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# REFERENDUM ACT

## SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM

*Special Version of the Election Regulations  
for the holding of a Referendum*



LE DIRECTEUR GÉNÉRAL  
DES ÉLECTIONS DU QUÉBEC

## **FOREWORD**

This publication includes the Referendum Act (R.S.Q., c. C-64.1) and the Special Versions of the Electoral Act and of the Election Regulations for the holding of a Referendum. These Special Versions have been prepared in accordance with sections 44 to 47 of the Referendum Act.

This publication seeks to facilitate the utilization of the Referendum Act. When one has to interpret or to apply the act, one must refer to the official texts published by the Éditeur officiel du Québec.

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Chief Electoral Officer  
President of the “Commission de la représentation électorale”

Updated June 24, 2002

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# **REFERENDUM ACT**

## **INFORMATION PERTAINING TO THE REFERENDUM ACT**

The Referendum Act (R.S.Q., C-64.1) was approved on June 23, 1978 (1978, c. 6) and amended by the following acts:

1981, c. 4

1982, c. 21, c. 31, c. 54, c. 58 and c. 62

1983, c. 4, c. 54 and c. 55

1984, c. 51

1985, c. 30

1986, c. 61

1987, c. 28 and c. 68

1988, c. 21

1989, c. 1

1992, c. 38 and c. 49

1995, c. 23

1997, c. 8

1998, c. 52

1999, c. 15 and c. 40

2001, c. 2 and c. 72

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## CHAPTER C-64.1

### REFERENDUM ACT

#### CHAPTER I

##### INTERPRETATION

- Interpretation: **1.** In this Act,  
“*authorized party*”,  
“*official representative*”;  
“*referendum period*”.
- (1) “**authorized entity**”, “**authorized party**” and “**official representative of an authorized political party**” have the same meaning as in the Election Act (chapter E-3.3) where used in connection with a referendum;
- (2) “**referendum period**” means, for the purposes of regulated expenses, the period beginning on the day of the writ instituting the holding of a referendum and ending on polling day.
- Interpretation. For purposes of the interpretation of this Act, the Election Act applies.  
1978, c. 6, s. 1; 1981, c. 4, s. 5; 1984, c. 51, s. 530; 1989, c. 1, s. 584; 1992, c. 38, s. 78.

#### CHAPTER II

##### CONSEIL DU RÉFÉRENDUM

- Establishment, composition. **2.** A Conseil du référendum is established. It is composed of three judges of the Court of Québec, one of whom is the chairman, designated by the chief judge of that Court.
- Substitute. If one of the members of the Conseil du référendum is absent or unable to act, the chief judge of the Court of Québec shall designate another judge of the Court to replace him.  
1978, c. 6, s. 2; 1988, c. 21, s. 66; 1999, c. 40, s. 87.
- Exclusive jurisdiction. **3.** The Conseil du référendum shall have exclusive jurisdiction to hear any judicial proceeding relating to a referendum and to the application of this act.
- No appeal. Its decisions are final and without appeal.

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- Appeal. However, an appeal lies to the Court of Appeal, on a question of law, from a decision rendered by the Conseil du référendum by virtue of section 41 or 42.
- Appeal. This appeal is heard by preference, and the decision of the Court is final and without appeal.
- Applicable articles of C.C.P. This appeal is governed by articles 491 to 524 of the Code of Civil Procedure, so far as they are applicable.
- 1978, c. 6, s. 3.
- Application regarding identical subjects. **4.** Only the President or a member of the National Assembly may apply to the Conseil du référendum to render a decision on the subject of a referendum for the purposes of section 12.
- Decision or presumption. The Conseil must render a decision within ten days of this application, failing which the subject of the referendum is deemed to be not substantially similar to that of a referendum held during the same Legislature.
- Adoption by Nat. Ass. prevails. Such application must be made and, as the case may be, the decision must be rendered before the National Assembly adopts the question contemplated in section 8 or the bill contemplated in section 10.
- 1978, c. 6, s. 4; 1982, c. 62, s. 143.
- Opinion to Government. **5.** The Conseil du référendum must give its opinion on any question of law or technical question submitted to it by the Government respecting the holding of a referendum.
- Requests and opinions made public. Upon the tabling in the National Assembly of a question contemplated in section 8 or a bill contemplated in section 10, every request for an opinion on that question or bill, as well as the opinion given by the Conseil du référendum, shall be made public by the latter.
- 1978, c. 6, s. 5; 1982, c. 62, s. 143.
- Temporary assistance. **6.** The chairman of the Conseil du référendum may call upon the services, on a temporary basis, of any person he considers necessary for the carrying out of its functions in respect of the holding of a referendum.
- 1978, c. 6, s. 6.

### CHAPTER III

#### SUBJECT OF THE REFERENDUM

- Question or bill passed in Nat. Ass. **7.** The Government may order that the electors be consulted by referendum
- (a) on a question approved by the National Assembly in accordance with sections 8 and 9, or
- (b) on a bill adopted by the National Assembly in accordance with section 10.

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Notification of  
chief electoral officer.

As soon as the National Assembly is informed of the question or bill contemplated in the first paragraph, the Secretary General of the National Assembly shall notify the chief electoral officer thereof in writing.

1978, c. 6, s. 7; 1982, c. 62, s. 143; 1992, c. 38, s. 79; 1995, c. 23, s. 53.

Motion by  
Prime Minister.

**8.** On a motion of the Prime Minister, the National Assembly may adopt the text of a question which is to be the subject of a referendum. The debate on this motion is business having precedence over any other question, except the debate on the Opening Speech of the session.

1978, c. 6, s. 8; 1982, c. 62, s. 143; 1992, c. 38, s. 80.

Rules of debate.

**9.** During debate of the motion contemplated in section 8, a member may propose a motion of amendment or sub-amendment, but the latter motion does not restrict the right of another member to introduce a similar motion, or to address the substantive motion and the motions of amendment or sub-amendment at the same time. The rule that a member may speak only once does not apply. Upon 35 hours of debate, the President of the National Assembly, after conferring with the house leaders of the parliamentary groups, must put the motions of amendment or sub-amendment and the substantive motion to the vote, in such order as he may determine.

1978, c. 6, s. 9; 1982, c. 62, s. 143; 1992, c. 38, s. 81.

Bill must contain  
question when tabled.

**10.** A bill adopted by the National Assembly cannot be submitted to a referendum unless it contains, at the time of being tabled, a provision to that effect, as well as the text of the question submitted for the referendum.

No assent before  
referendum.

This bill cannot be presented for assent until it has been submitted to the electors by way of a referendum.

1978, c. 6, s. 10; 1982, c. 62, s. 143.

Assent after  
prorogation not  
after dissolution.

**11.** A bill submitted to a referendum may be assented to after the prorogation of the session during which it was adopted, provided that it be before the dissolution of the Legislature which voted its adoption.

1978, c. 6, s. 11.

No duplication in  
same Legislature.

**12.** There shall not be, during the same Legislature, more than one referendum on the same subject or on a subject which, in the opinion of the Conseil du référendum, is substantially similar to the former subject.

1978, c. 6, s. 12.

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## CHAPTER IV

### REFERENDUM WRIT

- Writ of referendum. **13.** The holding of a referendum is instituted by a writ of the Government addressed to the chief electoral officer. This writ enjoins him to hold a referendum on the date fixed therein.
- Copy of the writ. The chief electoral officer shall send a copy of the writ to the returning officer of each electoral division, and the returning officer must comply with it.  
1978, c. 6, s. 13; 1981, c. 4, s. 6; 1984, c. 51, s. 561; 1987, c. 28, s. 23; 1989, c. 1, s. 585; 1992, c. 38, s. 82.
- Day of issue of writ. **14.** No writ instituting the holding of a referendum may be issued before the eighteenth day following the day on which the National Assembly was informed of the question or bill contemplated in section 7.  
1978, c. 6, s. 14; 1981, c. 4, s. 6; 1982, c. 62, s. 143; 1992, c. 38, s. 83.
- Voidance of writ. **15.** From the time a writ instituting the holding of a general election is issued, every writ instituting the holding of a referendum ceases to have effect and no writ may be issued before the general election is held.  
1978, c. 6, s. 15; 1981, c. 4, s. 6; 1999, c. 40, s. 87.

## CHAPTER V

*Repealed, 1995, c. 23, s. 54.*

**16.** *(Repealed).*

1995, c. 23, s. 54.

**17.** *(Repealed).*

1989, c. 1, s. 587.

**18.** *(Repealed).*

1992, c. 38, s. 85.

## CHAPTER VI

*Repealed, 1992, c. 38, s. 86.*

**19.** *(Repealed).*

1992, c. 38, s. 86.

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## CHAPTER VII

### BALLOT PAPERS

- Question in French and English. **20.** The ballot paper is a printed paper on which is entered, in French and in English, the question put to the electors.
- Space for mark. The ballot paper also contains a space specially and solely reserved for the mark by which the elector expresses his choice.
- 1978, c. 6, s. 20; 1984, c. 51, s. 534.
- Question also in language of native majority. **21.** Notwithstanding section 20, the question entered on the ballot papers used in polling stations situated in an Indian reserve or in a place where an Amerind or Inuit community lives, must be drawn up in French, in English and in the language of the native majority of the place, to the extent that the returning officer may have the ballot papers printed in such language.
- Native language. The returning officer shall determine which native language must be used and cause a translation of the question entered on the ballot paper to be made into such language.
- 1978, c. 6, s. 21.

## CHAPTER VIII

### THE REFERENDUM CAMPAIGN

#### DIVISION I

##### NATIONAL COMMITTEES

- Chief electoral officer informed. **22.** Upon the adoption of the text of a question or of a bill that is to be submitted to the referendum by the National Assembly, the secretary general of the Assembly must inform the chief electoral officer of it, in writing.
- MAN's have five days to register option. He shall also send to each member of the National Assembly a notice to the effect that the latter may, within five days after the adoption of the question or of the bill, register with the chief electoral officer in favour of one of the options submitted to the referendum.
- 1978, c. 6, s. 22; 1982, c. 62, s. 143; 1984, c. 51, s. 561; 1992, c. 38, s. 87.
- Registered MAN's form provisional committee. **23.** All the members of the National Assembly who, within five days after the adoption of a question or of a bill that is to be submitted to the referendum, register with the chief electoral officer for one of the options, shall form the provisional committee in favour of such option.
- Electors invited to form provisional committee. Where, at the end of the period provided for in the first paragraph, no member of the National Assembly has registered in favour of one of the options, the chief electoral officer may invite not less than three nor more than twenty electors to form the provisional committee in favour of such option. Such electors must be chosen from among the persons publicly identified with such option.

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By-laws and chairman of national committee. The chief electoral officer shall, with the least possible delay, call a meeting of each provisional committee at the place, day and time he indicates. At such meeting, the members of each provisional committee shall adopt the by-laws to govern the national committee in favour of such option and appoint the chairman thereof.

1978, c. 6, s. 23; 1982, c. 62, s. 143; 1984, c. 51, s. 561; 1992, c. 38, s. 88; 1999, c. 40, s. 87.

Establishment, name, operation of national committee. **24.** The by-laws governing a national committee may determine any matter relating to its proper operation, including the name under which it is to be known and the manner in which it is to be established.

Authorities. Such by-laws may also provide for the setting up of local authorities of this committee in each electoral division, provided that each of these authorities is authorized by the chairman of the national committee.

Affiliation of groups. These by-laws must furthermore provide for the affiliation to the committee of groups which are favourable to the same option and see to the establishment of the norms, conditions and formalities governing the affiliation and financing of these groups.

1978, c. 6, s. 24; 1981, c. 4, s. 16.

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

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

1998, c. 52, s. 92.

Majority resolution of provisional committee. **25.** The resolution of a provisional committee appointing the chairman of a national committee and that adopting the by-laws thereof must be certified by the signature of the majority of the members of such provisional committee. They shall take effect when they are forwarded to the chief electoral officer. They shall be replaced or amended only in accordance with the same procedure.

1978, c. 6, s. 25; 1984, c. 51, s. 561.

### DIVISION II

#### THE RIGHT TO INFORMATION

Explanatory booklet to electors. **26.** Not later than ten days before the holding of a poll, the chief electoral officer must send the electors a single booklet explaining each of the options submitted to the referendum, wherein the text is established by each national committee, respectively. Equal space, as fixed by the chief electoral officer, must be given in this booklet to each option.

1978, c. 6, s. 26; 1984, c. 51, s. 561.

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## DIVISION III

*Repealed, 1992, c. 38, s. 89.*

**27-35.** *(Repealed).*

1992, c. 38, s. 89.

## DIVISION IV

### REFERENDUM FUND

Payment solely from fund. **36.** The official agent, his deputy or the local agent shall not pay the cost of a regulated expense except out of a special fund called the “referendum fund” for the purposes of this act.

1978, c. 6, s. 36.

Sole payments into fund. **37.** Only the following amounts shall be paid into the referendum fund put at the disposal of an official agent:

(a) the subsidy provided for in section 40;

(b) the amounts transferred or loaned to such fund by the official representative of a political party authorized under Title III of the Election Act (chapter E-3.3), provided that the total sum of the amounts so transferred and loaned does not exceed \$0.50 per elector in the aggregate of the electoral divisions;

(c) the contributions directly paid by an elector out of his own property.

Number of electors. For the purposes of subparagraph *b* of the first paragraph, the number of electors is that provided for in section 427 of the Election Act, as amended by Appendix 2.

1978, c. 6, s. 37; 1981, c. 4, s. 16; 1984, c. 51, s. 541; 1989, c. 1, s. 590;

1992, c. 38, s. 90.

Sole payments into fund. **38.** Only the following amounts shall be paid into the referendum fund put at the disposal of a local agent:

(a) the amounts transferred to such fund by the official agent out of the fund contemplated in section 37;

(b) the contributions directly paid by an elector out of his own property.

1978, c. 6, s. 38.

**39.** *(Repealed).*

1992, c. 38, s. 91.

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## DIVISION V

### GOVERNMENT SUBSIDY

Equal subsidies. **40.** The Minister of Finance shall, within three days after a writ of referendum is issued, send to the official agent of each national committee the amount of subsidy that the National Assembly may fix at the time when it adopts the text of a question or a bill that is to be submitted to the referendum. The amount of such subsidy must be the same for each of the national committees.

Adjustment. Where the number of electors entered on the lists of electors is used to fix the amount of the subsidy, the National Assembly may, not later than 60 days after the polling, adjust the subsidy to take account of the additional number of electors entered on the lists of electors used for the polling. The Minister of Finance shall, within three days after the date on which he is informed of this number, pay the supplementary amount of the subsidy to the official agent of each national committee.

1978, c. 6, s. 40; 1982, c. 62, s. 143; 1992, c. 49, s. 4.

## CHAPTER IX

### CONTESTATIONS

Recount. **41.** Only the chairman of a national committee may apply for a recount of the votes before a judge.

Application for recount. Such application shall be made before the Conseil du référendum, which has exclusive jurisdiction to hear it. It must be made within fifteen days after that of the polling. The application for a recount of the votes before a judge may be limited to one or several electoral divisions.

Receivability. The Conseil du référendum shall receive such application only to the extent that it is of opinion that the facts alleged, were they true, would be susceptible of changing the total result of the referendum.

Recount. Where the Conseil du référendum receives an application for a recount of the votes before a judge, such recount shall be made, in each electoral division contemplated, as if the referendum had been an election, *mutatis mutandis*. No costs may be awarded. Even where all the ballot papers are rejected by the judge, no new referendum may be held.

1978, c. 6, s. 41; 1981, c. 4, s. 11; 1999, c. 40, s. 87.

Contestation of validity. **42.** Only the chairman of a national committee may, upon application made before the Conseil du référendum within fifteen days after that of the polling, contest the validity of a referendum.

Receivability of application. The Conseil du référendum shall receive such application only to the extent that it is of opinion that the facts alleged, were they true, would be susceptible of changing the total result of the referendum.

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Contestation. Where the Conseil du référendum receives an application for the contestation of the validity of a referendum, that application must be tried before the Conseil du référendum, which has exclusive jurisdiction to hear it, in accordance with the provisions of Title V of the Election Act (chapter E-3.3) to the extent that they are applicable.

New writs. Where a referendum is declared invalid, a new referendum shall be held only if a new writ is issued in accordance with this Act.

1978, c. 6, s. 42; 1981, c. 4, s. 12; 1984, c. 51, s. 542; 1989, c. 1, s. 591;  
1999, c. 40, s. 87.

### CHAPTER X

#### MISCELLANEOUS

Powers of chief electoral officer. **43.** The chief electoral officer and his personnel have with respect to the holding of a referendum powers similar to those granted to them by the Election Act (chapter E-3.3) with respect to elections.

Powers of chief electoral officer. The chief electoral officer has with respect to national committees and their agents powers similar to those granted to him by the Election Act with respect to the authorization and financing of political parties, their party authorities and representatives and with respect to the control of election expenses.

1978, c. 6, s. 43; 1981, c. 4, s. 13; 1982, c. 54, s. 46; 1984, c. 51, s. 543, s. 561;  
1989, c. 1, s. 592.

Applicable provisions. **44.** Except to the extent that this Act provides otherwise, every referendum shall be governed by the provisions of the Election Act (chapter E-3.3) that are in force at the time and that are enumerated in Appendix 2, with, where necessary, the amendments indicated therein.

Applicability. The regulations made under the Election Act and writs made under the said Act apply, with the necessary modifications, to a referendum.

1978, c. 6, s. 44; 1981, c. 4, s. 14; 1984, c. 51, s. 544; 1989, c. 1, s. 593;  
1995, c. 23, s. 55.

Special version of the Election Act. **45.** The chief electoral officer must cause a special version of the Election Act (chapter E-3.3) to be printed, striking out therefrom the sections not appearing in Appendix 2, incorporating therein the sections of the said Act appearing in the said Appendix and making the amendments indicated in the said Appendix.

Changes. In preparing the special version, the chief electoral officer may amend the titles and subtitles of the said Act.

Special version of regulations. The chief electoral officer shall also cause to be printed a special version of the regulations made pursuant to sections 549 and 550 of the Election Act.

1978, c. 6, s. 45; 1981, c. 4, s. 15; 1982, c. 54, s. 47; 1984, c. 51, s. 545;  
1985, c. 30, s. 32; 1989, c. 1, s. 594; 1992, c. 38, s. 92.

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**46.** *(Repealed).*

1982, c. 54, s. 48.

Measures of  
concordance.

**47.** The chief electoral officer must make, in addition to the obligations imposed by section 45, such measures of concordance as are necessary for the carrying out of this Act, in the version of the Act contemplated in the said section.

1978, c. 6, s. 47; 1982, c. 54, s. 49; 1984, c. 51, s. 546, s. 561; 1986, c. 61, s. 2.

Source of moneys.

**48.** The moneys necessary for the application of this act shall be taken out of the consolidated revenue fund.

1978, c. 6, s. 48.

**49.** *(Amendment integrated into c. E-3, s. 49).*

1978, c. 6, s. 49.

**50.** *(Amendment integrated into c. E-3, s. 142).*

1978, c. 6, s. 50.

**51.** *(Amendment integrated into c. F-2, s. 83).*

1978, c. 6, s. 51.

**52.** *(Omitted).*

1978, c. 6, s. 52.

**53.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U.K., 1982, c. 11, Sch. B, Part I, s. 33.

**SPECIAL VERSION  
OF THE ELECTION ACT  
FOR THE HOLDING  
OF A REFERENDUM**

## **INFORMATION PERTAINING TO THE SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM**

Appendix 2 of the Referendum Act indicates which provisions of the Election Act apply to the holding of a referendum, subject to the modifications which are provided for therein.

The Special Version hereinafter reproduced includes the prescriptions of Appendix 2 according to the provisions of section 45 of the Referendum Act.

This Special Version includes, in accordance with section 47 of the Referendum Act, measures of concordance required for the application of this Act. The provisions of the Special Version of the Election Act for the holding of a Referendum which are subject to these measures of concordance are followed by an asterisk (\*).

The titles, subtitles, sections, subsections and paragraph of this Special Version are not all in sequential order, because several provisions of the Election Act do not apply at the time of Referendum.

The titles and subtitles of the Election Act are adapted to the holding of a referendum.

When the indication “App. 2” is found in the Special Version of the Election Act for the holding of a Referendum, it means that it is a provision of the Election Act which is applicable but which has been amended by Appendix 2 of the Referendum Act.

This Special Version constitutes the application of Appendix 2 of the Referendum Act (R.S.Q., c. C-64.1 amended by 2001, c. 2 and c. 72) to the Election Act (R.S.Q., c. E-3.3 amended by 2000, c. 29, 2001, c. 2, c. 13, c. 45 and c. 72 and 2002, c. 6).

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# **SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM**

## **TITLE I ELECTORS**

### **CHAPTER I QUALIFIED ELECTORS**

- Qualification. **1.** Every person who
- (1) has attained eighteen years of age;
  - (2) is a Canadian citizen;
  - (3) has been domiciled in Québec for six months or, in the case of an elector outside Québec, for twelve months;
  - (4) is not under curatorship; and
  - (5) is not deprived of election rights, pursuant to this Act or the Election Act (chapter E-3.3), is a qualified elector.
- Domicile. The domicile of a person is the domicile established under the Civil Code.
- Domicile. Every person entitled to exercise his right to vote outside Québec is deemed to be domiciled in Québec.
- App. 2
- Right to vote. **2.** To exercise his right to vote, a person must be a qualified elector on polling day and his name must be entered on the list of electors of the polling subdivision in which his domicile is situated on Tuesday of the second week preceding that of the poll.
- Temporary domicile. **3.** An elector who temporarily leaves his domicile to work or to study in another electoral precinct may be considered to be domiciled either in the polling subdivision of his domicile or in that where he resides for the purposes of his work or studies.
- Hospital. An elector living in a facility maintained by an institution which operates a hospital centre, a residential and long-term care centre or a rehabilitation centre within the meaning of the Act respecting health services and social services (chapter S-4.2) or a hospital centre or reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be considered to be domiciled either in his domicile or in that facility or centre.

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

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

Choice of domicile. An elector to whom any of the preceding paragraphs apply is deemed to choose to be considered to be domiciled where he resides or, in the case of the fourth paragraph, where his main office is situated instead of his domicile if, at the time of the revision of the list of electors carried out during a referendum period, he files an application to that effect. \*

App. 2

Partisan work. **4.** The chief electoral officer, the judges of the courts of justice, the Public Protector, the Auditor General and the members of the Commission de la représentation shall not engage in partisan work.

### **TITLE III**

#### **THE OFFICIAL AGENT, THE CHAIRMAN AND FINANCING OF NATIONAL COMMITTEES**

#### **CHAPTER I**

##### **THE OFFICIAL AGENT AND THE CHAIRMAN OF A NATIONAL COMMITTEE**

##### **DIVISION I**

###### **RESIGNATION OF THE OFFICIAL AGENT**

Resignation. **46.** An official agent may resign by sending a written notice to that effect to the chairman of the national committee.

Return of regulated expenses. Within 30 days of resigning, the official agent shall file with the national committee a return of regulated expenses, with vouchers, covering the period during which he was in office.

New official agent. Where a national committee no longer has an official agent, another official agent shall be designated without delay and the chief electoral officer shall be so informed in writing.

Notice. The chief electoral officer shall publish, in the *Gazette officielle du Québec*, a notice of the resignation or replacement of an official agent.

App. 2

**DIVISION V**

**PERIOD TO SOLICIT CONTRIBUTIONS**

- Contributions. **60.** The official agent of a national committee is authorized to solicit and collect contributions until polling day.
- Contributions after polling day. After polling day, the official agent is authorized to solicit and collect contributions only for the purpose of paying the debts arising from his regulated expenses and to dispose, in accordance with the second paragraph of section 441, of the sums and property derived from his referendum fund.
- App. 2

**DIVISION VI**

**RESIGNATION OF THE CHAIRMAN OF NATIONAL COMMITTEE**

- 66.** Where the chairman of a national committee resigns, he shall so notify the chief electoral officer in writing without delay.
- App. 2

**CHAPTER II**

**FINANCING OF NATIONAL COMMITTEES**

**DIVISION II**

**CONTRIBUTIONS**

- Contributor. **87.** Only an elector may make a contribution. \*
- App. 2
- Contributions. **88.** Sums of money donated to a national committee and services rendered and goods furnished to it for the purposes of promoting an option submitted to a referendum are contributions.
- Exceptions. The following are not contributions:
- (1) volunteer work and the goods or services produced by such work;
  - (4) a loan granted to a national committee at the current market rate of interest at the time it is granted by an authorized political party;
  - (7) air time on the radio or television or space in the newspaper, periodical or other printed matter available free of charge to national committees by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter, provided he offers such service equitably as to quality and quantity to each national committee;
  - (8) transfers of funds between:
    - (a) an authorized party and the referendum fund of a national committee;

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(b) the referendum fund of a national committee and the referendum fund put at the disposal of a local agent.

App. 2

Personal property. **90.** Every contribution must be made by the elector himself out of his own property.

Maximum amount. **91.** The total of contributions to each national committee by the same elector in the same referendum shall not exceed the amount of \$3 000.

Value of goods and services. Goods and services furnished to a national committee are assessed, if they are furnished by a trader in the ordinary course of business of his enterprise, at the lowest price at which he offers his goods or services to the public at the time when they are furnished.

Value of goods and services. In the other cases, goods and services are assessed at the lowest market retail price in the region in which and at the time when they are offered to the public in the ordinary course of business.

App. 2

Authorized person. **92.** Contributions shall not be solicited except under the responsibility of the official agent of a national committee, or except through persons designated in writing by the official agent.

Certificate. Every person authorized to solicit contributions shall, on demand, produce a certificate signed by the official agent, attesting his authority.

App. 2

Payment to official agent. **93.** A contribution shall be made to no one except the official agent of the national committee for which it is intended, or the persons designated in writing by the official agent in accordance with section 92. \*

App. 2

**94.** The local agent has, for the electoral division for which he is appointed, the powers conferred on the official agent of the national committee by sections 92, 93 and 96.

App. 2

**95.** Every contribution of money of over \$200 shall be made by cheque or other order of payment signed by the elector and drawn on his account in a bank, trust company or financial services cooperative having an office in Québec. However, such a contribution may also be made, in accordance with the directives of the chief electoral officer, by means of a credit card or a transfer of funds to an account held by the official agent of the national committee for which it is intended.

App. 2

Receipt. **96.** For every contribution, the official agent or the person designated in accordance with section 92 shall issue a receipt to the contributor.

- Contents. The receipt shall indicate the address of the elector's domicile.  
App. 2
- Cheques. **97.** The cheque or order of payment must be made to the order of the national committee.  
App. 2
- Payment. **98.** On being cashed, a contribution is deemed paid by the elector who made it and received by the national committee for which it is intended.  
App. 2
- Deposit. **99.** The contributions of money and the funds collected in accordance with this division must be deposited with a bank, trust company or financial services cooperative having an office in Québec and chosen by the official agent.  
App. 2
- Return of contribution. **100.** Every contribution or part of a contribution made contrary to this division shall, as soon as the fact is known, be remitted to the chief electoral officer who shall return it to the contributor if his identity is known; if his identity is not known, the money shall be paid to the Minister of Finance.

### **DIVISION III**

#### **LOANS OF THE NATIONAL COMMITTEE**

- Loans. **104.** Only the official agent of a national committee may contract a loan.  
App. 2
- Required information. **105.** Every loan 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.
- Surety. Where an elector becomes surety for a loan, the deed of suretyship shall set out the name and domiciliary address of the elector and the amount for which he became surety.  
The principal of, and interest on, every loan must be paid before the return of the regulated expenses is sent.  
App. 2

**TITLE IV**

**REFERENDUM PERIOD**

**CHAPTER I**

**WRIT OF REFERENDUM**

- Polling day. **131.** The polling shall take place on the fifth Monday following the issue of the order instituting the referendum if the order is issued on a Monday, Tuesday or Wednesday, or on the sixth Monday if the order is issued on another day. \*
- Holiday. If polling day falls on a holiday, the poll shall be held on the following day.
- Main office. **132.** As soon as the order has been issued, the returning officer shall immediately establish a main office in an easily accessible place in the electoral division, and communicate the address to the chief electoral officer, to each authority, at the level of the electoral division, of an authorized party represented in the National Assembly and to the public.
- Opening hours. The main office shall be open every day from 9:00 a.m. to 10:00 p.m. It must be accessible to handicapped persons and its material arrangements must be in accordance with the norms prescribed by the chief electoral officer.  
App. 2
- Referendum calendar. **133.** The chief electoral officer shall publish a referendum calendar. \*  
App. 2
- Manual. **134.** The chief electoral officer shall send to each dwelling, not later than the twenty-second day preceding polling day, a manual informing citizens on the right to vote, the list of electors and revision of the list, the financing of national committees, the control of regulated expenses, and voting procedures.  
App. 2
- Reminder. **135.** The returning officer shall send to every dwelling in his electoral division, not later than the second day preceding polling day, a reminder informing the electors of the place, date and hours of the polling, the number of their polling station, and the question that will appear on the ballot paper.  
App. 2
- 135.1.** The owner, administrator, superintendent or caretaker of a multiple-dwelling building shall allow and facilitate access to the building by the persons entrusted with distributing any notice or document from the chief electoral officer or returning officer.  
The same rule applies to the executive director of an institution referred to in section 3 with regard to any facility maintained by the institution.

**CHAPTER II**

**ELECTION OFFICERS**

- Election officers. **136.** Returning officers and their aides, assistant returning officers and their assistants, polling officers, enumerators, revisors, revising officers and secretaries of a board of revisors are election officers.
- Qualification. Election officers are chosen from among the qualified electors.
- Oath. Apart from the returning officer, who shall make an oath in accordance with section 509, the election officers shall make the oath provided in Schedule II before the returning officer or the person designated by him.
- Directives. Election officers shall comply with the directives of the chief electoral officer.
- Remuneration. **137.** The tariff of remuneration and expenses of election officers shall be fixed by government regulation.
- Increase of tariff. The chief electoral officer may, in a referendum period, increase the amounts fixed by the tariff. The additional expenses resulting from the increase shall not exceed the amount established by government regulation.
- App. 2
- Corrupt electoral practice. **138.** No elector convicted or held to be guilty of a corrupt electoral practice may become an election officer for five years from the date of the judgment.
- Partisan work. **139.** No election officer may engage in partisan work on the days prescribed by this Act for the carrying out of his duties.
- In the case of an officer in charge of the list of electors, the prohibition ceases to apply on the close of the poll.
- Administration of oaths. **140.** In carrying out their duties of office, all election officers except the officer in charge of information and order may administer the oaths provided for in this Act, and they shall do so without charge.
- Dismissal. **141.** The returning officer may dismiss any election officer who neglects to perform his duties, engages in partisan work or is not qualified to hold the office. However, before dismissing a revisor, the returning officer shall consult the chief electoral officer.
- Remuneration. An enumerator who is dismissed is not entitled to any remuneration.
- Replacement. **142.** An election officer who ceases to perform his duties of office shall, so far as possible, be replaced in the same manner as he was appointed.
- Return of documents. **143.** An election officer who no longer holds office shall return all the official documents in his possession to the chief electoral officer, in the case of the returning officer, or to the returning officer in the case of any other officer.

Leave without pay. **144.** Every employer shall, upon written request, grant leave without pay to an employee who is an election officer to enable him to perform his duties.  
Provisions applicable. Sections 250 to 255 apply to such an employer.

**CHAPTER III**  
**LIST OF ELECTORS**

**DIVISION I**

**PRODUCTION AND TRANSMISSION**

Production of list of electors. **145.** Upon the issue of an order instituting a referendum and as soon as the requests for changes to the permanent list of electors received by the chief electoral officer before the issue of the order have been processed, the chief electoral officer shall produce the list of electors and the list of electors entitled to exercise their right to vote outside Québec. \*

Transmission to returning officers. The chief electoral officer shall transmit to each returning officer the list of electors for his electoral division and the list of electors entitled to exercise their right to vote outside Québec for the division.

Information relating to electors. The chief electoral officer shall also transmit to each returning officer the information relating to the electors in whose respect he is unable to update the entries on the permanent list of electors, so that the information may be verified by the competent board of revisors.

Addresses. Moreover, the chief electoral officer shall transmit to each returning officer a list of the addresses for which no electors' names are entered on the list of electors for the electoral division.  
App. 2

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

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

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

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

App. 2

List of electors entitled to vote outside Québec. **147.** Not later than the eighteenth day preceding polling day, the chief electoral officer shall transmit to each returning officer a list of the electors of his division who have become entitled to vote outside Québec since the issue of the order instituting the referendum.

Transmission to national committees. The list shall be transmitted to the national committees and persons referred to in section 146, in the manner prescribed therein.  
App. 2

**DIVISION IV**

**REVISION**

*§1.– Constitution and operation of boards of revisors*

Number of boards of revisors. **179.** The chief electoral officer shall determine the number of boards of revisors to be established by a returning officer in his electoral division.

Polling subdivisions. The returning officer shall assign to each board of revisors the polling subdivisions he designates.

Places of sittings. **180.** Not later than the twenty-eight day preceding polling day, the returning officer shall select the places at which the boards of revisors will sit.

Location. The places must be located and distributed in such a way as to accommodate the electors in the best possible manner, and must be accessible to the handicapped.

Office of returning officer. A board of revisors must be established at the office of the returning officer and at every place where a university or general and vocational college located in the electoral division maintains a student residence.

Universities. **181.** Universities and general and vocational colleges must allow their premises to be used, free of charge, for the establishment of boards of revisors.

Notice of places selected. **182.** The returning officer shall inform the chief electoral officer, the national committees and each official delegate of the places selected.

App. 2

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

Revisors. **183.** Each board of revisors shall be composed of three revisors.

Appointment. **184.** The returning officer shall appoint two revisors not later than Wednesday of the fourth week preceding that of the polling.

Recommendation. The first revisor shall be appointed on the recommendation of the official delegate of the national committee which has the greatest number of Members of the National Assembly.

Recommendation. The second revisor shall be appointed on the recommendation of the official delegate of the national committee which has the second greatest number of Members of the National Assembly.

App. 2

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- Final date for recommendations. **186.** The recommendations must be received by the returning officer not later than Tuesday of the fourth week preceding that of the poll.
- Refusal. The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.
- Appointment. Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.  
App. 2
- Appointment of chairman. **187.** The chief electoral officer shall choose and appoint, after consulting with the national committees referred to in section 184, the revisor who shall act as chairman of the board of revisors.  
App. 2
- Vice-chairman. **188.** The revisor recommended by the national committee to which the greatest number of Members of the National Assembly belong shall act as vice-chairman of the board of revisors.  
App. 2
- List of revisors. **189.** The returning officer shall post, in his office, the list of revisors appointed to each board of revisors and shall transmit it to the chief electoral officer, the national committees and each official delegate.  
App. 2
- Secretary. **190.** The returning officer shall appoint a secretary to each board of revisors.
- Teams. The returning officer shall appoint a sufficient number of teams composed of two revising officers and assign them to one or more boards of revisors.
- Additional personnel. At the request of the board of revisors, the returning officer shall appoint such additional personnel as is necessary.
- Applicable provisions. Sections 184 to 186 apply to the appointment of revising officers.
- Duties of the secretary. **191.** The secretary of the board of revisors shall have, in particular, the duty of drawing up notices of hearings and summonses of witnesses, assisting the board in the performance of its work and recording all decisions of the board.
- Duties of revising officers. **192.** The revising officers shall have, in particular, the duty of serving notices of hearings and summonses on witnesses and, at the request of the board of revisors, gathering any information relevant for the making of a decision, or obtaining the date of birth of an elector which the enumerators were unable to obtain.
- Joint work. **193.** The revising officers shall work together; in no case may they act individually. In the event of disagreement, the matter shall be submitted to the board of revisors, which shall decide it immediately, and the revising officers are bound by the decision.

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- Documents. **194.** Not later than the day preceding the day on which the work of the board of revisors is to begin, the revisors shall be given, by the returning officer,  
(1) the directives of the chief electoral officer concerning the revision;  
(2) the list of electors for each polling subdivision assigned to them and the list of electors for the entire electoral division;  
(3) the requests for verification pursuant to the third paragraph of section 145.
- Documents. Where the revision follows an enumeration, the revisors shall also be given, by the returning officer, the reports transmitted by the enumerators in accordance with section 40.29, the list referred to in section 40.30, the requests for verification transmitted to the returning officer by the chief electoral officer in accordance with section 40.36 and a copy of the enumeration slips on which the enumerators were unable to enter a date of birth.
- Hours. **195.** The board of revisors shall sit from 10:00 a.m. to 9:00 p.m., from Monday of the third week to Thursday of the second week preceding that of the poll and receive applications of electors from 11:00 a.m. to 9:00 p.m. during that period.
- Final date for applications. However, applications must be filed not later than Tuesday of the second week preceding that of the poll.
- Extension. The chairman may, after consulting with the returning officer, extend the hours of the board if the number of applications warrants it.
- Quorum. **196.** Two revisors constitute a quorum.
- Decisions. Every question submitted to the board of revisors shall be decided by a majority vote.
- Tie-vote. In the case of a tie-vote, the chairman, or in his absence, the vice-chairman, shall have a casting vote.

*§2.– Revision process*

- Notice. **198.1.** Not later than the twenty-second day preceding polling day, the chief electoral officer shall send to each address a notice containing the information relating to the electors whose names are entered on the list of electors for that address or a notice indicating that no electors' names are entered for that address.
- Notice. **198.2.** The chief electoral officer shall send to each elector from whom he received, after the issue of the order instituting a referendum, a request for a change to the permanent list of electors a notice informing the elector that he must apply in person to the board of revisors to which his polling division is assigned if he wishes the change requested to be made to the list of electors to be used for the forthcoming poll. \*
- Public notice. **199.** The chief electoral officer shall publish, in a newspaper circulated in the electoral division, a notice informing electors of the revision process and giving the addresses and hours of the boards of revisors.

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- Application for entry. **200.** An elector who finds that his name is not entered on the list of electors for the polling subdivision in which he is domiciled on Tuesday of the second week preceding that of the poll may apply in person to the board of revisors to which his polling subdivision is assigned to have his name entered on the list.
- Restriction. The elector may request that the entry of his name be considered for the purposes of the forthcoming poll only.
- Application for entry or striking off. **201.** An elector who is aware that his name is entered on the list of electors for a polling subdivision other than that in which he is domiciled on Tuesday of the second week preceding that of the poll must, if he wishes to vote, apply in person to the board of revisors to which is assigned the polling subdivision where he wishes to have his name entered on the list of electors. He must at the same time apply to have his name struck off the list of electors for that other polling subdivision.
- Application for entry or striking off. **202.** An elector who wishes to avail himself of the provisions of section 3 may apply in person to the board of revisors to which is assigned the polling subdivision where he wishes to have his name entered on the list of electors. If he is aware that his name is entered on the list of electors for a different polling subdivision, he must at the same time apply to have his name struck off the list of electors for that polling subdivision.
- Application for correction. **203.** An elector who finds an error in his respect on the list of electors must apply in person to the board of revisors to which his polling subdivision is assigned to have the list corrected.
- Application for striking off. **204.** An elector who finds that his name is entered on the list of electors for a polling subdivision though he is not entitled thereto, must apply in person to the board of revisors to which his polling subdivision is assigned to have his name struck off the list.
- Application for striking off. An elector who does not wish his name to be on the list of electors shall apply to the board of revisors to have his name struck off the list. He shall indicate whether he wishes that his name be struck off the permanent list of electors.
- Application by relative. **205.** An elector who is the spouse or a relative of or a person cohabiting with an elector may present any application concerning the elector on the latter's behalf. The application shall be presented to the board of revisors to which is assigned the polling subdivision of the elector on whose behalf the application is made.
- “relative”.* In this section, “relative” means the elector's father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter.

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- Application for entry, striking off or correction. **206.** An elector domiciled or living in a facility referred to in section 3 who wishes to avail himself of the provisions of that section may apply in writing to the returning officer to have his name entered on or struck off the list of electors or for a correction thereto.
- Applications transmitted to board of revisors. The returning officer shall transmit the applications received to the board of revisors to which is assigned the polling subdivision in which the facility is situated.
- Application by third person. **207.** An elector who finds that the name of a person is entered on the list of electors of his electoral division though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision to have the name of that person struck off the list.
- Oath. The elector shall declare under oath that, to his knowledge, the person whose name he is applying to have struck off the list is not entitled to have his name entered on the list of electors for that polling subdivision.
- Oath. **208.** Every application presented to a board of revisors must be made under oath.
- Evidence. The board of revisors may require from an applicant any evidence necessary for the making of its decision.
- Documents. Applications to have a name entered on the list and applications made under section 206 must be accompanied with two documents of the type determined by the chief electoral officer in support of the information contained in the application.
- Examination of applications. **209.** The board of revisors shall examine forthwith the applications made to it and, in all the cases in which it is able to make an immediate decision, it shall communicate that decision to the elector. Whenever the board of revisors makes a decision in the absence of the elector concerned or of the person having made the application, it shall immediately notify the elector concerned in writing of the decision. The notice shall be served in the manner provided for in section 211.
- Examination of requests for changes. The board of revisors shall also examine the requests for verification pursuant to the third paragraph of section 145 that have been transmitted to it by the returning officer pursuant to section 194.
- Examination of reports, requests for verification and enumeration slips. **210.** Where the revision follows an enumeration, the board of revisors shall, in addition, examine the reports and requests for verification transmitted to it in accordance with the second paragraph of section 194. It shall also examine the enumeration slips on which the enumerators were unable to enter a date of birth and shall attempt, to the extent possible, to obtain that information.
- Inquiries. **211.** In examining the cases submitted to it, the board of revisors, or any revisor duly authorised by the board, is entitled to make inquiries and summon witnesses.
- Summons. The summons of a witness shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at his address.

- Certificate. A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.
- Notice. **212.** Before striking off or refusing to enter a person's name, the board of revisors must convene the person by way of a written notice stating the grounds for the decision it intends to make, except where the person is present or where the board is satisfied, on the basis of the evidence presented to it, that the person the striking off of whose name is applied for is under curatorship or is dead.
- Service. The notice must be of at least one clear day and shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at the address entered on the list of electors or at any other place where the board of revisors or the revising officers have reason to believe the person may be found.
- Certificate. A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.
- Exception. **212.1.** Notwithstanding section 212, the board of revisors is not required to convene a person by way of a written notice before striking off or refusing to enter the person's name where the person was met by the revising officers and confirmed not being a qualified elector.
- Advocate. **213.** The person concerned by an application, and the witnesses summoned by the board of revisors, have the right to be assisted by an advocate.
- Name already entered. **214.** Before entering the name of an elector on the list of electors, the board of revisors must ascertain that the elector's name is not already entered thereon.
- Striking off. If the name is already entered, the board of revisors shall first strike it off, in which case it is not necessary to send the notice provided for in section 212.
- Temporary striking off. In the case of an application made under section 3, the board of revisors shall indicate that a name is entered and, where applicable, struck off only for the current referendum.  
App. 2
- Transfer of entry. **215.** If, on examining an application to have a name struck off the list, the board of revisors concludes that the person concerned is entitled to have his name entered on the list of electors of another polling subdivision, the board of revisors shall enter the person's name thereon after striking it off the list on which it was originally entered.
- Citizenship. **216.** Where the board of revisors must decide whether a person is a Canadian citizen, the burden of proof shall be upon that person.
- Powers of the board. **216.1.** The board of revisors, on its own initiative or on an application, may review or revoke a decision to strike off or refuse to enter a person's name  
(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

- (2) where the person concerned, owing to reasons considered sufficient, could not present observations.
- Special board of revisors. Upon the completion of the work of the board of revisors, its powers under this section may be exercised by the special board of revisors.
- Decisions transmitted to returning officer. **217.** The board of revisors shall transmit its decisions to the returning officer in accordance with the directives of the chief electoral officer.
- Applicable provisions. The provisions of sections 40.34 to 40.36, adapted as required, shall then be applied.
- Revised list of official delegates. **218.** Not later than Saturday of the second week preceding that of the poll, the returning officer shall transmit the revised list of electors to each official delegate. The list must enable the changes that have been made during revision to be identified.
- The returning officer shall also transmit to each official delegate the list of the electors who have become entitled to exercise their right to vote outside Québec since the issue of the order instituting the referendum. \*
- Such lists shall be transmitted in computerized form and in two copies.
- The chief electoral officer shall transmit the lists in computer form to each national committee.
- App. 2

## **DIVISION V**

### **SPECIAL REVISION**

- Special boards of revisors. **227.** The returning officer shall establish a special board of revisors at his office. He may, by reason of the distance or area involved, establish another such board after consulting the chief electoral officer.
- Team. **228.** The returning officer may, if needed, appoint a team of two revising officers to the special board of revisors.
- Hours. **229.** The special board of revisors shall sit from 10:00 a.m. to 9:00 p.m. from Wednesday of the second week to Thursday of the week preceding that of the poll and shall receive applications of electors from 11:00 a.m. to 9:00 p.m. during that period.
- Final date for applications. However, applications must be filed not later than Wednesday of the week preceding that of the poll.
- Application by elector only. **230.** Only the elector concerned may file an application with the special board of revisors. The board may, however, receive an application to have the name of a deceased elector struck off the list.

- Refusal or striking off. **231.** Subject to section 216.1, an elector whose name has been refused for entry on the list or has been struck off during revision may not apply to have his name entered during the special revision.
- Right to vote in advance poll. **231.1.** An elector whose name is entered on the list during the special revision may not exercise his right to vote in the advance poll.
- Abstract of changes to returning officer. **231.2.** Upon completing its work, the special board of revisors shall transmit to the returning officer an abstract of the changes it has made to the revised list of electors.
- Abstract to official delegates. The abstract shall subsequently be transmitted to each official delegate.  
App. 2
- 231.2.1** The chief electoral officer shall, not later than Saturday of the week preceding that of the poll, transmit to each national committee the revised list of electors containing the changes made to it following the special revision; the list shall be transmitted in computer form.  
App. 2
- Provisions applicable. **231.3.** The provisions of Division IV, adapted as required, apply.

### **DIVISION V.1**

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

- Board of revisors. **231.4.** The chief electoral officer shall establish in the chief electoral officer's office a board of revisors to receive applications for revision relating to electors who are entitled to vote outside Québec.
- Provisions applicable. **231.5.** Sections 183, 184, 186 to 188, 190, 191 and 196 apply to the establishment and operation of the board of revisors, with the necessary modifications.
- Team of revising officers. However, no team of revising officers shall be assigned to the board of revisors.
- Sittings. **231.6.** The board of revisors shall sit from Monday of the third week preceding that of the poll to Thursday of the week preceding that of the poll, on the days and during the hours determined by the chief electoral officer.
- Final date for applications. However, applications by an elector for the striking of a name off the list must be filed not later than Tuesday of the second week preceding that of the poll.
- Application for striking off. **231.7.** An elector who finds that the name of a person is entered on the list of electors, for his electoral division, who are entitled to vote outside Québec though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision of the person's domicile to have the person's name struck off the list.

- Oath. The elector shall declare under oath that, to his knowledge, the person is not entitled to be entered on the list of electors who are entitled to vote outside Québec, on the grounds put forward to the board.
- Application transmitted to board of revisors. **231.8.** The board of revisors seized of the application shall transmit the application to the board of revisors established in the office of the chief electoral officer which shall make any relevant inquiries, employing, if necessary, the services of revising officers assigned to the boards of revisors established in the different electoral divisions.
- Presentation of observations. **231.9.** The board of revisors shall, before striking a person's name off the list, seek by all means possible to communicate with the person so that the person may present observations.
- Transfer of entry. **231.10.** If, on considering an application for the striking of a person's name, the board of revisors concludes that the person is entitled to be entered on the list of electors for the polling subdivision in which the person's domicile is situated, the board of revisors shall see that the person's name is entered on that list after having struck the name off the list of electors who are entitled to vote outside Québec.
- Notice. **231.11.** Where the board of revisors concludes that a person's name must be struck off, it shall notify the person in writing of the decision.
- Decision transmitted to personnel. The board of revisors shall also transmit the decision to the personnel assigned to the handling of ballot papers for electors entitled to vote outside Québec.
- Transfer of entry. **231.12.** Where the chief electoral officer finds that an elector has become entitled to vote outside Québec since the issue of the order instituting the referendum and that the elector's name is entered on the list of electors for the polling subdivision in which the elector's domicile is situated, the chief electoral officer shall direct the returning officer concerned to strike the elector's name off that list. \*
- Application to board of revisors. **231.13.** An elector entitled to vote outside Québec who wishes to vote in the polling subdivision in which the elector's domicile is situated on the Tuesday of the second week preceding that of the poll shall apply in person to the board of revisors assigned to the polling subdivision for entry on the list.
- Requirement. The elector's application must be accompanied with an application for the striking of the elector's name off the list of electors entitled to vote outside Québec.
- Transmission of decision. The board of revisors shall transmit the decision to strike the elector's name to the chief electoral officer who shall forward the decision to the personnel assigned to the handling of ballot papers outside Québec.

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

Transmission to each official delegate. The abstract shall be forwarded by the returning officer to each official delegate.  
App. 2

## **DIVISION VI**

### **MISCELLANEOUS PROVISIONS**

Updating of permanent list of electors. **233.** For the purposes of updating the permanent list of electors, each returning officer shall transmit, to the chief electoral officer, the revised list of electors and the abstracts of changes, which must specify, where applicable, that the elector has availed himself of section 3 or that the striking of the elector's name off the list is effective for the current referendum only.

App. 2

## **CHAPTER IV**

### **NATIONAL COMMITTEES**

#### **DIVISION II**

##### **LEAVE OF CHAIRMAN, OFFICIAL DELEGATE AND OFFICIAL AGENT OF A NATIONAL COMMITTEE**

Leave without pay. **248.** Every employer shall, upon written request, grant a leave without pay to an employee who acts as the chairman of a national committee or as an official delegate. The request may be made at any time from the date of the writ instituting the holding of a referendum.

Duration. The employee's leave begins on the day requested by the employee and ends on the thirtieth day following the polling day.

Termination. The employee may terminate his leave at any time.  
App. 2

Leave of official agent. **249.** Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of a national committee. The request may be made at any time from the date of the writ instituting the holding of a referendum.

Duration. The employee's leave begins on the day requested by the employee and ends on the ninetieth day following polling day.

Termination. The employee may terminate his leave at any time.  
App. 2

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- Part-time leave. **250.** A leave may be full time or part time, according to the employee's request. Where an employee requests part-time leave, he shall specify the days and hours of his leave.
- Continuation of benefits. **251.** Notwithstanding any agreement or Act inconsistent herewith, an employee is entitled, throughout his leave as the chairman of a national committee, an official delegate or an official agent, to all the benefits attached to his employment, except his remuneration.  
App. 2
- Contribution to plans. **252.** An employee who makes a written request to that effect at the beginning of his leave may, while on leave, continue to contribute to all the plans in which he participates, provided he pays the totality of the premiums, including the employer's contribution.
- Reinstatement. **253.** At the expiry of the leave, the employer shall reinstate the employee, with the conditions of employment prevailing before the beginning of the leave or conditions more favourable to the employee, as provided in the collective agreement or, failing that, the agreement between the employer and the employee, taking into account the benefits to which he continued to be entitled during his leave.
- Employer's obligations. **254.** No employer may, by reason of a leave, dismiss, lay off, suspend, demote or transfer an employee or give him less favourable conditions of employment than he is entitled to or diminish any benefit attached to his employment and to which he is entitled.
- Employer's obligations. Nor shall he subtract the duration of the leave from the period of vacation of the employee.
- Complaints. **255.** An employee believing himself the victim of a contravention of this division may file a complaint with the labour commissioner general appointed under the Labour Code (chapter C-27). Sections 15 to 20, 49 to 51, 118 to 137, 139 to 140.1 and 150 to 152 of the Labour Code then apply, adapted as required.
- Grievance and arbitration. An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of filing a complaint with the labour commissioner general. Sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code then apply, adapted as required.
- Refusal of arbitration. Where a complaint is filed with the labour commissioner general and at the same time the grievance settlement and arbitration procedure is invoked, the arbitrator must refuse to hear the grievance.

**CHAPTER IV.1**

**REFERENDUM POSTERS AND BILLBOARDS**

- Referendum posters and billboards. **259.1.** Notwithstanding any inconsistent legislative or regulatory provision, referendum posters and billboards shall not be subject, during a referendum period, to any restriction or condition except as provided by this Act.  
App. 2
- Restrictions. **259.2.** Referendum posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school boards.
- Utility poles. Referendum posters may also be placed on public utility poles.  
App. 2
- Requirements. **259.3.** Referendum posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.  
App. 2
- Restrictions. **259.4.** No referendum poster or billboard may be placed on a classified historic monument or in a classified historic site within the meaning of the Cultural Property Act (chapter B-4) or in a site declared a national historical site under that Act.  
App. 2
- Restrictions. **259.5.** No referendum poster or billboard may be placed on a monument, a sculpture, a tree, a fire hydrant, a bridge, a viaduct or an electrical tower.
- Restrictions. No referendum poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case the applicable rules must be complied with.  
No referendum poster or billboard may be placed on the right of way of a road if the right of way is contiguous to a residential immovable. \*  
App. 2
- Requirements. **259.6.** Posters and billboards and their supports must be made of good quality materials and must be safe and be kept in good repair.
- Easy removal. Posters and billboards must be affixed in such a manner that they can be easily removed.
- Conditions. **259.7.** Referendum posters placed on public utility poles must meet the following conditions:  
(1) the highest part of the poster must not be more than five metres above ground;  
(2) the poster must not have any metal or wood frame;

(3) the poster must not be affixed with nails or metal fasteners or by means of a device that may damage or leave permanent marks on the pole;

(4) the poster must not obstruct any identification plate on the pole.

Banner, streamer and flag.

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

Removal by workers.

Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done and, except in an emergency, after advising the official delegate, remove any referendum poster from a pole.

App. 2

Removal.

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

Notice and bill.

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

App. 2

Compliance.

**259.9.** The national committee or private intervenor shall ensure that the provisions of this chapter are complied with.

App. 2

## **CHAPTER V**

### **POLL**

#### **DIVISION I**

##### **NOTICE OF A POLL**

Publication.

**260.** Upon receipt of a copy of the writ, the returning officer shall publish a notice of poll.

Contents.

The notice of poll shall set forth

(1) the text of the question put to the electors;

(2) the days and hours of polling at advance polling stations;

(3) the day and hours of polling at polling stations;

(4) the name of every national committee and, for each of them, the name of the chairman and of the official agent, and, for the division, the name of the official delegate and of the local agent.

App. 2

Posting. **261.** The notice of a poll shall be posted up in the office of the returning officer and a copy shall be transmitted to each official delegate.  
App. 2

**DIVISION II**

**ADVANCE POLLING**

*§1.– General provisions*

Advance polling stations. **262.** The returning officer shall, no later than the twenty-eighth day preceding polling day, establish in his electoral division as many advance polling stations as he considers necessary and determine which polling subdivisions are attached to each. He shall immediately inform each official delegate.  
Access for handicapped persons. The polling stations must be accessible to handicapped persons.  
App. 2

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

Provisions applicable. **263.** Except as otherwise provided, sections 305, 307 to 310, 312 to 317, 320 to 329, 331, 332, 334 and 335.1 to 354, adapted as required, apply to advance polling.  
However, there shall be no officer assigned to the list of electors during the advance polling. In addition, the deputy returning officer and the poll clerk may act as members of the identity verification panel in polling stations for inmates and mobile polling stations.  
App. 2

Hours. **264.** Every advance polling station shall be open from 2:00 p.m. to 9:00 p.m. on Sunday and Monday of the week preceding polling day.  
If the polling cannot begin at the prescribed time, or if the polling is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, the polling shall be continued until it has lasted seven hours.

Who may vote. **265.** Election officers, handicapped persons, inmates and persons who have reason to believe that it will be difficult for them to vote in their polling subdivision on polling day may vote in the advance poll.

Particulars. **268.** On the first day, after the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 361.  
Duties of deputy returning officer. The deputy returning officer shall place in separate envelopes the ballot papers that are in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers, the forms, and the list of electors; he shall then seal the envelopes. Those envelopes, except the envelope containing the list of electors, and the poll book shall be placed in the ballot box sealed by the deputy returning officer with a safety seal bearing a number.

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- Initials. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes and of the ballot box.
- Ballot box. The deputy returning officer shall then give the ballot box, the envelope containing the list of electors and a list of the electors who have voted to the returning officer or the person designated by him.
- Duties of deputy returning officer. **269.** At the beginning of the second day, the deputy returning officer, in the presence of the poll clerk and of the representatives present, shall resume possession of the poll book and of the envelopes containing the forms, the unused ballot papers and the list of electors.
- Procedure. At the close of the advance polling station, the poll clerk shall enter in the poll book the particulars provided for in section 361. The deputy returning officer shall then proceed as in section 268, and give the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.
- List of voters. **270.** The returning officer shall transmit to each official delegate, at the end of each day, the list of the electors of the electoral division who have voted in the advance poll.  
App. 2
- Counting of votes. **272.** From 8:30 p.m. on polling day, the deputy returning officer shall proceed with the counting of the votes assisted by the poll clerk, and in the presence of those representatives who wish to attend, at the place determined by the returning officer. Before proceeding with the counting of the votes, the deputy returning officer and the poll clerk shall make the oath provided for in Schedule II. The counting shall be effected in accordance with sections 362 to 369, adapted as required.
- Deputy returning officer and poll clerk. The deputy returning officer and poll clerk may be persons other than those appointed to act in the advance polling station; in that case, sections 312 and 313 do not apply.
- §2.– Special provisions governing the voting of inmates*
- Right to vote. **273.** Every inmate has the right to vote at a referendum.
- Registration. To exercise his right to vote, an inmate must be registered on the list of electors of the house of detention in which he is detained. He shall exercise his right to vote in the advance polling station of that establishment.
- Electoral division. His vote shall be counted in the electoral division where the house of detention is situated.  
App. 2
- List of inmates qualified to vote. **274.** The director of a house of detention shall draw up the list of the inmates of that establishment who are electors. The list shall indicate the name, address of the domicile, sex and date of birth of each elector.

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- Verification. The director shall then ask every inmate if he wishes to be registered on the list of electors and verify with him the accuracy of the particulars concerning him.
- List sent to returning officer. The director shall transmit the list of electors to the returning officer of the electoral division concerned not later than the sixteenth day preceding polling day.  
The returning officer shall ensure that the list remains confidential.  
App. 2
- Advance polling stations. **275.** The returning officer of the electoral division in which the house of detention is situated shall establish in it, in cooperation with the warden of the house of detention, as many advance polling stations as he considers necessary, and determine the stations that may be moved within the house of detention.
- National committee representative. **276.** Each official delegate of a national committee may, in accordance with sections 316 and 317, designate a representative.  
App. 2
- Ballot box and directives. **278.** The returning officer referred to in section 275 shall give the deputy returning officer a sealed ballot box containing the ballot papers, the list of electors of the house of detention, the poll book and the materials required for the poll. He shall also give him directives on the work of the polling officers.  
App. 2
- Hours. **279.** The advance polling station shall be open from 10:00 a.m. to 8:00 p.m. on Monday of the week preceding polling day.
- Change of hours. The returning officer and the warden of a house of detention may change the polling hours of the polling station.
- Closing procedure. **280.** At the close of the advance polling station, the procedure set out in section 269 shall be followed, with the necessary adaptations, and the deputy returning officer shall give the sealed ballot box containing the ballot papers, the list of electors, the poll book and the materials required for the poll to the returning officer.  
App. 2
- 282.** The counting of the votes shall be effected in accordance with section 272.  
App. 2
- Agreements concerning right of vote. **286.** To allow inmates to exercise their right to vote, the chief electoral officer may make any agreement he considers useful with the authorities responsible for houses of detention established under an Act of the Parliament of Canada or of Québec.

*§3.– Special provisions governing mobile polling stations*

- Mobile polling stations. **287.** The returning officer shall determine which advance polling stations will serve as mobile polling stations.
- Personnel. When serving as a mobile polling station, the advance polling station shall consist only of the deputy returning officer and the poll clerk of the polling station.
- Hours. **288.** A mobile polling station may receive the vote of electors from 9:00 a.m. to 1:00 p.m. on Sunday, Monday and, if necessary, on Tuesday of the week preceding polling day.
- Conditions. **289.** Every elector residing in a facility maintained by an institution referred to in section 3 may vote at a mobile polling station if
- (1) he applies therefor to the returning officer, not later than Thursday of the second week preceding the week of the poll;
  - (2) his name is entered on the list of electors of the polling subdivision in which the centre is situated;
  - (3) he is unable to move about.
- List of applicants. **290.** The returning officer shall prepare a list of the electors who have filed an application under section 289 and he shall send a copy thereof to the official delegates.  
App. 2
- Secret vote. **291.** The deputy returning officer shall ensure that voting is secret.
- Access to electors. **292.** The executive director of an institution referred to in section 3 shall ensure that the mobile polling station is made accessible to the electors.

*§4.– Special provisions governing the voting of electors outside Québec*

- Two-year time limit. **293.** An elector who has left Québec temporarily and who meets the conditions set out in this subdivision is entitled to exercise his or her right to vote outside Québec for two years after his departure.
- Applicability. However, the two-year time limit does not apply
- (1) to an elector who is posted outside Québec to a position with the government of Québec or of Canada;
  - (2) to an elector who is posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution;
  - (3) to the spouse and dependents of an elector referred to in subparagraph 1 or 2, provided they are themselves electors.

- Application. **293.1.** An elector who wishes to exercise his right to vote outside Québec must file a signed application containing the following information:
- (1) his name, sex and date of birth;
  - (2) the address of his last domicile in Québec;
  - (3) the date of his departure from Québec;
  - (4) the projected date of his return to Québec;
  - (5) his postal address outside Québec.
- Statement. A statement by the elector that he intends to return to Québec and two documents of the type determined by the chief electoral officer must be joined to the application in support of the information communicated.
- Proof. In the case of an elector referred to in the second paragraph of section 293, proof of the posting outside Québec must be joined to the application.
- Information. **293.2.** The chief electoral officer shall incorporate into the permanent list of electors the information necessary for the exercise of the right to vote outside Québec by every elector who qualifies therefor.
- Return to Québec. **293.3.** Every elector who returns to Québec is responsible for advising the chief electoral officer thereof.
- Striking off of information. **293.4.** The chief electoral officer shall strike from the permanent list of electors the information necessary for the exercise of the right to vote outside Québec where it concerns an elector who has returned to Québec or who has been outside Québec for more than two years, excepting, in the latter case, an elector referred to in the second paragraph of section 293.
- Documents sent. **293.5.** The chief electoral officer shall send to every elector whose duly completed application for registration to vote outside Québec is received by the chief electoral officer before the eighteenth day preceding polling day the material necessary for the exercise of the right to vote.
- Ballot paper. The ballot paper shall contain the name of the elector's electoral division.  
App. 2
- Envelope. **296.** The elector shall place the ballot paper in an unidentified envelope, seal the envelope and place it in another envelope, bearing his signature, on which he shall write his name and the address of his last domicile in Québec.
- Ballot paper sent to chief electoral officer. **297.** The elector shall transmit his ballot paper to the chief electoral officer.
- Verification of signature. **298.** Upon receiving the ballot paper, the chief electoral officer shall verify the signature on the envelope. If it is identical to the signature appearing on the application provided for in section 293.1, the chief electoral officer shall keep the envelope without opening it.

Rejection. Where the signatures are not identical, the chief electoral officer shall reject the envelope without opening it.

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

Counting of votes. **299.** Only ballot papers received at the office of the chief electoral officer before the close of the polling stations on polling day may be counted.

**300.** The counting of the votes of electors outside Québec shall be proceeded with in accordance with section 272, adapted as required.

However, the counting shall be proceeded with at the place and time fixed by the chief electoral officer.

The deputy returning officer shall, for each electoral division, draw up a statement of votes and an abstract from such statement that he shall deliver to the chief electoral officer or the person designated by him, together with the ballot box.

The chief electoral officer shall forthwith communicate the results to each returning officer concerned and transmit to him the abstract from the statement of votes which concerns him.

App. 2

### **DIVISION III**

#### **POLLING DAY**

##### *§1.– Preparation for the poll*

#### **Polling stations**

Polling stations. **302.** The returning officer shall establish a polling station for each polling subdivision.

Number of electors. Notwithstanding the foregoing, the returning officer shall establish several polling stations for any polling subdivision with more than 350 electors.

Additional polling stations. Where a polling subdivision comprises 300 to 350 electors, the returning officer may, where he considers it expedient, establish more than one polling station.

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

Notification to official delegate. He shall inform each official delegate of the place where the polling station of each polling subdivision is situated not later than the twelfth day before polling day.

App. 2

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- Access. **303.** The polling stations of an electoral precinct shall be grouped and situated in a place of convenient access, and shall be accessible to handicapped persons.
- Number of polling stations. However, where a special circumstance or where the area of the electoral precinct justifies it, the returning officer may establish the polling stations in more than one place.
- Authorization. Furthermore, where 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 the polling station in a place that is not accessible to the handicapped. The chief electoral officer shall note, in the return published under section 381, the cases where such authorization was granted.
- Health institutions. **304.** Notwithstanding the grouping of polling stations prescribed in section 303, the returning officer shall, so far as possible, locate a polling station in every facility maintained by an institution referred to in section 3 that is situated in his electoral division.
- Free use of premises. **305.** Municipalities, school boards or institutions governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5) shall allow the use of their premises free of charge for the establishment of polling stations.
- School holiday. **306.** Polling day is a holiday for pupils in every school of a school board situated in an electoral division in which a referendum is held.
- Students who are electors. Every educational institution shall, on polling day, grant leave to those pupils and students who are electors.  
App. 2
- Identification of polling station. **307.** The chief electoral officer shall give such directives as he considers expedient to the returning officer on the manner of arranging and identifying a place where a polling station is established.
- Location of polling stations. In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceeding.
- Polling officers**
- Polling officers. **308.** Deputy returning officers, poll clerks, officers assigned to the list of electors, members of the identity verification panel and officers in charge of information and order are polling officers.
- Information and order. **309.** The returning officer shall appoint an officer in charge of information and order at every place where a polling station is located.

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- Duties. The officer in charge of information and order shall have the following duties in particular:
- (1) to receive the electors and direct them towards the polling station corresponding to their polling subdivision;
  - (2) to ensure accessibility to the polling stations and facilitate circulation therein;
  - (3) to ensure that only one person at a time is admitted to a polling station;
  - (4) to ensure that only the electors present on the premises of a polling station at closing time are admitted to exercise their right to vote;
  - (5) to ensure that only persons authorized to be present on the premises of a polling station are present;
  - (6) to inform the returning officer of any situation requiring his intervention.
- Deputy returning officer. **310.** In every polling station, the returning officer shall appoint, as deputy returning officer, the person recommended by the official delegate of the national committee which has the greatest number of Members in the National Assembly.
- Poll clerk. He shall appoint, as poll clerk, the person recommended by the official delegate of the national committee which has the second greatest number of Members in the National Assembly.
- Where the two national committees have an equal number of Members in the National Assembly, the chief electoral officer shall determine, by a drawing of lots, which committee is deemed to have the greatest number of Members or, as the case may be, the second greatest number of Members in the National Assembly.
- App. 2
- 310.1.** For every polling station, the returning officer shall appoint two persons to act as officers assigned to the list of electors, respectively recommended by the official delegate of a national committee.
- App. 2
- Final date for recommendations. **312.** The recommendations must be received by the returning officer not later than the fourteenth day before polling day.
- Refusal. The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.
- Appointment. Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.
- Identity verification panels. **312.1.** The returning officer shall establish an identity verification panel for every place where a polling station is located. With the authorization of the chief electoral officer, more than one panel may be established.
- Composition. An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. Sections 310 to 312 apply with the necessary modifications to the appointment of the panel members other than the chairman.

Function. The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337. Decisions are made by a majority vote.

**313.** On the twelfth day before polling day, the returning officer shall post up in his office and transmit to each official delegate the list of the identity verification panel members, deputy returning officers, poll clerks and officers assigned to the list of electors he has appointed.

Changes to the list. He shall, without delay, inform the official delegates of any changes to the list.  
App. 2

Duties of deputy returning officer. **314.** The deputy returning officer shall have the following duties in particular:  
(1) to see to the arrangement of the polling station;  
(2) to ensure that the polling is properly conducted and maintain order;  
(3) to facilitate the exercise of the right to vote and ensure the secrecy of the vote;  
(4) to proceed with the counting of the votes;  
(5) to transmit the results of the vote to the returning officer and give the ballot box to him.

Duties of poll clerk. **315.** The poll clerk shall have the following duties in particular:  
(1) to enter in the poll book the particulars relating to the conduct of the polling;  
(2) to assist the deputy returning officer.

**315.1.** The officers assigned to the list of electors shall have, in particular, the duty of informing the poll runners, in accordance with the directives of the chief electoral officer, as to the electors who have exercised their right to vote.

### **Representatives**

**316.** The official delegate of each national committee may designate a person and give him a power of attorney to represent the national committee before the deputy returning officer or the officer in charge of information and order, or before each of them.

App. 2

Power of attorney. **317.** The power of attorney shall be signed by the official delegate and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling and of the counting.

App. 2

**Poll runners**

Poll runners. **318.** The official delegate of each national committee may also designate, on polling day, a person for each place where polling stations are established, and give him a power of attorney to collect a list of the persons who have already exercised their right to vote. That person may be the person he has designated as his representative before the officer in charge of information and order.  
App. 2

Power of attorney. **319.** The power of attorney shall be signed by the official delegate and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling.  
App. 2

**Ballot papers and ballot boxes**

Printing. **320.** The returning officer shall cause ballot papers to be printed according to the directives of the chief electoral officer.  
Obligation of the printer. The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.  
App. 2

Paper. **321.** The paper necessary for the printing of the ballot papers shall be provided by the chief electoral officer. It shall contain a thread which neither the chief electoral officer nor the maker may reveal.

Standards. **322.** The printer and the paper maker shall comply with the standards prescribed by regulation.

Ballot papers. **323.** The ballot papers shall have a counterfoil and a stub both bearing the same number on the reverse. The ballot papers shall be numbered consecutively.

Description. In addition, the ballot papers shall contain, on the reverse, a space reserved for the initials of the deputy returning officer, the name and address of the printer and the designation of the electoral division.

**324.** The ballot papers must contain on the obverse a space specially reserved for the wording of the question.  
App. 2

Ballot boxes. **325.** The chief electoral officer shall cause ballot boxes to be made, in accordance with the standards fixed by him, in sufficient number for each electoral division.

Size and shape. The ballot boxes shall be made of durable material and be of uniform size and shape, and shall bear the official emblem of Québec.

Custody. **326.** Between the date of issue of the order instituting the referendum and that of publication of the notice contemplated in section 380, the returning officer shall have custody of the ballot boxes. \*

Documents given to deputy returning officer. **327.** Within three days before the polling, the returning officer shall give to the deputy returning officer a ballot box, the directives concerning the work of the polling officers, the list of electors of the polling subdivision including entries relating to the electors who voted in the advance poll, a poll book, the materials required for the poll and the documents necessary for the counting of the votes.

Ballot papers. He shall also give to him a sealed envelope, bearing his initials on the seal, containing a number of ballot papers at least equal to the number of electors entered on the list, without splitting a ballot paper booklet, plus 25.

§2.– *The vote*

**Preliminary formalities**

Presence of election officers. **328.** The officer in charge of information and order, the deputy returning officer, the poll clerk, the officers assigned to the list of electors and the members of the identity verification panel shall be present at the polling station one hour before the opening of the poll.

Presence of representatives. The representatives of the national committees may be present from the same moment. They may attend any operation conducted there.

App. 2

Examination of documents. **329.** The deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found in it and the material required for the poll, complying with the directives issued by the chief electoral officer.

**330.** *(Repealed).*

Identification of polling station. **331.** The place where the polling stations are located and the polling officers shall be identified in the manner prescribed by regulation.

Ballot box sealed. **332.** At the hour fixed for opening of the poll, the deputy returning officer and the poll clerk shall ascertain that there are no ballot papers enclosed in the ballot box, after which the ballot box shall be sealed and placed on the table of the polling station in full view of the polling officers.

**Polling hours**

Hours. **333.** The polling shall take place from 9:30 a.m. until 8:30 p.m.

- Accessibility. **334.** During the hours of polling, the chief electoral officer and the returning officer must be easily accessible to the chairmen of national committees and their official delegates.  
App. 2
- Time granted for voting. **335.** Every employer shall ensure that every employee who is qualified to vote has at least four consecutive hours free to vote while the polling stations are open, not counting the time normally allowed for meals.
- Leave of absence. If an employee does not have such a period outside working hours, the employer shall grant the employee, at the time of day determined by the employer, the leave of absence required so that the employee may have four consecutive hours to vote.
- Prohibition. No deduction of wages or penalty may be imposed on the employee by the employer by reason of the leave of absence.
- Contravention. Section 123 of the Act respecting labour standards (chapter N-1.1) applies to an employee who believes that he has been wronged as a result of a contravention of this section.

### **Verification of identity of electors**

- Informing of electors. **335.1.** The officer in charge of information and order shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 337 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 337 in their possession.
- Obligations of elector. **335.2.** An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,  
(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;  
(2) sign the sworn statement provided for that purpose in the register kept by the panel members;  
(3) meet either of the following conditions:  
(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or  
(b) be accompanied by a person who  
i. identifies himself in accordance with the first paragraph of section 337;  
ii. attests to the identity and address of the elector;  
iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 205;  
iv. produces a document referred to in the second paragraph of section 337 that bears his photograph; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

Exception. However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r. 2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by regulation.

Prohibition. **335.3.** No person may write down or otherwise record information contained in a document produced pursuant to section 335.2.

Type of document. This section shall not operate to prevent the members of the identity verification panel from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced pursuant to section 335.2.

Certificate. **335.4.** Where an elector meets the conditions imposed by section 335.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.

### **Exercise of the right to vote**

One elector. **336.** Not more than one elector may, at any time, be admitted to the polling station.

Declaration. **337.** Each elector shall declare, to the deputy returning officer and the poll clerk, his name and address and, when so required, his date of birth.

Identification. In addition, each elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l'assurance maladie du Québec, driver's licence or probationary licence issued in plastic form by the Société de l'assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation of the Government after consultation with the advisory committee.

Inability to produce identification. Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.

Prohibition. **337.1.** No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 337.

## SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM

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- Type of document. This section shall not operate to prevent polling officers from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced by electors.
- Conditions of admission. **338.** The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is entered on the list of electors of the polling subdivision, if his name and address and, where applicable, his date of birth, correspond to those appearing on that list and if he has produced identification in accordance with section 335.2 or the second paragraph of section 337.
- Oath. Any elector whose designation differs slightly from that appearing on the list of electors may nevertheless be admitted to vote on making the oath in the form prescribed by regulation; an indication thereof shall be entered in the poll book.
- Oath. **339.** An elector under whose name another person has already voted may nevertheless be admitted to vote on making the oath in the form prescribed by regulation; an indication thereof shall be entered in the poll book.
- Authorization to vote. **340.** The returning officer or his assistant may issue an authorization to vote, in the form prescribed by regulation, to any elector
- (1) whose name does not appear on the copy of the list of electors used at the polling station but appears on the revised list of electors in the possession of the returning officer;
  - (2) whose name has been entered or corrected by a board of revisors;
  - (3) who has left his domicile to ensure his safety or the safety of his children and who wishes to avail himself of the provisions of section 3.
- Declaration under oath. An elector who has obtained an authorization under this section shall present it to the deputy returning officer and declare under oath that he is indeed the person who obtained it; an indication thereof shall be entered in the poll book.
- As regards the address, section 337 does not apply to the elector referred to in subparagraph 3 of the first paragraph.
- Ballot paper. **341.** The deputy returning officer shall give a ballot paper to the elector who is admitted to vote, after writing his initials in the space reserved for that purpose and detaching it from the counterfoil.
- Voting procedure. **342.** After receiving a ballot paper, the elector shall enter the polling booth, mark the ballot paper and fold it; he shall allow the initials of the deputy returning officer to be examined by the latter, the poll clerk and every representative of a national committee who wishes to do so; then, in full view of the persons present, the elector shall detach the stub and hand it to the deputy returning officer, who shall destroy it, and the elector himself shall place the ballot paper in the ballot box.

App. 2

**SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM**

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- Marking of ballot paper. **343.** The elector shall mark the ballot paper in one of the circles with a pencil given to him by the deputy returning officer at the same time as the ballot paper.
- Indication on list. **344.** As soon as an elector has voted, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.
- Cancellation of ballot paper. **345.** The deputy returning officer shall cancel any ballot paper if the initials appearing on the back of it are not his own, and the poll clerk shall enter an indication thereof in the poll book.
- Spoiled ballot paper. **346.** Where a ballot paper has been inadvertently marked or spoiled, the deputy returning officer shall require the elector to mark each of the circles of the ballot paper. The deputy returning officer shall thereupon cancel the marked or spoiled ballot paper and give a new ballot paper to the elector.
- Assistance. **347.** An elector who declares under oath that he is unable to mark his ballot paper himself may be assisted  
(1) by a person who is his spouse or relative within the meaning of section 205;  
(2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station. That person shall declare under oath that he has not assisted, during the poll, any other elector who is not a spouse or relative within the meaning of section 205.
- Indication in poll book. In either case, an indication thereof shall be entered in the poll book.
- Visually handicapped person. **348.** At the request of any visually handicapped person, the deputy returning officer shall provide that person with a template, in accordance with the model prescribed by regulation, to enable him to vote without assistance. The deputy returning officer shall read the question and indicate to him the order in which the options appear on the ballot paper.  
App. 2
- Deaf or mute person. **349.** A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.
- Oath. **350.** Before the deputy returning officer remits a ballot paper, he, the poll clerk or the representative of a national committee may require a person to declare under oath, in the form prescribed by regulation, that  
(1) he is a qualified elector;  
(2) he was domiciled in that polling subdivision on Tuesday of the second week preceding that of the poll or, if he filed an application under section 3, that he resided or had his main office in the polling subdivision on the date of the application;

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

Indication in poll book. The poll clerk shall enter in the poll book the name of the person requiring the declaration and the reasons for the requirement.  
App. 2

Refusal to make oath. **351.** In no case may a deputy returning officer give a ballot paper to a person who refuses to make the oath, and an indication thereof shall be entered in the poll book.

Publicity prohibited. **352.** No person may, on the premises of a polling station, use any sign to indicate his affiliation or support for or opposition to an option submitted to a referendum, or engage in any other form of partisan publicity.

Removal of publicity. The returning officer may cause any prohibited partisan publicity to be removed if, after being asked to remove it, the national committee concerned refuses or neglects to do so.

Premises. The building in which the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors are considered to be the premises of the polling station.  
App. 2

Continuation of voting. **353.** If it is not possible for the polling to begin at the prescribed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, it shall be continued until it has lasted eleven hours.

Closing time. **354.** Any electors on the premises of a polling station at the hour of closing of the poll who have not voted may exercise their right to vote. The deputy returning officer shall thereafter declare the polling closed.

Waiting line. 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 hour of closing of the poll.

### **Secrecy of voting**

Secrecy. **355.** Voting is secret.

Disclosure. **356.** No elector may, on the premises of a polling station, indicate, in any manner, the option in favour of which he intends to vote or has voted.  
App. 2

## SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM

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- Secrecy. **357.** No official delegate, representative or election officer may, on the premises of a polling station, attempt to learn the option in favour of which an elector intends to vote or has voted.  
App. 2
- Obligation of assistant. **358.** No official delegate, election officer or elector who has given assistance to another elector may disclose the option for which the elector has voted.  
App. 2
- Disclosure. **359.** No person may be compelled to disclose for which option he has voted.  
App. 2
- §3.– Proceedings after the vote*
- Counting of votes. **360.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes. Every official delegate and his representative may attend.  
App. 2
- Entries in poll book. **361.** Before the ballot box is opened, the poll clerk shall enter in the poll book
- (1) the number of electors who have voted;
  - (2) the number of spoiled or cancelled ballot papers and the number of unused ballot papers;
  - (3) the names of the persons who have performed duties as polling officers or representatives, indicating those entitled to remuneration.
- Tally sheet. **362.** The deputy returning officer, the poll clerk and the representatives shall use a tally sheet provided by the chief electoral officer for the counting of votes.
- Procedure. **363.** The deputy returning officer shall open the ballot box, count the votes by taking, one by one, the ballot papers placed in the ballot box and allow each person present to examine them.
- Validity. **364.** The deputy returning officer shall declare valid every ballot paper marked in the manner prescribed in section 343.
- Ballot papers to be rejected. Notwithstanding the foregoing, the deputy returning officer shall reject every ballot paper which
- (1) has not been furnished by him;
  - (2) does not bear his initials;
  - (3) has not been marked;
  - (4) has been marked in favour of more than one option;
  - (5) has been marked in favour of an option which is not one of the options submitted to the referendum;
  - (6) has been marked elsewhere than in one of the circles;

- (7) bears fanciful or injurious entries;
  - (8) bears a mark by which the elector can be identified;
  - (9) has been marked otherwise than with a pencil given to the elector by the deputy returning officer.
- Exception. No ballot paper contemplated in subparagraph 2 of the second paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors or the poll book, as the case may be, were placed in it.
- Correction. The deputy returning officer shall, in full view of the persons present, then affix his initials to the reverse of every ballot paper that does not bear them, and shall enter, on each ballot, following his initials a note indicating that they were affixed as a correction. An indication thereof shall be entered in the poll book.  
App. 2
- Stub. **365.** No ballot paper may be rejected by reason only that the stub is still attached to it. In such a case, the deputy returning officer shall detach the stub and destroy it.
- Mark. No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled.
- Objections. **366.** The deputy returning officer shall consider every objection raised by an official delegate or his representative in respect of the validity of a ballot paper and make a decision immediately. The objection and the decision of the deputy returning officer shall be entered in the poll book.  
App. 2
- Statistical report. **366.1.** The deputy returning officer shall record in the statistical report of rejected ballots the reasons why the ballots were rejected.
- Classification of ballot papers. **367.** After counting the ballot papers and drawing up a statement of votes, the deputy returning officer shall place, in separate envelopes, the ballot papers marked in favour of each option, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of votes. He shall then seal the envelopes.
- Initials. The deputy returning officer, the poll clerk and those representatives who wish to do shall affix their initials to the seals.
- Documents placed in ballot box. The envelopes, the poll book and the list of electors shall be placed in the ballot box.  
App. 2
- Statement of votes. **368.** The deputy returning officer shall deliver a copy of the statement of votes to the representative of each official delegate and to the returning officer.  
App. 2

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Ballot box sealed. **369.** The deputy returning officer shall seal the ballot box, and he, the poll clerk and those representatives who wish to do so shall affix their initials to the seals.

Delivery of ballot box. **370.** The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

*§4.– Addition of votes*

Notification to official delegates. **371.** The returning officer shall notify each official delegate of the time when he is ready to proceed to the addition of the votes.

Time and place. The addition, wherever possible, shall begin at 9:00 a.m. on the day following polling day; it shall take place at the main office of the returning officer, and any official delegate or elector may attend.

App. 2

Procedure. **372.** The returning officer shall proceed to the addition of the votes by using statements of votes contained in the ballot boxes and compiling the votes cast in favour of each option in each polling subdivision of the electoral division.

Votes of inmates. He shall also use the abstract of the statement of votes contemplated in section 300 if he has received it at the time of the addition or, failing that, he shall use the results communicated in accordance with that section.

App. 2

Adjournment. **373.** If a statement of votes has not been placed in the ballot box or if the returning officer has not received a ballot box, he shall adjourn the addition of the votes until he obtains that statement or ballot box.

Application for re-addition. **374.** Any person present may apply for a re-addition of the votes if he shows that the returning officer has improperly added up the votes where the addition provided for in section 371 took place.

**375.** The returning officer shall announce the option which, when the addition is completed, has received the greatest number of votes.

Communication of results. He may then communicate the results of the addition to any person requesting them.

App. 2

**DIVISION IV**

**DECLARATION AND PUBLICATION OF THE RESULTS**

**377.** If no application for a judicial recount of the votes is filed within the time prescribed, the returning officer shall issue a declaration indicating the option which has received the greatest number of votes. The returning officer shall send a copy of the declaration to each official delegate.

Transmission to chief electoral officer. The returning officer shall without delay transmit to the chief electoral officer the declaration and the result of the addition of the votes. \*  
App. 2

Return of referendum. **378.** The returning officer shall thereafter transmit to the chief electoral officer a complete return of the referendum proceedings.

Documents given to chief electoral officer. He shall also transmit to the chief electoral officer all the ballot papers, the statements of votes, the lists of electors and the poll books.  
App. 2

Keeping of documents. **379.** The chief electoral officer shall keep the documents transmitted to him by any returning officer for one year from their transmission or, if the referendum is contested, for one year from the decision on the contestation.  
App. 2

**380.** The chief electoral officer shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating, for each electoral division, the number of votes for each of the options appearing on the ballot paper.  
App. 2

Publication of return. **381.** The chief electoral officer shall, as soon as possible after the referendum, publish a detailed return of the referendum, containing, in particular, the results for each electoral precinct, and also indicating the results of each polling subdivision.

Transmission of return to Secretary General. He shall transmit the return to the Secretary General of the National Assembly.  
App. 2

## **CHAPTER VI**

### **CONTROL OF REGULATED EXPENSES**

#### **DIVISION I**

##### **REGULATED EXPENSES**

**401.** For the purposes of sections 403, 415, 416, 417 and 421, the expression “regulated expenses” includes expenses referred to in paragraph 10 of section 404 and the expression “official agent” includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and a representative of a private intervenor if the private intervenor is a group of electors.  
App. 2

Regulated expenses. **402.** The cost of any goods or services used during the referendum period to promote or oppose, directly or indirectly, an option submitted to a referendum is a regulated expense.  
App. 2

Use of goods or services.

**403.** In the case of goods or services used both during and before a referendum period, the part of the cost thereof which constitutes a regulated expense shall be established according to a method based on the frequency of use during the referendum period compared to the frequency of use before and during the referendum period. \*

App. 2

Exceptions.

**404.** The following are not regulated expenses:

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

(2) the cost at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price regardless of the issue of the writ;

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

(4) the reasonable expenses incurred by a person, out of his own money, for meals and lodging while travelling for referendum purposes, if the expenses are not reimbursed to him;

(5) the transportation costs of a person, paid out of his own money, if the costs are not reimbursed to him;

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

(6) the reasonable expenses incurred for the publication of explanatory commentaries on this Act and the regulations thereunder, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an option submitted to a referendum;

(7) the reasonable ordinary expenses incurred for the day-to-day operations of not more than two permanent offices of an authorized party the addresses of which are entered in the registers of the chief electoral officer;

(8) interest accrued from the beginning of the referendum period to the day occurring 90 days after polling day, on any loan lawfully granted to an official agent for regulated expenses, unless the official agent has declared them as regulated expenses in his return of regulated expenses;

(9) the expenses incurred for the holding of meetings, the total of which does not exceed \$600 for the entire referendum period, including the renting a halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a national committee;

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

(11) the remuneration paid to a representative referred to in section 316.

For the purposes of subparagraph 7 of the first paragraph, the permanent office of an authorized party is the office where the employees of the party or of a body associated with it for the purpose of attaining its objects and recognized by the leader of the party for such a purpose by a letter addressed to the chief electoral officer before the seventh day following the issue of the writ, work on a permanent basis, outside the referendum period, at ensuring the dissemination of the party's political program and coordinating the political action of the party members.

App. 2

Official agent. **405.** To incur regulated expenses, a national committee shall have an official agent.

Official agent. The official agent shall be appointed by the chairman of the national committee who shall notify it to the chief electoral officer.

Written confirmation of acceptance. A person designated as the official agent by the chairman of the national committee shall confirm in writing that he accepts the office.

Public notice. The chief electoral officer shall publish the name of the official agent of a national committee in the *Gazette officielle du Québec*.

App. 2

**406.** Only one official agent is appointed for each national committee.

However, the official agent may, with the approval of the chairman of the national committee, appoint the required number of deputies and, for each electoral division, a local agent. He shall notify the chief electoral officer and the returning officer thereof in writing.

The official agent may authorize them to incur or authorize regulated expenses up to the amount he fixes in their deeds of appointment. The amount may be changed at any time, in writing, by the official agent before he files his return of regulated expenses.

Any regulated expense incurred by a deputy of the official agent or by a local agent is deemed to be incurred by the official agent up to the amount fixed in the deed of appointment.

The deputy and the local agent shall provide the official agent of the national committee with a detailed statement of expenses incurred or authorized by them.

App. 2

Advertising agency. **407.** An official agent or local agent may, in writing, authorize an advertising agency to incur or order regulated expenses up to the amount he fixes in the authorization. That amount may be changed, by the official agent or the local agent, as the case may be, in writing, at any time before he files his return of regulated expenses.

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Statement of expenses.     The advertising agency shall furnish to the official agent or the local agent, as the case may be, within 60 days after polling day, an itemized statement of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors. The statement must be made in the form prescribed by the chief electoral officer.

App. 2

**410.** If the official agent dismisses a local agent, he shall notify it in writing to the returning officer. He may appoint another local agent.

App. 2

Notification.     **411.** The returning officer shall, without delay, inform the chief electoral officer of every appointment and replacement of a local agent.

Notice.     If a local agent is replaced before polling day, the returning officer shall post up a notice of the replacement with a notice of the poll; he shall transmit a copy of the notice of replacement to each official delegate.

App. 2

**412.** No person may act as the official agent of a national committee, his deputy or a local agent unless he is qualified to vote.

App. 2

Authorization of expenses.     **413.** During a referendum period, only the official agent of a national committee, his deputy or a local agent may incur or authorize regulated expenses.

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

App. 2

**414.** An official agent, his deputy or a local agent shall pay the cost of regulated expenses only out of a referendum fund.

App. 2

Use of goods and services.     **415.** No goods or services whose cost is wholly or partly a regulated expense contemplated in section 403 may be used during a referendum period except by the official agent of a national committee, his deputy or a local agent, or with his authorization.

App. 2

Order for regulated expenses.     **416.** No person may accept or execute an order for regulated expenses not given or authorized by the official agent of a national committee, his deputy, a local agent or authorized advertising agency.

App. 2

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- Regular prices. **417.** No person may, for goods or services whose cost is wholly or partly a regulated expense, claim or receive a price different from the regular price for similar goods or services outside the referendum period nor may he accept a different remuneration or renounce payment. \*
- Unremunerated services. A person may, however, contribute his personal services and the use of his vehicle without remuneration, provided that he does so freely and not as part of his work in the service of an employer.  
App. 2
- Identification of printed matter. **421.** Every printer or manufacturer who furnishes any writing, object or advertising material relating to a referendum shall indicate therein or thereon his name and address and the name and title of the official agent, deputy or local agent, as the case may be, who caused it to be produced.
- Identification of published advertisement. Every owner of a newspaper or other publication in which an advertisement is published shall indicate the name and title of the official agent, deputy or local agent, as the case may be, who caused it to be published.
- Identification of broadcaster advertisement. Every radio or television broadcaster who broadcasts an advertisement shall indicate the name and title of the official agent, deputy or local agent, as the case may be, at the beginning or at the end of the advertisement.  
App. 2
- Authorization number. **421.1.** For the purposes of section 421, a printer, manufacturer, owner or radio or television broadcaster shall also, in the case of a private intervenor within the meaning of Division V or the representative of such an intervenor, indicate the authorization number issued under section 457.6.
- Cost exceeding \$1,000. Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds \$1,000, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast the name and title of the official agent or deputy official agent of a national committee or of the local agent of the official agent.  
App. 2
- Identification of joint publicity. **422.** Where several local agents of the same region jointly make or incur any publicity expenses contemplated in section 421, the advertisement shall bear the name and title of each local agent or, with his consent, the name and title of the official agent of the national committee and the name and address of the printer, where that is the case.  
App. 2
- Invoice. **424.** No person may pay a regulated expense of \$60 or more without a voucher in the form of an itemized invoice. \*

- Contents. The invoice must indicate the goods or services furnished and their rate or unit price.  
App. 2
- Claims. **425.** Every person to whom an amount is due for regulated expenses, other than expenses incurred by a non-affiliated elector, shall present his claim to the official agent or the local agent not later than 60 days after polling day. In no case may the regulated expenses be paid by the official agent or the local agent if the claim is presented to him after that period has expired.
- Claims. Where the official agent or local agent has died or resigned and has not been replaced, the claim shall be presented within the same time to the chairman of the national committee or to the official agent, as the case may be.
- Claims. After the expiry of the time prescribed in the first paragraph, the creditor has 120 days to file his claim with the chief electoral officer, failing which his claim is prescribed.  
App. 2
- Limit of committee expenses. **426.** Regulated expenses shall be limited so as never to exceed for a national committee, during one referendum, \$1 per elector for all the electoral divisions.  
However, the national committee that represents the option for which the fewest non-affiliated electors have been authorized under section 457.6 to incur regulated expenses may spend an additional amount equal to 50% of the difference between the expenses that authorized non-affiliated electors favourable to one option may incur and the expenses that may be incurred by those favourable to the other option.  
The amount is established by the chief electoral officer who shall draw up a certificate and transmit a copy to the chairman and the official agent of each national committee not later than the tenth day preceding polling day.  
App. 2
- Number of electors. **427.** For the purposes of section 426, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of a writ instituting a referendum and the number of electors whose names are entered on the list following revision.  
The number is established by the chief electoral officer who shall draw up a certificate thereof and send a copy of the certificate to the chairman and the official agent of each national committee.  
App. 2
- Publicity prohibited. **429.** In the seven days following the day on which the order is issued, no person, except the chief electoral officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, publish or cause to be published in a newspaper or other periodical, or post or cause to be posted in a space leased for that purpose, publicity relating to the referendum.  
App. 2

Publicity prohibited. **429.1.** On polling day no person, except the chief electoral officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, or publish or cause to be published in a newspaper or other periodical, publicity relating to the referendum.  
App. 2

Members of the public service. **430.** Subject to sections 10 and 11 of the Public Service Act (chapter F-3.1.1), nothing in this division relates to the services rendered by a member of the public service.

Exceptions. **431.** This division does not apply to services rendered by a member of an office staff or of the staff of a Member within the meaning of Division III.1 of Chapter IV of the Act respecting the National Assembly (chapter A-23.1).

**DIVISION II**

**RETURN OF REGULATED EXPENSES**

**434.** The official agent of each national committee and, through him, each local agent he has appointed shall, within 90 days after polling day, deliver to the chief electoral officer a return of the regulated expenses incurred or authorized by them.

Accompanying documents. The return 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.

The return must, in addition, indicate the name, the complete address of the domicile of, and the amount paid by, each elector whose total contribution to a national committee exceeds \$200.

Deeds of appointment. Where the official agent has appointed deputies under section 406, the return must be accompanied with the deeds of appointment and any change made to them.  
App. 2

Summary of returns. **435.** The chief electoral officer shall publish a summary of the returns of regulated expenses prescribed in section 434 within 90 days after the expiry of the time prescribed for their filing.  
App. 2

Keeping of documents. **436.** The chief electoral officer shall keep the returns, declarations, invoices, receipts and other vouchers provided for in section 434 for a period of two years from their receipt. During that period, he shall permit any elector to examine the documents and make copies of them at the place designated by him for that purpose.

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- Delivery or destruction of vouchers. After the expiry of the period prescribed in the first paragraph, the chief electoral officer shall deliver the invoices, receipts and other vouchers to the chairman of the national committee if he so requests; if not, he may destroy them.  
App. 2
- Source of funds. **437.** In addition to regulated expenses, the official agent and the local agent must indicate in the returns prescribed in section 434 the source of the sums paid into the referendum fund put at their disposal.  
They must also indicate  
(1) the financial institutions with which the sums collected by the national committee have been deposited and the account numbers used;  
(2) the total amount of contributions of \$200 or less;  
(3) the total amount of contributions of over \$200;  
(4) the total of the amounts transferred or loaned by the official representative of an authorized party.  
App. 2
- Statement of late claims. **438.** The returns prescribed in section 434 must be accompanied with an itemized statement in the form prescribed by the chief electoral officer, setting forth the names and addresses of the creditors who omitted to file their claims in the manner prescribed in the first paragraph of section 425 and, for each such claim, the amount of the debt and the date on which the goods and services were furnished.
- Accompanying cheque. The statement must be accompanied with a cheque drawn on the referendum fund, made to the order of the chief electoral officer for the total amount of the claims contemplated in the first paragraph.  
App. 2
- Trust account. **439.** The sums remitted to the chief electoral officer pursuant to section 438 shall be kept by him in a trust account and, if the creditors fail to file their claims with him within the time prescribed in the third paragraph of section 425, he shall remit the sums to the Minister of Finance.
- Contested claims. **440.** Where a creditor files his claim with the chief electoral officer within the time prescribed in the third paragraph of section 425 and the sums remitted to him by the official agent to discharge the claim are insufficient, the chief electoral officer shall inform the official agent of that fact without delay; the official agent may contest that claim, in which case sections 445 and 446 apply.
- Additional amount. If the claim is not contested by the official agent, he shall forward to the chief electoral officer the necessary additional sum, out of his referendum fund, to enable him to discharge the claim.  
App. 2

**441.** On filing the return prescribed by section 434, the official agent of a national committee shall keep the remaining sums or goods in his referendum fund.

The sums and goods may be used only for political, religious, scientific or charitable purposes.

App. 2

Correction of errors. **443.** Where an error is found in a declaration or return that has been filed, the official agent may correct it at any time within the period prescribed for filing such declaration or return.

Opposition. After the period prescribed for filing the declaration or return, the chairman or official agent of the national committee may 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 leave shall be submitted to the chief electoral officer.

Decision of chief electoral officer. If the chief electoral officer considers that the opposition is not justified, he shall allow the correction procedure to continue; otherwise, he shall refer the parties to the court of competent jurisdiction.

App. 2

Extension. **444.** If the chairman or official agent of a national committee establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and filing of the return prescribed by section 434, the judge may make any order he deems necessary to enable the applicant to obtain all the information and documents necessary to prepare the return and declaration and grant an extension of time.

App. 2

Payment of claims. **445.** Before filing the return and declaration prescribed in section 434, an official agent and a local agent must have discharged all the claims received within the period prescribed in section 425 unless they contest them and indicate them as contested.

In no case may the official agent, the local agent or the national committee pay a claim so contested. Only the official agent may pay the claim in execution of a judgment of a competent tribunal in favour of the creditor after the hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

The chief electoral officer may, if no national committee objects, authorize the official agent of a national committee to pay a contested claim if the refusal or failure to pay results from *bona fide* error.

App. 2

Claim referred to a judge. **446.** The chief electoral officer may refer to a judge any claim contested by an official agent or local agent. The case is heard and decided by preference.

App. 2

Automatic correction of returns. **447.** Every payment made by the official agent after the filing of the returns of regulated expenses following a decision of the chief electoral officer, a judgment rendered in respect of any expense contested pursuant to section 445, or on an application by the chief electoral officer under section 440, entails an automatic correction of the returns of regulated expenses.

App. 2

Competent judge. **448.** The judge having jurisdiction to decide an application under sections 443 to 446 is the chief judge of the Court of Québec.

Notice. No application under the first paragraph may be heard without a notice of at least three clear days to the chief electoral officer and to the chairman of each national committee.

App. 2

## **DIVISION V**

### **EXPENSES OF PRIVATE INTERVENORS**

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

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

Neutral intervenors and non-affiliated electors are private intervenors.

App. 2

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

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

(2) declare that he is a qualified elector;

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

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

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

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

(7) in the case of a neutral intervenor, 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.

Oath and undertaking. 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.

App. 2

## SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM

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- Application for authorization. **457.4.** A group that applies for authorization must
- (1) indicate its name, address, telephone number, date of formation and objects;
  - (2) indicate the name, domiciliary address and telephone number of its leaders;
  - (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
  - (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
  - (5) declare that the group does not intend to directly promote or oppose either option;
  - (6) state briefly the purpose of the application;
  - (7) declare that the group is not acting directly or indirectly on behalf of either national committee;
  - (8) declare that the representative of the group is not associated with and has not contributed to either national committee;
  - (9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.
- Representative, oath and undertaking. 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.
- App. 2
- Application. **457.5.** An application for authorization must be filed at the office of the returning officer of the electoral division of the applicant's domicile.
- Period. The application must be filed during the period extending from the twenty-seventh to the thirteenth day preceding polling day.
- Issue of authorization. **457.6.** The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.
- Rejection. 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.
- Consultation. **457.7.** Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer shall, during the referendum period, allow an elector to consult, in the returning officer's main office, any application for authorization which was granted.
- Copy of application. However, notwithstanding the second paragraph of section 10 of that Act, only an official delegate may obtain a copy of such an application.
- App. 2

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- List of authorization. **457.8.** Not later than the tenth day preceding polling day, the returning officer shall transmit to the national committees and to each official delegate a list of the authorizations which have been granted.
- Contents. The list shall indicate the name of each private intervenor, the name of the private intervenor’s representative, if any, and the number and date of the authorization. The list shall also indicate whether the private intervenor is a neutral intervenor or a non-affiliated elector and, in the latter case, the option that the non-affiliated elector intends to promote.  
App. 2
- Referendum period. **457.9.** An elector or a group of electors may only obtain one authorization during a referendum period. The authorization is only valid for that period.
- Representative. The representative of a group of electors may only act for that group.  
App. 2
- Resignation of representative. **457.10.** The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.
- Report and vouchers. Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.
- Representative. **457.11.** If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.
- 457.12.** A private intervenor who is an elector or the representative of a private intervenor may not join or contribute to a national committee during the referendum period.  
App. 2
- Restriction on expenses. **457.13.** A neutral intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose either option.  
A non-affiliated elector may not incur expenses that do not promote the option indicated in the application for authorization.  
App. 2
- Restriction on expenses. **457.14.** A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.
- Expenses. **457.15.** A private intervenor who is an elector must defray the cost of any expense out of his own funds.
- Expenses. A private intervenor that is a group of electors must defray the cost of any expense out of the funds of the members of the group who are electors.

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- Payment of expenses. 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.
- Expenses. **457.16.** In the case of a private intervenor that is a group of electors, only the representative may incur expenses on behalf of the private intervenor.
- Representative. The representative of a private intervenor is bound by the provisions of sections 457.13 to 457.15 and must ensure that they are complied with.
- Voucher. **457.17.** A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$60 or more without a voucher in the form of an itemized invoice.
- Invoice. The invoice must indicate the goods or services furnished and their rate or unit price.  
App. 2
- Filing of report. **457.18.** A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the chief electoral officer a report of all the private intervenor's expenses, in the form prescribed by the chief electoral officer.
- Accompanying documents. 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.
- Provisions applicable. **457.19.** Sections 435, 436 and 444 apply to the report referred to in section 457.18, with the necessary modifications.
- Withdrawal. **457.20.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor
- (1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information;
  - (2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor is no longer qualified 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.
- Procedure. Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. A decision to withdraw the authorization must be in writing and contain reasons.

- Appeal. **457.21.** Any person whose application for authorization is rejected or any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before the Conseil du référendum.
- Service of motion. The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.
- Appeal. The appeal shall be heard and decided by preference. The appeal does not suspend the execution of the decision, unless the council decides otherwise.
- Decision. The decision of the council is final.
- App. 2

## **TITLE VI**

### **ELECTORAL ORGANS**

#### **CHAPTER I**

##### **THE CHIEF ELECTORAL OFFICER**

#### **DIVISION II**

##### **FUNCTIONS AND POWERS**

- Function. **485.** The function of the chief electoral officer is, in particular, to see to the administration of this Act.
- App. 2
- Duties. **486.** In respect of this Act, the chief electoral officer shall, in particular,
- (1) ensure the training of the election officers;
    - (1.1) ensure the updating of the information contained in the permanent list of electors;
  - (2) supervise the progress of the enumeration, the revision and the voting;
  - (3) issue directives for the administration of this Act;
  - (4) receive complaints and make inquiries where he considers it necessary.
- Documents. He may also prescribe the text of any forms and documents which serve for the administration of this Act.
- Financing of national committees. **487.** In respect of the financing of national committees and the control of regulated expenses, he shall, in particular,
- (1) verify that the national committees, official agents and their deputies and local agents are complying with the provisions of the Act;
  - (2) receive and examine the return of regulated expenses;
  - (3) inquire into the legality of contributions and regulated expenses.
- App. 2

Public information. **488.** In respect of public information, the chief electoral officer shall, in particular,

- (1) provide any person applying therefor with advice and information regarding the administration of this Act;
- (2) give the public access to the information, reports, returns or documents relating to this Act, omitting, if the information is published on a website on the Internet, the addresses of the electors who have made a contribution; however, in such a case, a copy in paper form that contains the addresses of those electors must be available;
- (3) maintain a public centre for information on this Act;
- (4) regularly hold information meetings and conferences for the benefit of the national committees and the public;
- (5) at the request of a national committee, furnish the information required for the training of the representatives of committees, while allowing the other national committees to delegate observers;
- (6) make any public advertisements he considers necessary.

App. 2

Contracts. **488.1.** The chief electoral officer may, by regulation, determine the terms of the contracts the chief electoral officer is authorized to conclude.

Coming into force. The regulation comes into force on the date of its approval by the Office of the National Assembly. The regulation shall be published in the *Gazette officielle du Québec*.

Regulation not applicable. Where a referendum is ordered in conformity with the Referendum Act (chapter C-64.1), the regulation referred to in the first paragraph and the Act respecting government services to departments and public bodies (chapter S-6.1) do not apply to the chief electoral officer as regards the purchase or construction of property or the leasing and supply of goods and services necessary for the holding of the referendum. \*

App. 2

Adaptation of certain provisions. **489.1.** The chief electoral officer, with the consent of the national committees, may, where circumstances so require, in particular, by reason of the area or distance involved, adapt the provisions concerning the enumeration of electors, the revision process, the advance poll or the establishment of an identity verification panel.

App. 2

Inadequate provisions. **490.** If, during the referendum period, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Act does not meet the demands of the resultant situation, he may adapt such provision in order to achieve its object.

Information. However, the chief electoral officer shall first inform the national committees of the decision he intends to make and shall use all necessary means to inform the official delegates and the electors concerned of his decision.

- Report. 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 he has made pursuant to this section. The President shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption.  
App. 2
- Inquiry. **491.** The chief electoral officer, of his own initiative or at the request of another person, may inquire into the administration of this Act.
- Frivolous request. **492.** 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.
- Reasons for refusal. **493.** Each time the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.
- Powers. **494.** In respect of his inquiries, the chief electoral officer or any 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.
- Witnesses. Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.

### **DIVISION III**

#### **THE PERSONNEL OF THE CHIEF ELECTORAL OFFICER**

- Delegation. **496.** The chief electoral officer may generally or specially delegate the exercise of the powers and duties conferred on him by this Act to his assistants. The act of delegation shall be published in the *Gazette officielle du Québec*.  
App. 2
- Temporary personnel. **497.** The chief electoral officer may retain, on a temporary basis, the services of any persons he considers necessary, and fix their remuneration and expenses.
- Duties of personnel. **498.** The chief electoral officer shall define the duties of the members of his personnel and direct their work.
- Partisan work. No member of the personnel may engage in partisan work or act, except in connection with the voting of inmates and the voting of electors outside Québec, as an election officer.

**CHAPTER II**

**THE RETURNING OFFICER**

Duties of returning officer.

**512.** The returning officer, under the authority of the chief electoral officer, is responsible, in the electoral division to which he is appointed, for the administration of this Act and the training of election officers.

**TITLE VIII**

**PENAL PROVISIONS**

Offences and penalties.

**551.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and of \$200 to \$2,000 for any subsequent offence within five years:

(1) every owner, administrator, superintendent or caretaker of a multiple-dwelling building who limits, restricts or fails to facilitate access to the building by an enumerator or a person entrusted with distributing a notice or document from the chief electoral officer or the returning officer;

(2) every executive director of an institution referred to in section 3 who limits, restricts or fails to facilitate access to a facility maintained by that institution by an enumerator or a person entrusted with distributing a notice or document from the chief electoral officer or the returning officer;

(3) every enumerator or revisor who refuses or neglects to perform his duties in accordance with the provisions of this Act;

(4) *(Paragraph repealed).*

Offences and penalties.

**551.1.** The following persons are liable to a fine of \$500 to \$2,000:

(1) every person who signs an enumeration slip that contains information he knows to be false or inaccurate or who makes a false declaration to an enumerator;

(2) every person who, knowingly, enters on the permanent list of electors or on a list of electors the name of a person who is not qualified as an elector or who is not entitled to have his name entered where it is entered;

(3) every person who, knowingly, omits to enter on the permanent list of electors or on a list of electors the name of a person whose name should be entered;

(4) every person who applies to have the name of a person he knows to be fictitious or deceased, or of a person who is not qualified as an elector or who is not entitled to have his name entered, entered on the permanent list of electors or on a list of electors;

(5) every person who applies to have his name entered on the list of electors for a polling subdivision knowing that he is not entitled thereto;

(6) every person who applies to have the name of a person he knows is entitled to have his name entered struck off the list of electors;

(7) every person who strikes off the permanent list of electors or off a list of electors the name of a person he knows is entitled to have his name entered.

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- Offences and penalties. **551.1.0.1.** Every person who writes down or otherwise records information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337 is liable to a fine of \$500 to \$2,000.
- Offences and penalties. **551.1.1.** Every person who uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or who communicates or allows to be communicated to a person not legally entitled thereto, any information relating to electors is liable to a fine of \$500 to \$2,000.
- Offences and penalties. **551.2.** Every person who, for commercial purposes or for profit, uses a list of electors or any information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337 is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and of \$3,000 to \$30,000, in the case of a legal person.
- Offences and penalties. **551.3.** Every person who, without authorization, attempts to gain or gains access to the register of electors or the register of territories by electronic or telematic means, is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and of \$3,000 to \$30,000, in the case of a legal person.
- Additional fine. **551.4.** Where a person is convicted of an offence under section 551.1.1, 551.2 or 551.3, a judge may, on an application by the prosecutor which is attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the amount of the monetary benefit acquired by or accrued to the person as a result of the commission of the offence, even if the maximum fine under another provision has been imposed on him.
- Offences and penalties. **553.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and of \$200 to \$2,000 for any subsequent offence within five years:
- (1) every executive director of an institution referred to in section 3 who hinders access to a mobile polling station;
  - (2) every person who modifies or imitates the initials of the deputy returning officer;
  - (3) every person who acts as the representative of a national committee using a false power of attorney;
  - (4) every election officer who arrives late at the polling station in order to delay the opening of the poll.
- App. 2
- Offences and penalties. **553.1.** The following persons are liable to a fine of \$500 to \$2,000:
- (1) every person who votes more than once at the same referendum;
  - (2) every deputy returning officer who permits a person to vote without being registered on the list of electors or without having obtained an authorization to vote;

(2.1) every person who, to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person;

(3) every person who votes without being entitled to vote;

(4) every deputy returning officer who remits a ballot paper to a person who refuses to make the oath required;

(5) every deputy returning officer who knowingly admits to vote a person who has already voted.

App. 2

Offences and penalties. **554.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and of \$200 to \$2,000 for every subsequent offence within five years:

(1) every person who falsifies the statement of votes;

(2) every person who knowingly destroys a ballot paper before the end of the period for the contestation of the referendum;

(3) every returning officer who makes a fraudulent declaration or issues a fraudulent declaration.

App. 2

Offences and penalties. **555.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and of \$200 to \$2,000 for every subsequent offence within five years:

(1) every person who performs duties reserved to the election officers without being qualified therefor, without being officially appointed or without making the oath required;

(1.1) every person who misinterprets the law intentionally;

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

(2) every person who hinders the work of an election officer;

(3) the chief electoral officer and every member of his personnel or election officer who fraudulently neglects or refuses to act or acts against this Act;

(4) every election officer who, having been dismissed or having ceased to carry out his duties, refuses to return the official documents in his possession to the returning officer or, in the case of the returning officer, to the chief electoral officer.

Offences and penalties. **556.** The following persons are liable to a fine of \$100 to \$1,000 for a first offence and of \$200 to \$2,000 for every subsequent offence within five years, in the case of a natural person, or, in the case of a legal person, to a fine of \$300 to \$3,000 for a first offence and of \$600 to \$6,000 for every subsequent offence within five years:

(1) every employer who contravenes section 144, 248 to 254 or 335;

(2) every employer who uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that office after having accepted it;

**SPECIAL VERSION OF THE ELECTION ACT FOR THE HOLDING OF A REFERENDUM**

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(3) every person who, illegally and without right, counterfeits, manufactures, removes, uses, destroys, gives, sells or issues any badge to be used by the enumerators;

(5) every person who knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper.

App. 2

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

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

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

App. 2

Offences and penalties. **557.** Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any procedure relating to the vote, or alters or attempts to alter the results of the referendum, is liable, in the case of a natural person, to a fine of \$1,000 to \$10,000 or, in the case of a legal person, to a fine of \$3,000 to \$30,000.

App. 2

Offences and penalties. **558.** The following persons are liable to a fine of \$1,000 to \$10,000:

(1) every official delegate who, in order to influence the vote of an elector, obtains or attempts to obtain, by himself or through another person, his vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit;

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

Exceptions. The first paragraph does not apply

(1) to an official agent who provides, as regulated expenses, food and beverages to electors or a person working to promote an option submitted at a referendum;

(2) to any person other than an official agent who, at his own expense, provides food and beverages at a private meeting of electors held to promote an option submitted at a referendum; or

(3) to any person accepting food or beverages.

App. 2

Official agent or local agent. **559.** Every official agent or any local agent is liable to a fine of \$1,000 to \$10,000 who

(1) incurs or authorizes regulated expenses exceeding the maximum fixed by section 426;

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

Fine. Every elector referred to in section 457.3 or in the last paragraph of section 457.4 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of \$1,000 to \$10,000.  
App. 2

Fine. **559.1.** The following persons are liable to a fine of \$1,000 to \$10,000:  
(1) every person who attempts to incur a regulated expense otherwise than as permitted by this Act;  
(2) every person who makes a false invoice, receipt or voucher;  
(3) every person who falsifies an invoice, receipt or voucher.  
App. 2

Regulated expenses. **560.** Every chairman or official delegate of a national committee who allows any regulated expense to be incurred or paid for otherwise than as permitted by this Act is liable to a fine of \$1,000 to \$10,000.  
App. 2

Omissions. **563.** Every person who fails to file a report or return of regulated expenses or the report referred to in section 457.18 is liable to a fine of \$50 for each day of delay.  
App. 2

Offences and penalties. **564.** Every person who contravenes any of sections 66, 87, 90 to 93, 95 to 97, 99, 100, 104, 105, 410, 413 to 417, 421, 421.1, 422, 424, 429, 429.1, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000.  
Where a person is found guilty of an offence under section 87, 90, 91 or 95, a judge may, on an application by the prosecutor which is attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the illegal contribution for which the person has been found guilty, even if the maximum fine under the first paragraph has been imposed on the person.  
App. 2

Fine. **565.** Every person who contravenes any provision of this Act or the regulations hereunder for which no other penalty is provided is liable to a fine of not more than \$500.

Aiding. **566.** Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence if he knew or should have known that his conduct would probably result in aiding to commit the offence.

- Inciting. Every person who encourages, advises, allows, authorizes or orders another person to commit an offence is guilty of the offence, and of any other offence the other person commits if he knew or should have known that his conduct would probably result in the commission of the offences.
- Insufficient ground. The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.
- Corrupt electoral practices. **567.** Any offence described in section 551.1 or 553.1, in paragraph 1 or 3 of section 554, in paragraph 3 of section 555 or in sections 557 to 560 is a corrupt electoral practice.
- Error in good faith. Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 559, the judge may rule that the alleged offence is not a corrupt electoral practice if, pursuant to a judgment rendered under the second paragraph of section 445, the regulated expenses incurred or authorized by the official agent or the local agent exceed the maximum fixed by section 426 and if the refusal or failure to pay the contested expense arises from an error in good faith.  
App. 2
- Loss of right. **568.** Every person who is convicted of an offence that is a corrupt electoral practice loses, for a period of five years from the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by an order of the Government or by a resolution of the National Assembly.  
App. 2
- Criteria. **568.1.** Where a penalty greater than the minimum penalty is requested, the judge shall have regard, in particular, to the following criteria if they are alleged by the prosecutor in the statement of offence:  
(1) the fact that it is a second or subsequent conviction;  
(2) the status of the offender;  
(3) the size of the expense or contribution.
- Penal proceedings. **569.** The chief electoral officer may institute penal proceedings for an offence under this Title.
- Prescription. Proceedings are instituted before the Court of Québec. They shall be prescribed by 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.  
App. 2

**TITLE IX**

**AMENDMENTS AND MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**CHAPTER I**

**MISCELLANEOUS PROVISIONS**

- Correction of personal information. **570.** Notwithstanding section 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may request the correction of personal information contained in the permanent list of electors or the list to be used for a referendum otherwise than as provided by this Act.
- Authorization. Notwithstanding section 125 of the said Act, only the chief electoral officer may grant the authorization provided for in that section.
- Ballot papers. Notwithstanding section 9 of the said Act, ballot papers are accessible only in the manner prescribed by this Act.  
App. 2
- Warrant of arrest. **571.** No warrant of arrest may be executed against an election officer on polling day.
- Witness. **572.** No elector qualified to vote is bound to appear as a witness before a judge or court on polling day.
- Testimony. **572.1.** Notwithstanding any general law or special Act, neither the chief electoral officer nor his employees may be compelled to give testimony relating to information obtained in the performance of their duties or to produce any document containing such information.
- Immunity. **572.2.** No proceedings may be brought against the chief electoral officer or his employees by reason of an act or omission in good faith in the performance of their duties.
- Immunity. **572.3.** No civil action may be instituted by reason of the publication of a report of the chief electoral officer or of the publication in good faith of an extract from or a summary of such a report.
- Immunity. **573.** Except with respect to a matter of jurisdiction, no recourse under section 33 of the Code of Civil Procedure (chapter C-25) nor any extraordinary recourse or provisional remedy provided in the said Code lies against the chief electoral officer, any member of his personnel or any election officer, or against the Commission de la représentation, any of its members or any member of its personnel, in the performance of his or its duties.
- Injunction. A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to this section.

**SCHEDULE II**

*(Sections 136, 272)*

**OATH OF OFFICE**

I, *name*, declare under oath that I will fulfil the duties assigned to me under the Referendum Act faithfully and honestly without fear of or favour towards any one, and that I will not reveal, unless expressly authorized, anything that may come to my knowledge by reason of my office.

App. 2

**SPECIAL VERSION OF  
THE ELECTION REGULATIONS  
FOR THE HOLDING  
OF A REFERENDUM**

**INFORMATION PERTAINING TO  
THE SPECIAL VERSION  
OF THE ELECTION REGULATIONS  
FOR THE HOLDING OF A REFERENDUM**

Under the second paragraph of Section 44 of the Referendum Act, the regulations adopted under the Election Act are applicable, taking into account the changes required for a referendum.

According to the third paragraph of Section 45 of the Referendum Act, the regulations adopted under the Election Act, applicable to the holding of a referendum, have been reproduced in the present special version.

# **SPECIAL VERSION OF THE ELECTION REGULATIONS FOR THE HOLDING OF A REFERENDUM**

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**SPECIAL VERSION OF THE ELECTION REGULATIONS  
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**SPECIAL VERSION OF  
THE BALLOT PAPERS (PAPER MANUFACTURER AND PRINTER) REGULATION**

Referendum Act  
(R.S.Q., c. C-64.1, s. 45 and Special Version of the Election Act, s. 322)

**DIVISION I  
GENERAL**

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

**DIVISION II  
MANUFACTURER OF PAPER FOR BALLOTS**

2. The manufacturer of the paper required to print the ballot papers may not deliver the paper or disclose the thread or the special mark to any person other than the Chief Electoral Officer.
3. Against breach of section 2, the manufacturer shall furnish security of 10 000 \$.

**DIVISION III  
PRINTER OF BALLOTS**

4. When he receives the paper for printing the ballot papers, the printer shall count the sheets and send a receipt the same day to the Chief Electoral Officer.
5. When the printing of the ballot papers is completed, the printer shall replace in the box that contained the paper, every sheet of paper not used or spoiled as well as all the scraps of those sheets used.

The printer shall seal the box and send it back to the returning officer.

6. When delivering the ballot papers to the returning officer, the printer shall produce an affidavit containing the following information:

1° description of the ballot papers delivered;

2° number of sheets of paper he received to print them;

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3° number of ballot papers made with each sheet of paper;

4° number of ballot papers delivered;

5° number of sheets of paper not used;

6° surname and given name of every person who worked at printing, counting, binding, packing or delivering the ballot papers.

The affidavit must also certify that no other ballot paper corresponding to the same description has been given to any one.

7. Every person who worked at printing, counting, binding, packing or delivering ballot papers shall also give the returning officer an affidavit to the effect that he or she has not furnished ballot papers corresponding to the same description to any person other than the returning officer.

**DIVISION IV**

**FINAL**

8. This Special Version of the Ballot Papers (paper manufacturer and printer) Regulation replaces the Special Version of the Ballot Papers (paper manufacturer and printer) Regulation printed by the Chief Electoral Officer on 1 March 2001.

9. Omitted.

Note : This special version constitute the adaptation of the Ballot Papers (paper manufacturer and printer) Regulation adopted by Committee on the National Assembly on March 23, 1989 (G.O. 2, April 5<sup>th</sup> 1989, 1576) and modified on December 20, 2000 (G.O. 2, February 14<sup>th</sup> 2001, 1183).

**SPECIAL VERSION OF THE ELECTION REGULATIONS  
FOR THE HOLDING OF A REFERENDUM**

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**SPECIAL VERSION OF  
THE REGULATION RESPECTING THE TARIFF OF  
REMUNERATION AND EXPENSES OF ELECTION OFFICERS**

Referendum Act  
(R.S.Q., c. C-64.1, s. 45 and Special Version of the Election Act, s. 137)

**DIVISION I**

**SCOPE**

1. This Special Version of the Regulation respecting the tariff of remuneration and expenses of election officers applies to all the services provided by an election officer within the meaning of section 136 of the Special Version of the Election Act for the holding of a referendum who performs a function listed in section 2.

**DIVISION II**

**REMUNERATION**

2. The remuneration to which election officers are entitled is indicated after their respective functions:

**(1) Returning officer:**

Hourly remuneration equivalent to the maximum hourly remuneration of an administration specialist, based on public service classification and norms;

**(2) Substitute returning officer:**

Hourly remuneration equivalent to the hourly remuneration of a returning officer;

**(3) Assistant returning officer:**

Hourly remuneration equivalent to 75% of the hourly remuneration of a returning officer;

**(4) Assistant to the assistant returning officer in the regions and  
Assistant to the assistant returning officer–List of electors:**

Hourly remuneration equivalent to 75% of the hourly remuneration of an assistant returning officer;

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- (5) **Assistant to the assistant returning officer–Distribution and Assistant to the assistant returning officer–Voting results:**  
Hourly remuneration equivalent to 50% of the hourly remuneration of an assistant returning officer;
- (6) **Assistant to the assistant returning officer–Vote:**  
Hourly remuneration equivalent to 35% of the hourly remuneration of an assistant returning officer;
- (7) **Permanent aide:**  
Hourly remuneration equivalent to 50% of the hourly remuneration of an assistant returning officer;
- (8) **Casual aide:**  
Hourly remuneration equivalent to 35% of the hourly remuneration of an assistant returning officer;
- (9) **Aide for computerization of the list of electors and Aide for computerization of the permanent list of electors:**  
Hourly remuneration equivalent to 50% of the hourly remuneration of an assistant returning officer;
- (10) **Enumerator:**  
Hourly remuneration equivalent to 90% of the hourly remuneration of a revisor of a board of revisors;
- (11) **Revisor of a board of revisors:**  
Hourly remuneration equivalent to 45% of the hourly remuneration of an assistant returning officer. If the number of polling subdivisions attached to the board is 40 or more, \$4 for each additional polling subdivision shall be granted for ordinary revision only;
- (12) **Secretary of a board of revisors:**  
Hourly remuneration equivalent to 90% of the hourly remuneration of a revisor of a board of revisors. If the number of polling subdivisions attached to the board is 40 or more, \$4 for each additional polling subdivision shall be granted for ordinary revision only;
- (13) **Revising officer:**  
Hourly remuneration equivalent to 90% of the hourly remuneration of a revisor of a board of revisors;

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**(14) Deputy returning officer (polling day):**

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours, including the counting of votes. Meals and travel expenses shall be included;

**(15) Deputy returning officer (advance polling and voting of inmates):**

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals and travel expenses shall be included;

**(16) Deputy returning officer (mobile polling):**

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals shall be included;

**(17) Polling clerk (polling day):**

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 13 hours, including the counting of votes. Meals and travel expenses shall be included;

**(18) Poll clerk (advance polling and voting of inmates):**

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 13 hours per day. Meals and travel expenses shall be included;

**(19) Poll clerk (mobile polling):**

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 13 hours per day. Meals shall be included;

**(20) Officer assigned to the list of electors (polling day):**

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 12.5 hours per day. Meals and travel expenses shall be included;

**(21) Officer in charge of information and order (polling day, advance polling and voting by inmates):**

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals and travel expenses shall be included;

**(22) Aide to the officer in charge of information and order (polling day and advance polling):**

Hourly remuneration equivalent to 35% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals and travel expenses shall be included;

**SPECIAL VERSION OF THE ELECTION REGULATIONS  
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**(23) Chairman of the identity verification panel (polling day, advance polling and voting by inmates):**

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 12.5 hours per day. Meals and travel expenses shall be included;

**(24) Chairman of the identity verification panel (mobile polling):**

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 12.5 hours per day. Meals shall be included;

**(25) Member of the identity verification panel (polling day, advance polling and voting by inmates):**

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 12.5 hours per day. Meals and travel expenses shall be included;

**(26) Member of the identity verification panel (mobile polling):**

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 12.5 hours per day. Meals shall be included.

3. Election officers who perform more than one of the functions listed in section 2 are entitled to only the highest remuneration of the two functions.

### **DIVISION III**

#### **EXPENSES**

4. Hourly remuneration corresponding to the position they hold shall be paid to election officers when they attend a training meeting convened by the returning officer or under his authority.

5. Hourly remuneration corresponding to the position held shall be paid to election officers authorized to return the ballot boxes of the advance polling, voting by inmates and polling day.

6. Hourly remuneration corresponding to the position held shall be paid to election officers authorized to count the votes of the advance polling, polling outside Québec and voting by inmates.

7. Returning officers and assistant returning officers who must travel in the performance of their duties are entitled to payment of their travel expenses in accordance with the *Règles sur les frais de déplacement des fonctionnaires* then in force, upon presentation of the vouchers required under those rules.

Other election officers who must travel in the performance of their duties are entitled to payment of their expenses for the distance in kilometres at the rate then in force in the *Règles sur les frais de déplacement des fonctionnaires* and upon presentation of the vouchers required under those rules.

**SPECIAL VERSION OF THE ELECTION REGULATIONS  
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**DIVISION IV**

**INCREASE IN THE TARIFF**

**8.** The chief electoral officer may, during a referendum period, increase the amounts set by this Regulation. The additional expenses brought about by such an increase may not exceed \$250 000.

**DIVISION V**

**FINAL**

**9.** This Special Version of the Regulation respecting the tariff of remuneration and expenses of election officers replaces the Special Version of the Regulation respecting the tariff of remuneration and expenses of election officers printed by the Chief Electoral Officer on 1 March 2001.

**10.** Omitted.

Note : This special version constitute the adaptation of the Regulation respecting the tariff of remuneration and expenses of election officers, made by Order in Council 499-2001 dated 2 May 2001 (G.O. 2, 16 May 2001, 2192).

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**SPECIAL VERSION OF  
THE VOTING REGULATION**

Referendum Act

(R.S.Q., c. C-64.1, s. 45 and Special Version of the Election Act, ss. 331, 338 to 340, 348 and 350)

**DIVISION I**

**GENERAL**

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

**DIVISION II**

**MEANS OF IDENTIFICATION**

2. A place at which polling stations are located shall be identified by means of a notice containing the following particulars:

(a) identification of the Chief Electoral Officer;

(b) the name of the electoral division;

(c) the numbers of the polling stations located at the place;

(d) the international symbol for accessibility to the handicapped if the premises are accessible to the physically handicapped.

3. During advance polling, each polling station shall be identified by means of a sign identifying the Chief Electoral Officer and indicating the polling subdivisions attached to the advance polling station.

On polling day, the sign shall indicate the number of the polling subdivision the polling station represents.

4. The deputy returning officer, the poll clerk, the officers assigned to the list of electors, the identity verification panel members and the officer in charge of information and order shall, on polling day or advance polling day, as the case may be, wear a badge provided by the Chief Electoral Officer and containing the following particulars:

(a) identification of the Chief Electoral Officer;

**SPECIAL VERSION OF THE ELECTION REGULATIONS  
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(b) the name of the electoral division;

(c) the name and position of the person wearing the badge.

**DIVISION III**

**OATHS OF ELECTORS**

5. An elector whose description differs slightly from that entered on the list of electors may nevertheless be admitted to vote after taking the oath in Form 46, attached hereto.

6. Where a deputy returning officer, a poll clerk or a representative of a national committee so require, a person shall swear that he:

(a) is a qualified elector;

(b) was domiciled in that polling subdivision on the Tuesday of the second week preceding that of the poll, or that he resided or had his main office in the polling subdivision on the date of his application under section 3 of the Special Version of the Election Act;

(c) has not already voted in the current referendum;

(d) has received no benefit intended to engage his support for an option;

or

(e) has in his possession no ballot paper capable of use in the current referendum.

The oath shall be taken in Form 47, attached hereto.

7. An elector in whose name a person has already voted may be allowed to vote after taking the oath in Form 48, attached hereto.

**DIVISION IV**

**VOTING WITH TEMPLATE**

8. The design of the template a visually handicapped person may use is reproduced in Form 49, attached hereto.

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**DIVISION V**

**AUTHORIZATION TO VOTE**

9. An elector whose name does not appear on the copy of the list of electors used at the polling station although it is on the revised list of electors in the possession of the returning officer or whose name was the object of an entry or correction duly accepted by the Board of Revisors may obtain an authorization to vote in Form 50, attached hereto, from the Returning Officer or his assistant.

**DIVISION VI**

**FINAL**

10. This Special Version of the Voting Regulation replaces the Special Version of the Voting Regulation printed by the Chief Electoral Officer on 1 March 2001.

11. Omitted.

Note : This special version constitute the adaptation of the Voting Regulation adopted by Committee on the National Assembly on March 23, 1989 (G.O. 2, April 5<sup>th</sup> 1989, 1580) and modified on December 20, 2000 (G.O. 2, February 14<sup>th</sup> 2001, 1197) and on June 15, 2001 (G.O. 2, July 11<sup>th</sup> 2001, 3563).

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FORM 46

Special Version of the Election Act for the holding of a Referendum, s. 338

OATH OF ELECTOR WHOSE DESCRIPTION IS SLIGHTLY DIFFERENT  
FROM THE DESCRIPTION ENTERED ON THE LIST OF ELECTORS

I, (name), domiciled at (address), declare under oath that I am the person described or intended to be described in the following entry on the list of electors (read the description of the elector entered on the list of electors).

Penalties (ss. 553.1 (3) and 567 of the Special Version of the Election Act)

Every person who votes without being entitled to vote commits an offence deemed to be a corrupt electoral practice and is liable to a fine of \$500 to \$2 000.

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FORM 47

Special Version of the Election Act for the holding of a Referendum, s. 350

**OATH OF ELECTOR**

I, (name), domiciled at (address), declare under oath that I am an elector in the (name of electoral division) electoral division and that:

- (1) I fulfill (or will fulfill) on polling day the conditions for being an elector;
- (2) I was domiciled in this polling subdivision on the Tuesday of the second week preceding that of the poll, namely

--

day                      month                      year

or I resided or had my main office in this polling subdivision on the date I filed an application under section 3 of the Special Version of the Election Act;

- (3) I have not already voted in the current referendum;
- (4) I have not received any benefit intended to commit me to vote for an option;
- (5) I do not have in my possession any ballot paper that could be used in the current referendum.

Penalties (ss. 553.1 (1) (3), 558 and 567 of the Special Version of the Election Act)

- Every person who votes without being entitled to vote or who votes more than once commits an offence deemed to be a corrupt electoral practice and is liable to a fine of \$500 to \$2 000.
- Every person who receives any benefit whatsoever to influence his vote commits an offence and is liable to a fine of \$1 000 to \$10 000.

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FORM 48

Special Version of the Election Act for the holding of a Referendum, s. 339

**OATH OF ELECTOR ALLOWED TO VOTE AFTER ANOTHER PERSON HAS VOTED UNDER HIS NAME**

I, (name), domiciled at (address), declare under oath that I am the person whose name is entered on the list of electors now shown to me and that I have not already voted in the current referendum.

Penalties (ss. 553.1 (1) and 567 of the Special Version of the Election Act)

Every person who votes more than once commits an offence deemed to be a corrupt electoral practice and is liable to a fine of \$500 to \$2 000.

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**FORM 49**

**Special Version of the Election Act  
for the holding of a Referendum, s. 348**

This template enables visually handicapped electors  
to mark their ballot papers without assistance.

**General instructions for deputy returning officer**

- A visually handicapped elector using this template is NOT required to take the oath of an elector unable to vote without assistance.

**Procedure for handling ballot paper**

- Remove one ballot paper from the pad and fold it in the prescribe manner.
- Unfold it and place it in the template so that the first circle on the ballot paper is directly under the first circle of the template.
- Read the question and indicate to the elector the order in which the options appear on the ballot paper.
- Ask the elector to refold the ballot paper after marking it along the folds you have already made.



**REFERENDUM  
CALENDAR**



# Referendum calendar

## Referendum period with revision

## Referendum:

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
36 <sup>th</sup> day	35 <sup>th</sup> day	34 <sup>th</sup> day	33 <sup>rd</sup> day	32 <sup>nd</sup> day	31 <sup>st</sup> day	30 <sup>th</sup> day
			<ul style="list-style-type: none"> <li>Issue of the order (RA 13, 14 and SV 131)</li> <li>Opening of the main office of the returning officer 9:00 a.m. to 10:00 p.m. (SV 132)</li> <li>Production and transmission by the CEO to the returning officer of the list of electors, the list of electors entitled to vote outside Québec, the list of electors for whom a verification has been requested and the list of the addresses for which no electors' names are entered (SV 145)</li> </ul>	<ul style="list-style-type: none"> <li>First day of the seven-day period when publicity is prohibited (SV 429) ★</li> </ul>		
29 <sup>th</sup> day	28 <sup>th</sup> day	27 <sup>th</sup> day	26 <sup>th</sup> day	25 <sup>th</sup> day	24 <sup>th</sup> day	23 <sup>rd</sup> day
	<ul style="list-style-type: none"> <li>Last day for the returning officer to inform the CEO, the national committees and official delegates of places where the boards of revisors are established (SV 180 and 182)</li> <li>Last day for the returning officer to inform the official delegates of places where advance polling stations are established (SV 262)</li> </ul>	<ul style="list-style-type: none"> <li>Last day for recommendations of revisors and revising officers (SV 186 and 231.5)</li> <li>Last day for the returning officer to transmit the list of electors, the list of electors entitled to vote outside Québec and the list of the addresses for which no electors' names are entered to the official delegates (SV 146)</li> <li>First day for a private intervenor to file an application for authorization by the returning officer of his electoral division (SV 457.5)</li> </ul>	<ul style="list-style-type: none"> <li>Last day to appoint revisors and revising officers (SV 184, 190 and 231.5)</li> <li>Last day of the period when publicity is prohibited (SV 429) ★</li> </ul>			
22 <sup>nd</sup> day	21 <sup>st</sup> day	20 <sup>th</sup> day	19 <sup>th</sup> day	18 <sup>th</sup> day	17 <sup>th</sup> day	16 <sup>th</sup> day
<ul style="list-style-type: none"> <li>Last day for sending to each dwelling the voter's manual (SV 134)</li> <li>Last day for the CEO to send to each address notices containing the information relating to the inscription on the list of electors, the revision and the advance polling (SV 182.1, 198.1 and 262.1)</li> </ul>	<ul style="list-style-type: none"> <li>Revision : <ul style="list-style-type: none"> <li>First day of work of the boards of revisors which sit from 10:00 a.m. to 9:00 p.m. and receive applications from 11:00 a.m. to 9:00 p.m. (SV 180 and 195)</li> </ul> </li> <li>Revision of the list of electors entitled to vote outside Québec: <ul style="list-style-type: none"> <li>First day of work of the board of revisors (SV 231.6)</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>Last day for receiving an application to exercise one's right to vote outside Québec (SV 293.5)</li> </ul>	<ul style="list-style-type: none"> <li>Last day for the CEO to transmit to the returning officer a list of the electors who have become entitled to vote outside Québec since the issue of the order (SV 147)</li> <li>Sending of this list by the returning officer to the official delegates (SV 147)</li> </ul>		<ul style="list-style-type: none"> <li>Last day for the director of a house of detention to transmit the electoral list of inmates to the returning officer of the electoral division concerned (SV 274)</li> <li>Posting up and transmitting of the notice of a poll to official delegates (SV 261)</li> </ul>
15 <sup>th</sup> day	14 <sup>th</sup> day	13 <sup>th</sup> day	12 <sup>th</sup> day	11 <sup>th</sup> day	10 <sup>th</sup> day	9 <sup>th</sup> day
	<ul style="list-style-type: none"> <li>Last day for recommendations of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel (SV 263, 310.1, 312 and 312.1)</li> </ul>	<ul style="list-style-type: none"> <li>Last day for filing applications with the board of revisors (SV 195)</li> <li>Last day for a private intervenor to file an application for authorization by the returning officer of his electoral division (SV 457.5)</li> <li>Revision of the list of electors entitled to vote outside Québec: <ul style="list-style-type: none"> <li>Last day to file an application for striking with the board of revisors (SV 231.6)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Special revision: <ul style="list-style-type: none"> <li>First day of work of the special boards of revisors which sit from 10:00 a.m. to 9:00 p.m. and receive applications from 11:00 a.m. to 9:00 p.m. (SV 180 and 229)</li> </ul> </li> <li>Last day for the returning officer to inform each official delegate of places where polling stations are established (SV 302)</li> <li>Last day for the returning officer to post and transmit to official delegates the list of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel (SV 313)</li> </ul>	<ul style="list-style-type: none"> <li>Revision: <ul style="list-style-type: none"> <li>Last day of work of the boards of revisors (SV 195)</li> </ul> </li> <li>Last day to apply for voting in a mobile polling station (SV 289)</li> </ul>	<ul style="list-style-type: none"> <li>Last day for the CEO to send to the electors, the booklet explaining the options (RA 26)</li> <li>Last day to transmit the list of the authorizations granted to private intervenors by the returning officer to the national committees and to each official delegate (SV 457.8)</li> </ul>	<ul style="list-style-type: none"> <li>Last day for the returning officer to transmit to each official delegate the revised copies of the list of electors and the list of the electors who have become entitled to vote outside Québec since the issue of the order (SV 218)</li> </ul>
8 <sup>th</sup> day	7 <sup>th</sup> day	6 <sup>th</sup> day	5 <sup>th</sup> day	4 <sup>th</sup> day	3 <sup>rd</sup> day	2 <sup>nd</sup> day
<ul style="list-style-type: none"> <li>Mobile polling station in a hospital centre or a reception centre 9:00 a.m. to 1:00 p.m. (SV 288)</li> <li>Advance polling 2:00 p.m. to 9:00 p.m. (SV 262 and 264)</li> <li>Sending by the returning officer of the list of electors who have voted in the advance polls to each official delegate (SV 270)</li> </ul>	<ul style="list-style-type: none"> <li>Mobile polling station in a hospital centre or a reception centre 9:00 a.m. to 1:00 p.m. (SV 288)</li> <li>Advance polling 2:00 p.m. to 9:00 p.m. (SV 262 and 264)</li> <li>Voting of inmates (SV 279)</li> <li>Sending by the returning officer of the list of electors who have voted in the advance polls to each official delegate (SV 270)</li> </ul>		<ul style="list-style-type: none"> <li>Special revision : <ul style="list-style-type: none"> <li>Last day for filing applications with the special board of revisors (SV 229)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Special revision : <ul style="list-style-type: none"> <li>Last day of work of the special boards of revisors (SV 229)</li> </ul> </li> <li>Revision of the list of electors entitled to vote outside Québec: <ul style="list-style-type: none"> <li>Last day of work of the board of revisors (SV 231.6)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Transmitting of an abstract of the changes made to the revised list of electors to each official delegate by the returning officer (SV 231.2 and 231.14)</li> </ul>	<ul style="list-style-type: none"> <li>Last day for the returning officer to send a reminder to each dwelling (SV 135)</li> </ul>
1 <sup>st</sup> day	<b>Polling day</b>		<p style="text-align: center;"><b>The application for a recount of the votes or the contesting of the validity of a referendum before the Conseil du référendum must be made within 15 days after that of the polling (RA 41 and 42)</b></p>			
	<ul style="list-style-type: none"> <li>9:30 a.m. to 8:30 p.m. (SV 131, 303 and 333)</li> <li>Publicity prohibited in the media (SV 429.1)</li> </ul>	<ul style="list-style-type: none"> <li>Addition of the votes at the main office of the returning officer (SV 371)</li> </ul>				

