed to have been paid out of an election fund.

"**206.40.** No sums of money other than those collected in accordance with this chapter by an authorized candidate may be paid by him into his election fund or be used by the candidate to pay any election expense referred to in section 206.35.

"**206.41.** No goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35 may be used during an election period except by an authorized candidate.

"**206.42.** No person may accept or execute an order for election expenses not given or authorized by an authorized candidate.

"**206.43.** No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period, or refuse to be paid for them.

Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 206.18.

"**206.44.** Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured.

Any advertisement relating to an election published in a newspaper or other publication must mention the name of the authorized candidate who caused it to be published.

In the case of an advertisement relating to an election broadcast on radio or television or circulated by means of any other information medium or

technology, the name of the authorized candidate must be mentioned at the beginning or at the end of the advertisement.

Any goods or services all or part of the cost of which constitutes an election expense shall be deemed to relate to an election.

"**206.45.** Where, pursuant to section 206.33, a writing, object, material, advertisement or publicity referred to in section 206.44 must mention the name and title of the private intervenor referred to in Division VIII of this chapter or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 209.13.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 206.44 exceeds $300, only the name and title of the authorized candidate may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.

"**206.46.** During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office.

The chief electoral officer shall verify the legality of services rendered under this section.

"**206.47.** The amount of election expenses incurred by an authorized candidate during an election must not exceed $2,700, increased by $0.42 per person entered on the list of electors of the electoral division.

The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.

The Government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The Government shall publish the results of the adjustment in the *Gazette officielle du Québec*.

"**206.48.** Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the amount of the expense.

Every payment of election expenses amounting to $100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars

required for verifying each item of goods or services and the rate or unit price used for computing the amount.

"**206.49.** Every person to whom an amount is due for election expenses shall present his claim to the authorized candidate within 60 days after polling day.

No claim presented after the expiry of the prescribed time may be paid by the candidate. The claim shall in that case be presented to the director general of the school board within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.

"**206.50.** Before filing his return of election expenses, the authorized candidate shall pay every claim received within 60 days after polling day, except any claim he contests.

"**206.51.** The director general of the school board shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 209.5 and according to the rules provided in sections 206.52 and 206.53, every claim received within 120 days after the expiry of the time prescribed for presenting claims to the candidate.

"**206.52.** The director general of the school board shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the candidate.

Any excess amount shall be deposited into the general fund of the school board after the one hundred and eightieth day after polling day.

"**206.53.** Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the director general of the school board shall advise the authorized candidate and forward the invoice to him as soon as practicable.

The candidate may in that case contest all or part of the claim.

Where the authorized candidate does not contest the claim, or contests it in part, the authorized candidate shall, if necessary, forward to the director general an additional cheque made to the order of the school board to enable him to pay the claim or the uncontested part thereof.

The director general shall pay the claim or the uncontested part thereof as soon as practicable after he is advised of the decision of the candidate or, where such is the case, after he receives the additional cheque.

"**206.54.** Any amount set aside for a claim that is not presented to the director general of the school board within the prescribed time shall be deposited into the general fund of the school board.

"**206.55.** In no case may an authorized candidate pay a contested claim or the contested part of a claim except in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

Notwithstanding the foregoing, where no candidate objects, the director general of the school board may authorize the candidate to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to an authorized candidate, the payment thereof may be contested only by a candidate for the same office.

"**206.56.** Every authorized candidate is required as of 31 December of the year following that of polling day, to have paid, in accordance with this subdivision, all debts arising from his election expenses.

"DIVISION VI

"REIMBURSEMENT OF ELECTION EXPENSES

"**207.** Every authorized candidate who has been elected or has obtained at least 15% of the votes cast at the election for the office concerned is entitled to a reimbursement by the director general of the school board out of the school board's general fund of his election expenses reported in the return of election expenses and incurred and paid in accordance with Division V of this chapter.

An authorized candidate at an election where proceedings are recommenced by reason of the death of a candidate is also entitled to a reimbursement.

The amount of the reimbursement shall be fixed in accordance with the rules determined by government regulation.

However, the amount of the reimbursement shall not exceed the total of the amount of the debts arising from the election expenses of the authorized candidate and the amount of his personal contribution.

"**208.** No reimbursement shall be made to an authorized candidate until he has filed the report and return provided for in sections 209 and 209.4.

"DIVISION VII

"REPORTS AND RETURNS OF CANDIDATES

"**209.** Every authorized candidate at an election for the office of member of the council of commissioners shall, within 90 days after polling day, transmit to the director general of the school board a financial report, in the form prescribed by the chief electoral officer, containing a list of the electors who made certain election contributions to that authorized candidate.

The list shall indicate the full name and address of each elector who made one or more contributions amounting to more than $100 to the authorized candidate, and indicate the amount contributed by each elector.

"**209.1.** The report mentioned in section 209 shall also indicate

(1) the total amount of anonymous donations collected at election meetings or rallies and the nature, place and date of the meetings or rallies;

(2) the number and total amount of contributions of $100 or less;

(3) the number and total amount of entrance fees of $60 or less collected at an election activity or rally, and the nature, place and date of the activity or rally;

(4) the number and total amount of contributions of over $100;

(5) the name and full address of each elector who became surety for a loan of the authorized candidate and the amount for which he became surety;

(6) an itemized statement of the amounts borrowed for election purposes from an elector or a financial institution having an office in Québec and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of principal and payments of interest;

(7) the financial institution where the funds collected are deposited and the account number used;

(8) the total value of the goods and services furnished to the authorized candidate free of charge and for electoral purposes, taking account of the second and third paragraphs of section 206.17.

"**209.2.** The financial report must cover the period ending the day before the filing. The report must be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

"**209.3.** If, on the day he files a financial report provided for in section 209, an authorized candidate still has debts arising from his election expenses or is in possession of sums of money or goods obtained by the authorized candidate in his capacity as such, the authorized candidate shall file a financial report with the director general of the school board not later than 1 April of the year immediately following each fiscal year in which the authorized candidate remained authorized after the filing of his first financial report.

Notwithstanding the foregoing, the authorized candidate is not required to file any further financial reports after the filing of a financial report establishing that all the debts referred to in the first paragraph have been paid.

The report, other than that provided for in section 209, establishing that all debts arising from the authorized candidate's election expenses have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.

"**209.4.** The authorized candidate must, within 90 days after polling day, file a return of election expenses, in the form prescribed by the chief electoral officer, with the director general of the school board at the same time as he files his financial report.

The return must include a statement by the candidate attesting the accuracy of the return.

The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.

The return must also mention any claim the authorized candidate is contesting among those he received within 60 days after polling day.

"**209.5.** The return of election expenses must be accompanied with an itemized statement setting forth the names and addresses of the creditors who omitted to file their claims within 60 days after polling day, and, for each such claim, the amount of the debt, the nature of the goods or services furnished and the date on which they were furnished.

The statement must be accompanied with a cheque for the total amount of such claims made payable to the order of the school board.

The first and second paragraphs do not apply to claims the authorized candidate intends to contest.

"**209.6.** Any balance of the sums held by an authorized candidate in his election fund on 31 December of the year following that of polling day, shall be remitted to the director general of the school board to be deposited into the general fund of the school board. The goods held by the authorized candidate on that date belong to the school board and shall be remitted to the school board.

"**209.7.** The director general of the school board shall, as soon as practicable, transmit to the chief electoral officer a copy of the reports, returns and other documents required by this chapter and not already in his possession, except receipts issued for contributions of $100 or less.

"**209.8.** After the expiry of two years following the receipt of invoices and other vouchers, the director general of the school board may, on request, return them to the authorized candidate. Failing such a request, the director general may destroy them.

“DIVISION VIII

“EXPENSES OF PRIVATE INTERVENORS

“**209.9.** 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.

“**209.10.** 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;

(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 acting directly or indirectly on behalf of any candidate;

(6) 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.

“**209.11.** 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;

(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;

(8) 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.

"**209.12.** An application for authorization must be filed with the chief electoral officer of the school board of which the applicant is an elector.

The application must be filed at any time from the forty-fourth to the twentieth day before polling day.

"**209.13.** 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.

"**209.14.** Not later than the fifteenth day before polling day, the returning officer shall transmit to each candidate a list of the authorizations that 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.

"**209.15.** 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.

"**209.16.** 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.

"**209.17.** 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.

"**209.18.** 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.

"**209.19.** 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.

"**209.20.** 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 financial services cooperative 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.

"**209.21.** 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 209.18 to 209.20 and must ensure that they are complied with.

"**209.22.** 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.

"**209.23.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the returning officer 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.

"**209.24.** Sections 209.7, 209.8 and 209.30 apply to the report referred to in section 209.23, with the necessary modifications.

"**209.25.** 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.

"**209.26.** 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 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 execution of the decision unless the court decides otherwise.

The decision of the judge is final.

"DIVISION IX

"SANCTIONS

"**209.27.** A candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend, as a member, the sittings of the council of commissioners from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 209.29.

"**209.28.** The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the school board;

(2) any other board, committee or commission of which the person is a member by reason of the fact that he is a member of the council of commissioners.

"**209.29.** A judge may, by order, on a motion made before the person loses the right to attend the sittings of the council of commissioners, allow him to continue to do so for an additional period of not more than 30 days.

"**209.30.** On proof that the candidate's failure to file the report or return is due to the absence, death or illness of the candidate or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

"**209.31.** Where an error is found in a report or return that has been filed, the candidate may correct it at any time within the period prescribed for filing the report or return.

After the period prescribed for filing, the candidate must obtain leave from the chief electoral officer to correct the error on establishing that it was made through inadvertence. Any opposition to the application for correction shall be submitted to the chief electoral officer.

If there is no opposition to the application or the chief electoral officer considers that the opposition is not justified, the chief electoral officer shall allow the correction. Otherwise, the candidate shall apply for leave to the judge having jurisdiction.

"**209.32.** The judge having jurisdiction to rule on a motion under sections 209.29 to 209.31 is a judge of the Court of Québec of the judicial district where all or part of the territory of the school board is situated.

No motion made under any of sections 209.29 to 209.31 may be heard unless a notice of at least three clear days is given by the applicant to the director general of the school board and to every candidate for the office concerned at the last election.

"**209.33.** A candidate who is elected and who, on 31 December of the year following that of polling day, has not paid all debts arising from his election expenses, loses the right to attend, as a member, the sittings of the council of commissioners from that date and until he has paid all such debts and filed a financial report establishing that he has done so.

The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of the boards, committees and commissions referred to in section 209.28.

"**209.34.** If at the expiry of the prescribed time the director general of the school board has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of the council of commissioners of such failure and of the effects thereof.

If on 31 December of the year following that of polling day, the director general of the school board has not received the elected candidate's financial report establishing that all debts arising from election expenses have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.

"**209.35.** As soon as practicable after a person has lost the right to attend the sittings of the council of commissioners, the director general of the school board shall notify the council and any other board or committee whose sittings he is no longer entitled to attend.

The director general shall also notify them as soon as practicable where the person recovers the right to attend the sittings of the council of commissioners.

"**209.36.** A person who loses the right to attend the sittings of the council of commissioners consequently loses the right to receive the remuneration or allowance provided for the period during which he is not authorized to attend."

81. Section 211 of the said Act is amended by replacing "at least one newspaper having general circulation in the" in the first paragraph by "one or more newspapers having general circulation in the".

82. Section 212 of the said Act is amended by inserting the following paragraph after paragraph 4:

"(4.1) makes an application to have his name entered on the list of electors with the knowledge that he is not entitled to have it entered thereon;".

83. The said Act is amended by inserting the following section after section 212:

"**212.1.** The following persons are guilty of an offence:

(1) every member of a board of revisors who does not allow the making of an application to amend the list of electors, which is made to him according to law;

(2) every member of a board of revisors who prevents the board of revisors from examining or deciding an application to amend the list submitted to it;

(3) every member of a board of revisors who takes part in a decision to strike off the name of a person from the list or to refuse to enter a name on the

list with the knowledge that one clear day's notice as prescribed in section 58.8 has not been given to him."

84. Section 213 of the said Act is amended

(1) by inserting "whose name is entered on the list of electors for the electoral division for which the nomination is filed" after "elector" in paragraph 2;

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

"(5) affixes a name that is not his own as a supporting signature on a nomination paper;

"(6) in his capacity as a candidate or mandatary, collects supporting signatures and falsely declares that he knows the persons whose names appear on the nomination paper, that they have signed in his presence or that they are electors of the electoral division;

"(7) collects supporting signatures without being a candidate or mandatary;

"(8) being a returning officer, accepts a nomination paper that does not meet the requirements or is not accompanied with all the required documents."

85. Section 214 of the said Act is amended by striking out "or 127" in paragraph 2.

86. Section 215 of the said Act is amended by replacing "statement of the poll" in paragraph 1 by "statement of votes".

87. The said Act is amended by inserting the following sections after section 219:

"**219.1.** The following persons are guilty of an offence:

(1) every election officer other than an employee of a school board who engages in partisan work after having made his oath of office;

(2) every employee of a school board who engages in partisan work prohibited by section 171.

"**219.2.** Every candidate who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 206.47,

(2) files a false report, return or statement,

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

(4) allows an election expense to be incurred or paid otherwise than as allowed under this Act, or

(5) after filing the report or return required under sections 209 and 209.4, pays a claim otherwise than as permitted by section 206.55,

is guilty of an offence.

Every elector referred to in section 209.10 or in the last paragraph of section 209.11 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also guilty of an offence.

"**219.3.** Every person who

(1) attempts to incur an election expense otherwise than as permitted by this Act,

(2) makes a false invoice, receipt or voucher, or

(3) falsifies an invoice, receipt or voucher,

is guilty of an offence.

"**219.4.** The following persons are guilty of an offence:

(1) every unauthorized candidate who solicits or collects contributions, incurs expenses or contracts loans;

(2) every unauthorized candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted in his name;

(3) every person who solicits or collects contributions, incurs expenses or contracts a loan for an unauthorized candidate;

(4) every person who makes a contribution to a person with the knowledge that he is not an authorized candidate or a person designated by the latter in writing to solicit and collect contributions.

"**219.5.** Every authorized candidate who has not, before filing his return of election expenses, paid all the claims received for such expenses, except any claim he contests, at the latest 60 days after polling day is guilty of an offence.

"**219.6.** Every director general of a school board who

(1) reimburses an authorized candidate for election expenses otherwise than in circumstances described in section 207, or

(2) reimburses an authorized candidate for election expenses before the candidate's return of election expenses has been filed with him,

is guilty of an offence.

"**219.7.** Every authorized candidate who, after polling day, after the candidate withdraws or after the candidate is declared elected before polling day, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts resulting from election expenses then incurred,

(2) disposes or allows a person to dispose, contrary to section 209.6, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such,

(3) incurs or allows a person to incur an additional expense other than an expense necessary for the payment of debts resulting from election expenses then incurred, or

(4) contracts or allows a person to contract a new loan other than a loan necessary for the payment of debts resulting from election expenses then incurred,

is guilty of an offence.

"**219.8.** The following persons are guilty of an offence:

(1) every authorized candidate or person designated by an authorized candidate to solicit and collect contributions who collects a contribution with the knowledge that

(*a*) the person making the contribution is not an elector of the school board;

(*b*) the contribution is not being made by the elector himself;

(*c*) the contribution is not being made out of the elector's own property, unless it consists in the furnishing of services;

(*d*) the contribution causes the elector to exceed the maximum prescribed in section 206.21;

(2) every person who knowingly makes a contribution referred to in paragraph 1.

"**219.9.** Every candidate or person designated by a candidate to solicit and collect contributions who

(1) collects contributions without issuing a receipt to the contributor,

(2) collects a contribution of money exceeding $100 made otherwise than by cheque or other order of payment, or

(3) collects a contribution made by cheque or by other order of payment that is not signed by the elector or not made payable to the order of the authorized candidate or that he knows not to be drawn on an account of the elector in a financial institution having an office in Québec,

is guilty of an offence.

"**219.10.** Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized candidate during an election period without offering such service equitably as to quality and quantity to the other candidates for the same office, is guilty of an offence.

A person referred to in the first paragraph who circulates an advertisement in favour of an authorized candidate or causes it to be circulated free of charge by means of any other information medium or technology than those referred to in that paragraph without offering such service equitably as to quality and quantity to the other candidates for the same office, is also guilty of an offence.

"**219.11.** Every candidate who

(1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 206.29,

(2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 206.29,

(3) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 206.30 in respect of the elector will be exceeded,

(4) fails to pay the yearly interest payable on the loans he has contracted, or

(5) uses sums of money other than those collected in accordance with Chapter XI to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 206.39 or which has been used by him to pay election expenses,

is guilty of an offence.

Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 206.30 will be exceeded.

"**219.12.** The following persons are guilty of an offence:

(1) every authorized candidate who pays into his election fund sums of money other than those collected in accordance with Chapter XI;

(2) every authorized candidate who uses, to pay an election expense referred to in section 206.35, sums of money other than those collected in accordance with Chapter XI;

(3) every authorized candidate who pays any election expenses otherwise than out of his election fund.

"**219.13.** Every person who uses, during the election period, goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35, without being a candidate, is guilty of an offence.

For the purposes of the first paragraph, the expression "election expense" includes expenses referred to in paragraph 8 of section 206.36 and the word "candidate" includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

"**219.14.** Every person who

(1) accepts or executes an order for election expenses with the knowledge that it is not given or authorized by an authorized candidate,

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price he knows to be different from the regular price for similar goods or services outside the election period, or

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work referred to in paragraph 1 of section 206.18,

is guilty of an offence.

For the purposes of this section, the expression "election expenses" includes expenses referred to in paragraph 8 of section 206.36 and the expression "candidate" includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

"**219.15.** The following persons are guilty of an offence:

(1) a printer or manufacturer who does not mention on any advertising copy, object or material that the printer or manufacturer knows to be related to an election, the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured;

(2) the owner of a newspaper or other publication who allows the publication of an advertisement that the owner knows to be related to an election without the name of the authorized candidate who caused it to be published being mentioned in the advertisement;

(3) a radio or television broadcaster who allows the broadcasting of an advertisement that the broadcaster knows to be related to an election without the name of the authorized candidate who caused it to be broadcast being mentioned at the beginning or at the end of the advertisement;

(4) a person who circulates or allows the circulation of an advertisement that the person knows to be related to an election by means of any information medium or technology other than those referred to in subparagraphs 1 to 3 without the name of the authorized candidate being mentioned at the beginning or at the end of the advertisement.

For the purposes of this section, the word "candidate" includes a private intervenor within the meaning of Division VIII of Chapter XI if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

"**219.16.** Every person who contravenes any of the provisions of sections 206.45, 209.15 and 209.17 to 209.22 is guilty of an offence.

"**219.17.** Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars provided for in section 206.48 is guilty of an offence.

"**219.18.** Every private intervenor within the meaning of Division VIII of Chapter XI, 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 file the report prescribed in section 209.23 within the time fixed in that section is guilty of an offence.

"**219.19.** Every person who attends a sitting of a board, committee or commission as a member thereof, with the knowledge that he has lost the right to do so under this Act, is guilty of an offence."

88. Section 220 of the said Act is amended by inserting "section 212.1," after "under" in the first line.

89. Section 221 of the said Act is amended by inserting “to 8” after “4” in the second line.

90. The said Act is amended by inserting the following sections after section 221:

“**221.1.** Every person who is guilty of an offence under any of sections 219.1 to 219.18 is liable to a fine of $1,000 to $10,000 in the case of a natural person or, in the case of a legal person, to a fine of $3,000 to $30,000.

Where a person is convicted of an offence under paragraph 2 of section 219.8, a judge may, on an application by the prosecutor attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine equal to the amount of the illegal contribution for which the person was convicted, even if the maximum fine under the first paragraph has been imposed on the person.

“**221.2.** Every person who fails to file a report or return required by Chapter XI is liable to a fine of $50 for each day of delay.

“**221.3.** Every person who is guilty of an offence under section 219.19 is liable to a fine of $50 to $500 for each sitting attended without right.”

91. Section 223.1 of the said Act is amended

(1) by replacing “4” in the first line by “4.1”;

(2) by replacing “and 219” in the third line by “, 219, 219.2 and 219.3”;

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

“Notwithstanding the foregoing, in the case of an offence under subparagraph 1 of the first paragraph of section 219.2, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed either with the permission of the director general of the school board granted pursuant to section 206.55 or following a court decision on the contestation of a claim;

(2) the refusal or failure to pay the contested claim arises from an error made in good faith.”

92. Section 223.2 of the said Act is amended by replacing “from the judgment” in the second line by “from the day on which the judgment convicting the person becomes res judicata”.

93. The said Act is amended by inserting the following sections after section 223.2:

"**223.3.** The chief electoral officer may institute penal proceedings for an offence under this chapter.

"**223.4.** Penal proceedings for an offence under this chapter shall be prescribed one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence."

94. Section 280 of the said Act is repealed.

95. Section 282 of the said Act is amended by replacing the fifth paragraph by the following paragraphs:

"Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Notwithstanding the foregoing, personal information appearing on a list of electors, on an application made before a board of revisors, or on receipts for contributions of $100 or less to a candidate and not required to appear in the financial report of the candidate is not public information.

The information referred to in the sixth paragraph shall be transmitted in accordance with this Act, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information shall not apply to any such transmission. The school board and the chief electoral officer are not required to file the information in the personal information file provided for in the said Act.

Division II of Chapter II of the said Act does not apply to a document prescribed in this Act."

96. The said Act is amended by inserting the following sections after section 282.1:

"**282.2.** A school board may, in accordance with an agreement made with the chief electoral officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for a period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

"**282.3.** After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education and the chief electoral officer.

"**282.4** The chief electoral officer and the Commission de la représentation shall, on or before 30 September of each year, submit a report of their respective activities under this Act for the preceding fiscal year to the President of the National Assembly.

The report shall be tabled in the National Assembly within 30 days of receipt or, if the Assembly is not in session, within 30 days of resumption."

97. Schedule I to the said Act is replaced by the following schedule:

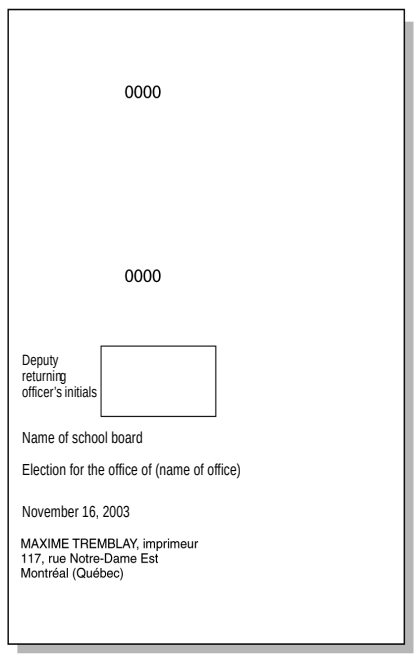
"SCHEDULE I

(*Section 99*)

BALLOT PAPER

OBVERSE

REVERSE



".

98. The heading of Schedule III to the said Act is replaced by the following heading:

"STATEMENT OF VOTES".

99. Section 40.3 of the Election Act (R.S.Q., chapter E-3.3) is amended by adding “and the sectors” at the end of paragraph 3.

100. Section 40.4 of the said Act is amended by inserting “or school” after “municipal” in the second line of the second paragraph.

101. Section 40.10 of the said Act is amended by inserting “or school” after “municipal” in the second line.

102. Section 40.12.23 of the said Act is amended by replacing “42” in the first line of the first paragraph by “51”.

103. Section 345 of the Education Act (R.S.Q., chapter I-13.3) is amended

(1) by replacing “election officers” in the fourth line of the first paragraph by “election officers, the revision of the list of electors” ;

(2) by replacing the second and third paragraphs by the following paragraph :

“The returning officer for the referendum shall make a written request asking the chief electoral officer to transmit a list of the electors entered on the permanent list of electors who are entitled to be entered on the list of school electors to be used for the referendum. The request shall be made as determined by the chief electoral officer. It shall specify the date of reference, describe the territory involved and specify the date on which and the form in which the list is to be transmitted.”

104. Section 347 of the said Act is amended by replacing “45” in the second line by “30”.

105. Until the date of coming into force of section 114 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of chapter 26 of the statutes of 2001, the reference to the Commission des relations du travail established by the Labour Code in the second paragraph of section 30.1 of the Act respecting school elections, enacted by section 11, shall be read as a reference to the labour commissioner general or the Labour Court, according to their respective jurisdictions.

106. Notwithstanding section 200 of the Act respecting school elections, the returning officer of the Commission scolaire de la Baie-James is not required to fill the office of commissioner of an electoral division in which no elector is domiciled and which will cease to exist following the division into electoral divisions for the poll of 16 November 2003.

Furthermore, notwithstanding section 80 of that Act, the Minister of Education is not required to fill such office.

107. This Act comes into force on 17 November 2002, except section 1, which comes into force on 17 November 2003, and section 106, which comes into force on 8 June 2002.