

chapter E-2.2

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

TABLE OF CONTENTS

TITLE I

MUNICIPAL ELECTIONS

CHAPTER I

SCOPE.....	1
------------	---

CHAPTER II

ELECTIONS.....	2
----------------	---

CHAPTER III

DIVISION OF TERRITORY FOR ELECTION PURPOSES

DIVISION I

MUNICIPALITIES REQUIRED TO DIVIDE THEIR TERRITORIES INTO ELECTORAL DISTRICTS.....	4
--	---

DIVISION II

NUMBER AND CHARACTERISTICS OF ELECTORAL DISTRICTS.....	9
--	---

DIVISION III

PROCEDURE OF DIVISION INTO ELECTORAL DISTRICTS.....	13
---	----

DIVISION III.1

MAINTAINING OF THE DIVISION INTO ELECTORAL DISTRICTS.....	40.1
---	------

DIVISION IV

MUNICIPALITIES WHOSE TERRITORY IS DIVIDED INTO WARDS.....	41
---	----

DIVISION V

EFFECTS OF ALTERATION OF TERRITORIAL BOUNDARIES OF MUNICIPALITY ON DIVISION THEREOF FOR ELECTION PURPOSES..	41.1
--	------

CHAPTER IV

COMPOSITION OF THE COUNCIL.....	42
---------------------------------	----

CHAPTER V

PARTIES TO AN ELECTION

DIVISION I

ELECTORS.....	47
---------------	----

DIVISION II

CANDIDATES.....	61
-----------------	----

DIVISION III

ELECTION OFFICERS.....	68
------------------------	----

DIVISION IV

CHIEF ELECTORAL OFFICER.....	89
------------------------------	----

DIVISION V	
REPRESENTATIVES OF CANDIDATES AND POLL RUNNERS.....	92
CHAPTER VI	
ELECTION PROCEEDINGS	
DIVISION I	
NOTICE OF ELECTION.....	99
DIVISION II	
LIST OF ELECTORS	
§ 1. — <i>Preparation</i>	100
§ 2. — <i>Revision</i>	
A. — <i>Cases where revision is carried out</i>	110
B. — <i>Establishment and functioning of the board of revisors</i>	111
C. — <i>Revision process</i>	125
§ 3. — <i>Coming into force</i>	144
DIVISION III	
NOMINATION.....	146
DIVISION IV	
POLL	
§ 1. — <i>Notice of poll</i>	171
§ 2. — <i>Advance poll</i>	174
§ 3. — <i>Polling stations</i>	186
§ 4. — <i>Materials required for the poll</i>	192
§ 5. — <i>Formalities prior to the opening of polling stations</i>	205
§ 6. — <i>Polling proceedings</i>	210
DIVISION V	
COUNTING AND ADDITION OF VOTES.....	228.1
DIVISION VI	
DECLARATION OF ELECTION AND SUBSEQUENT PROCEEDINGS.....	255
DIVISION VII	
RECOMMENCEMENT OF PROCEEDINGS	
§ 1. — <i>Recount or re-addition of votes</i>	262
§ 2. — <i>New election on account of the lack, death or withdrawal of candidates</i> <i>or the rejection of the ballot papers</i>	276
CHAPTER VII	
ELECTORAL CODE OF ETHICS	
DIVISION I	
SECRECY OF VOTING.....	279
DIVISION II	
PARTISAN PUBLICITY AND PARTISAN ACTIVITY OF OFFICERS AND EMPLOYEES OF THE MUNICIPALITY	283
CHAPTER VII.1	
ELECTION POSTERS AND BILLBOARDS.....	285.1
CHAPTER VIII	
CONTESTATION OF ELECTIONS.....	286
CHAPTER IX	
DISQUALIFICATIONS	

DIVISION I	
GROUNDS FOR DISQUALIFICATION.....	300
DIVISION II	
ACTION FOR DECLARATION OF DISQUALIFICATION.....	308
CHAPTER IX.1	
PROVISIONAL INCAPACITY.....	312.1
CHAPTER X	
TERM OF OFFICE OF COUNCIL MEMBERS.....	313
CHAPTER XI	
VACANCIES AND PROCEDURE FOR FILLING VACANCIES ON THE COUNCIL	
DIVISION I	
VACANCIES.....	330
DIVISION II	
BY-ELECTION AND CO-OPTATION.....	335
DIVISION III	
INTERVENTION OF THE MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY.....	345
CHAPTER XII	
RELATED RIGHTS AND OBLIGATIONS	
DIVISION I	
LEAVE WITHOUT PAY.....	347
DIVISION II	
DISCLOSURE OF PECUNIARY INTERESTS OF COUNCIL MEMBERS...	357
CHAPTER XIII	
AUTHORIZATION AND FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES, FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS AND CONTROL OF ELECTION EXPENSES	
DIVISION I	
DEFINITIONS AND APPLICATION.....	364
DIVISION II	
PERSONS ENTRUSTED WITH A FUNCTION RELATING TO THE FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES AND THE CONTROL OF ELECTION EXPENSES	
§ 1. — <i>Chief electoral officer</i>	367
§ 2. — <i>Treasurer</i>	376
§ 3. — <i>Leader of the party</i>	378
§ 4. — <i>Official representative and official agent</i>	380
§ 5. — <i>Auditor of the party</i>	388
§ 6. — <i>Transmission of information</i>	392

DIVISION III

AUTHORIZATION OF PARTIES AND INDEPENDENT CANDIDATES

§ 1. — <i>Authorization required</i>	395
§ 2. — <i>Authorization of a party</i>	396
§ 3. — <i>Authorization of an independent candidate</i>	400
§ 4. — <i>Withdrawal of authorization</i>	403
§ 5. — <i>Merger of authorized parties</i>	414
§ 6. — <i>Miscellaneous provisions</i>	421

DIVISION IV

CONTRIBUTIONS, FINANCING, EXPENSES AND LOANS

§ 1. — <i>Contributions</i>	427
§ 1.1. — <i>Supplemental public financing</i>	442.1
§ 2. — <i>Expenses and loans</i>	443
§ 3. — <i>Allowance to authorized parties</i>	449.1

DIVISION V

ELECTION EXPENSES

§ 1. — <i>Definitions</i>	450
§ 2. — <i>Authorization of election expenses</i>	455
§ 3. — <i>Payment of election expenses</i>	466
§ 3.1. — <i>Advance on supplemental public financing and on the reimbursement of election expenses</i>	474.1
§ 4. — <i>Reimbursement of election expenses</i>	475

DIVISION VI

REPORTS AND RETURNS OF AUTHORIZED PARTIES AND INDEPENDENT CANDIDATES

§ 1. — <i>Financial report</i>	479
§ 2. — <i>Auditor's report</i>	488
§ 3. — <i>Return of election expenses</i>	492

DIVISION VI.1

FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

§ 1. — <i>Required information and register</i>	499.1
§ 2. — <i>Contributions, expenses and payment of claims</i>	499.4
§ 3. — <i>Returns</i>	499.16

DIVISION VII

KEEPING AND TRANSMISSION OF DOCUMENTS BY THE TREASURER.....

500

DIVISION VIII

SANCTIONS.....

502

DIVISION VIII.1

AUTHORIZATION AND EXPENSES OF PRIVATE INTERVENORS..... 512.1

DIVISION IX

TREASURER'S REPORT..... 513

CHAPTER XIV

DISCLOSURE OF CERTAIN GIFTS AND RETURNS OF ELECTION EXPENSES.....	513.0.1
---	---------

TITLE II

MUNICIPAL REFERENDUMS

CHAPTER I

DEFINITIONS AND SCOPE.....	514
----------------------------	-----

CHAPTER II

CONSULTATIVE REFERENDUMS.....	517
-------------------------------	-----

CHAPTER III

QUALIFIED VOTERS.....	518
-----------------------	-----

CHAPTER IV

PROCEDURE OF REGISTRATION OF QUALIFIED VOTERS.....	532
--	-----

CHAPTER V

REFERENDUM LIST.....	560
----------------------	-----

CHAPTER VI

REFERENDUM POLL.....	566
----------------------	-----

TITLE III

REGULATORY PROVISIONS.....	580
----------------------------	-----

TITLE IV

PENAL PROVISIONS

CHAPTER I

OFFENCES.....	586
---------------	-----

CHAPTER II

PENALTIES.....	639
----------------	-----

CHAPTER III

CORRUPT ELECTORAL PRACTICES.....	645
----------------------------------	-----

CHAPTER IV

PROCEEDINGS.....	646
------------------	-----

TITLE V

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROVISIONS.....	649
-------------------------------	-----

CHAPTER II

LEGISLATIVE AMENDMENTS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION.....	660
ACT RESPECTING MUNICIPAL CONTRIBUTION TO RAILWAY CROSSING PROTECTION.....	661
ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT.....	662
CITIES AND TOWNS ACT.....	683
CODE OF CIVIL PROCEDURE.....	730
MUNICIPAL CODE OF QUÉBEC.....	731
ACT RESPECTING THE COMMISSION MUNICIPALE.....	773
ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS	775
ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL.....	779
ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC.....	784
MUNICIPAL FRANCHISES ACT.....	789
ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS.....	792
ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS.....	794
ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES.....	795
ELECTION ACT.....	796
PUBLIC OFFICERS ACT.....	797
ACT RESPECTING MUNICIPAL TAXATION.....	799
ACT RESPECTING MUNICIPAL BRIBERY AND CORRUPTION.....	800
EDUCATION ACT.....	801
ELECTRICITY MUNICIPALIZATION ACT.....	804
ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES.....	806
ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX.....	812
MUNICIPAL WORKS ACT.....	813
ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES.....	814
ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT.....	815
MINING TOWNS ACT.....	820
AMENDMENTS TO PARTICULAR CHARTERS.....	860
IMPLIED AMENDMENTS.....	861

CHAPTER III

TRANSITIONAL PROVISIONS.....	866
------------------------------	-----

CHAPTER IV

FINAL PROVISIONS.....	886
-----------------------	-----

SCHEDULE I

LEGISLATIVE PROVISIONS REPEALED UNDER SECTION 860

SCHEDULE II

OATH OF ELECTED PERSON

REPEAL SCHEDULES

TITLE I

MUNICIPAL ELECTIONS

CHAPTER I

SCOPE

1. This Title applies to all municipalities except regional county municipalities, northern, Cree or Naskapi villages or any municipality whose council, according to the Act establishing or governing the municipality, is not composed of persons elected by its citizens.

1987, c. 57, s. 1; 1996, c. 2, s. 659.

CHAPTER II

ELECTIONS

2009, c. 11, s. 1.

2. An election shall be held every four years for all the offices on the council of a municipality.

1987, c. 57, s. 2; 2009, c. 11, s. 2.

3. The polling date is the first Sunday in November.

1987, c. 57, s. 3; 2009, c. 11, s. 3.

CHAPTER III

DIVISION OF TERRITORY FOR ELECTION PURPOSES

DIVISION I

MUNICIPALITIES REQUIRED TO DIVIDE THEIR TERRITORIES INTO ELECTORAL DISTRICTS

4. Every municipality having a population of 20,000 or over on 1 January of the calendar year preceding the year in which a general election is to be held must divide its territory into electoral districts.

The same rule applies to any other municipality that, on 31 December 1987, was required to divide or had divided its territory into electoral districts.

1987, c. 57, s. 4.

5. Any municipality that is not required to divide its territory into electoral districts may submit itself to that requirement by by-law of its council passed by a two-third majority of its members, which must, under pain of absolute nullity, come into force during the second calendar year preceding that in which a general election must be held.

As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission de la représentation.

1987, c. 57, s. 5; 1997, c. 34, s. 1; 1999, c. 40, s. 114.

6. A municipality that is required, by operation of law or after voluntarily submitting itself to the requirement, to divide its territory into electoral districts for the purposes of a general election shall be under the same requirement for the purposes of all subsequent general elections.

1987, c. 57, s. 6.

7. Where a municipality having a population of under 20,000 is required to divide its territory into electoral districts, it may exempt itself from that requirement by a by-law of its council passed by a two-thirds majority of its members.

Subject to a requirement by operation of law or to the municipality voluntarily submitting itself again to the requirement of dividing its territory into electoral districts, the municipality is no longer required to so divide its territory for the purposes of any general election held from the second calendar year following the calendar year in which the by-law referred to in the first paragraph comes into force.

As soon as practicable after the coming into force of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission de la représentation.

1987, c. 57, s. 7; 1997, c. 34, s. 2.

8. For election purposes, a municipality shall divide its territory into electoral districts only.

1987, c. 57, s. 8.

DIVISION II

NUMBER AND CHARACTERISTICS OF ELECTORAL DISTRICTS

9. The number of electoral districts of a municipality shall be

- (1) not fewer than 6 nor more than 8 if its population is under 20,000;
- (2) not fewer than 8 nor more than 12 if its population is 20,000 or over but under 50,000;
- (3) not fewer than 10 nor more than 16 if its population is 50,000 or over but under 100,000;
- (4) not fewer than 14 nor more than 24 if its population is 100,000 or over but under 250,000;
- (5) not fewer than 18 nor more than 36 if its population is 250,000 or over but under 500,000;
- (6) not fewer than 30 nor more than 90 if its population is 500,000 or over.

The population of a municipality is its population on the date of passage, as provided in section 14, of the draft by-law dividing its territory into electoral districts.

1987, c. 57, s. 9.

10. The Minister of Municipal Affairs, Regions and Land Occupancy may, upon an application, authorize a municipality to divide its territory into a smaller number of electoral districts than the minimum number or into a greater number than the maximum number.

The Minister shall transmit a copy of the authorization to the Commission de la représentation.

1987, c. 57, s. 10; 1997, c. 34, s. 3; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

11. The electoral districts shall be delimited in such a manner as to ensure that each has the greatest possible socioeconomic homogeneity, taking into account criteria such as physical barriers, population trends, parish and borough boundaries, size and distance.

1987, c. 57, s. 11; 2007, c. 33, s. 2.

12. Subject to section 12.0.1, each electoral district shall be delimited in such a manner that, according to the document provided for in section 12.1, the number of electors in the district is not more than 15% above

or below the quotient obtained by dividing the total number of electors of the municipality by the number of districts. The percentage shall be 25% in the case of a municipality having a population of under 20,000 on the date of passage of the draft by-law dividing its territory into electoral districts.

A municipality may make exceptions to the first paragraph; the by-law dividing its territory into electoral districts shall then be submitted to the Commission de la représentation for approval.

1987, c. 57, s. 12; 2001, c. 25, s. 75; 2007, c. 33, s. 3.

12.0.1. If an electoral district is to be used only for the purposes of borough councillor elections, it shall be delimited in such a manner that, according to the document provided for in section 12.1, the number of electors in the district is not more than 15% above or below the quotient obtained by dividing the total number of electors of the borough by the number of districts in the borough. The percentage shall be 25% in the case of a borough having a population of under 20,000 on the date of passage of the draft by-law dividing the territory of the municipality into electoral districts.

A municipality may make exceptions to the first paragraph; the by-law dividing its territory into electoral districts is then submitted to the Commission de la représentation for approval.

2007, c. 33, s. 4.

12.1. The clerk or the secretary-treasurer shall establish, in a document, the number of electors for the purposes of the division of the territory into electoral districts.

The document shall specify, for each immovable or business establishment in the municipality, the number of electors whose names are on the permanent list of electors according to the data provided by the Chief Electoral Officer not later than 15 January of the year for which the division is required, and the number of electors whose names are on the list of electors of the municipality as owners of the immovable or occupants of the business establishment.

2001, c. 25, s. 76; 2009, c. 11, s. 4.

DIVISION III

PROCEDURE OF DIVISION INTO ELECTORAL DISTRICTS

13. For the purposes of this division, the population of a municipality is its population on the date of passage of the draft by-law dividing its territory into electoral districts, and an elector is a person whose name is entered on the permanent list of electors on the date on which the chief electoral officer receives the request referred to in the second paragraph of section 12.1, and a person whose name is entered on the list of electors of the municipality as the owner of an immovable or the occupant of a business establishment.

1987, c. 57, s. 13; 2001, c. 25, s. 77.

14. The council of a municipality required to divide its territory into electoral districts shall, by resolution, after 1 January of the calendar year preceding that in which the general election for which the division is required must be held, pass a draft by-law effecting the division.

1987, c. 57, s. 14; 1997, c. 34, s. 4.

15. The draft by-law shall describe the boundaries of the proposed electoral districts according to the standards established by the Commission de la représentation. It shall, wherever possible, use the names of thoroughfares and mention the number of electors included in each district.

The draft by-law shall also include a map or a sketch of the proposed districts.

The Commission is not governed by the Regulations Act (chapter R-18.1) when establishing standards.

If the draft by-law does not comply with the first or second paragraphs, the municipality must start the procedure for dividing its territory into electoral districts over again, unless it is complying with another measure submitted by the Commission de la représentation.

1987, c. 57, s. 15; 2007, c. 33, s. 5.

16. Within 15 days of passage of the draft by-law, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

- (1) the object of the draft by-law;
- (2) the description of the boundaries of the proposed electoral districts;
- (3) the number of electors included in each proposed electoral district;
- (4) the place, days and hours for examining the draft by-law;
- (5) every elector's right to inform the clerk or the secretary-treasurer in writing of his objection to the draft by-law within 15 days of publication of the notice;
- (6) the address to which objections must be sent;
- (7) the number of objections required to oblige the council to hold a public meeting to hear the persons present in respect of the draft by-law.

In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the proposed electoral districts.

1987, c. 57, s. 16; 1997, c. 34, s. 5.

17. Within 15 days of publication of the notice, every elector may inform the clerk or the secretary-treasurer in writing of his objection to the draft by-law.

1987, c. 57, s. 17.

17.1. On receiving an objection within the time prescribed in section 17, the clerk or the secretary-treasurer shall, to ascertain whether the person making the objection is an elector within the meaning of section 13, request from the chief electoral officer the list of the persons referred to in the second paragraph of section 12.1. For that purpose, section 100 applies, with the necessary modifications.

However, the clerk or the secretary-treasurer is not required to make such a request under the first paragraph if the person who has made the objection is a person referred to in the third paragraph of section 12.1.

2001, c. 25, s. 78.

18. The council shall hold a public meeting to hear the persons present in respect of the draft by-law if the number of objections received within the prescribed time is equal to or exceeds

- (1) 100 in the case of municipalities having a population of under 20,000;
- (2) five times the total number of full blocks of 1,000 inhabitants in the case of municipalities having a population of 20,000 or over but under 100,000;
- (3) 500 in the case of municipalities having a population of 100,000 or over.

1987, c. 57, s. 18.

19. Not later than ten days before the public meeting, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice indicating the place, day, time and purpose of the meeting, and transmit a copy thereof, along with a certified copy of the draft by-law, to the Commission de la représentation.

1987, c. 57, s. 19; 1997, c. 34, s. 6.

20. The public meeting does not constitute a sitting of the council.

A majority of the members of the council and the clerk or the secretary-treasurer shall attend the meeting.

The meeting shall be presided over by the mayor or, where he is unable to act or where the office of mayor is vacant, by one of the council members present designated by them. The designated member may maintain order in the same manner as the chairman of a sitting of the council and has the same powers.

The persons present may make representations verbally or table documents. The documents shall be treated as if they had been tabled at a sitting of the council.

The clerk or the secretary-treasurer shall draw up the minutes of the meeting.

1987, c. 57, s. 20.

21. The council of the municipality shall pass a by-law dividing its territory into electoral districts after the expiry of the time in which electors may make objections to the draft by-law or after the day of the public meeting, as the case may be, but before 1 June of the calendar year preceding that in which the general election for which the division is required is to be held.

As soon as practicable after passage of the by-law, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission de la représentation.

On a written recommendation of the Commission de la représentation to the municipality, and if the number of electors is not affected, the council of the municipality may amend a provision of the by-law referred to in the first paragraph in order to correct a clerical error or an error in concordance between the description and the accompanying map or sketch, or to comply with the standards referred to in section 15. The amendment forms an integral part of the by-law, as if it had been adopted with it. The clerk or the secretary-treasurer shall transmit a certified copy of the amended by-law to the Commission without delay.

1987, c. 57, s. 21; 2007, c. 33, s. 6.

22. Where the council is obliged to hold a public meeting in respect of the draft by-law, the clerk or the secretary-treasurer, within 15 days after passage of the by-law, shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

- (1) the object of the by-law;
- (2) the description of the boundaries of the proposed electoral districts;
- (3) the number of electors included in each proposed electoral district;
- (4) the place, days and hours for examining the by-law;
- (5) every elector's right to inform the Commission de la représentation in writing of his objection to the by-law within 15 days of publication of the notice;
- (6) the address to which objections must be sent;

(7) the number of objections required to oblige the Commission to hold a public meeting to hear the persons present regarding the by-law.

In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the proposed electoral districts.

Within five days of publication of the notice, the clerk or the secretary-treasurer shall transmit a certified copy thereof to the Commission, with an attestation of its date of publication.

1987, c. 57, s. 22; 1997, c. 34, s. 7.

23. Within 15 days of publication of the notice, every elector may inform the Commission in writing of his objection to the by-law.

1987, c. 57, s. 23.

24. The Commission shall inform the municipality in writing of any objection received within the prescribed time.

1987, c. 57, s. 24.

25. The Commission shall hold a public meeting to hear the persons present in respect of the by-law, if the number of objections received within the prescribed time is equal to or exceeds the number needed under section 18 to require the holding of a public meeting of the council in respect of the draft by-law.

1987, c. 57, s. 25.

26. Not later than ten days before the public meeting, the Commission shall publish, in a newspaper having general circulation in the municipality, a notice indicating the place, day, time and purpose of the meeting and transmit a copy thereof to the municipality.

1987, c. 57, s. 26.

27. The municipality is entitled to be heard at the public meeting held by the Commission.

The persons present may make representations verbally or table documents.

1987, c. 57, s. 27.

28. *(Repealed).*

1987, c. 57, s. 28; 1997, c. 34, s. 9.

29. *(Repealed).*

1987, c. 57, s. 29; 1997, c. 34, s. 9.

30. Subject to section 34, the by-law dividing the territory of the municipality into electoral districts comes into force on 31 October of the calendar year preceding that in which the general election for which the division is required is to be held.

1987, c. 57, s. 30; 1997, c. 34, s. 10; 2011, c. 11, s. 10.

31. The Commission shall divide into electoral districts the territory of a municipality whose council has not passed a by-law to that effect within the time prescribed in section 21. However, even after the expiry of that time, the council may pass the by-law as long as the Commission has not carried out the division.

The Commission shall also make the division where, after holding a public meeting in respect of the by-law passed by the council, it considers that the division required by the by-law is not to be effected.

Before making a decision under this section, the Commission may hold a public meeting to hear the persons present in respect of the division into districts it proposes or the by-law of the municipality, as the case may be.

1987, c. 57, s. 31; 1997, c. 34, s. 11; 2011, c. 11, s. 11.

32. The Commission shall transmit to the municipality a certified copy of the decision whereby the division into electoral districts is effected or the division provided for in the by-law of the municipality is maintained.

1987, c. 57, s. 32; 2011, c. 11, s. 12.

33. The Commission shall publish a notice of its decision in a newspaper having general circulation in the municipality.

The notice shall set forth

(1) the object of the decision whereby the division into electoral districts is effected by the Commission, or the object of the by-law of the municipality, as the case may be;

(2) *(paragraph repealed)*;

(3) the date on which the decision is made or the by-law is passed, as the case may be;

(4) the place, days and hours for examining the decision or the by-law, as the case may be.

If the Commission divides the territory into electoral districts, the notice must also contain a description of the boundaries of the electoral districts. In addition to or in lieu of the description, the notice may include a map or a sketch of the electoral districts.

1987, c. 57, s. 33; 1997, c. 34, s. 12; 2011, c. 11, s. 13.

34. The division of the territory into electoral districts by the Commission comes into force on the day of the publication of the notice. The same applies if the decision of the Commission to maintain the division provided for in the by-law of the municipality is made after the date specified in section 30.

1987, c. 57, s. 34; 2011, c. 11, s. 14.

35. The costs relating to a division into electoral districts effected by the Commission shall be borne by the municipality.

1987, c. 57, s. 35.

36. The division into electoral districts applies for the purposes of the first general election following the coming into force of the by-law of the municipality or of the decision of the Commission, as the case may be. It also applies for the purposes of any subsequent by-election held before the second general election following the coming into force of the by-law or decision.

1987, c. 57, s. 36.

36.1. As soon as possible after the coming into force of the by-law of the municipality or the decision of the Commission dividing the territory of the municipality into electoral districts, the clerk or secretary-

treasurer shall transmit the description of the electoral districts to the chief electoral officer according to the parameters he determines.

1995, c. 23, s. 57.

37. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be taken nor any injunction granted against the Commission or any of its members or employees acting in the performance of their duties.

A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to the first paragraph.

1987, c. 57, s. 37; 2014, c. 1, s. 781; I.N. 2016-01-01 (NCCP).

38. The Commission or any of its members or employees may, in the performance of their duties, examine any document held by a municipality and obtain copy of it free of charge.

1987, c. 57, s. 38.

39. The chairman of the Commission shall coordinate and distribute the work of the members of the Commission.

Any member of the Commission designated by the chairman for that purpose may exercise any power or perform any duty indicated by the chairman.

1987, c. 57, s. 39.

40. The Commission may, in respect of a municipality having a population of under 20,000, delegate the exercise of any power or the performance of any duty it indicates to any person it designates for that purpose.

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

1987, c. 57, s. 40.

DIVISION III.1

MAINTAINING OF THE DIVISION INTO ELECTORAL DISTRICTS

2007, c. 33, s. 7.

40.1. If the division of the territory of a municipality into electoral districts complies with sections 9 and 11 and the first paragraph of section 12 or the first paragraph of section 12.0.1, the municipality may maintain the existing division into electoral districts for the purposes of the general election following that for which the division into electoral districts was made or was maintained under this division. The municipality must first apply to the Commission for confirmation that it meets the requisite conditions for maintaining the division.

2007, c. 33, s. 7.

40.2. The application to the Commission to maintain the same division into electoral districts must be made before 15 March of the calendar year preceding the year in which the general election is to be held and must be accompanied by the document referred to in section 12.1. The document must mention the number of electors in each of the electoral districts in force.

The Commission shall transmit to the municipality a certified copy of the decision confirming whether the municipality meets the conditions for maintaining the existing division into electoral districts or informing the

municipality that it must follow the procedure set out in Division III for dividing its territory into electoral districts.

2007, c. 33, s. 7; 2011, c. 11, s. 15.

40.3. If the municipality meets the conditions for maintaining the existing division of its territory into electoral districts, within 15 days after transmission of the decision, the clerk or the secretary-treasurer shall publish, in a newspaper having general circulation in the municipality, a notice setting forth

- (1) the object of the Commission's decision;
- (2) the description of the boundaries of the electoral districts;
- (3) the number of electors in each electoral district;
- (4) every elector's right to inform the clerk or the secretary-treasurer in writing, within 15 days of publication of the notice, of the elector's objection to the maintaining of the division into electoral districts;
- (5) the address to which objections must be sent; and
- (6) the number of objections required to oblige the municipality to follow the procedure for dividing its territory into electoral districts.

In addition to or in lieu of the description required under subparagraph 2 of the first paragraph, the notice may include a map or a sketch of the electoral districts.

Within five days of publication of the notice, the clerk or the secretary-treasurer shall transmit a certified copy of it to the Commission, with an attestation of the date of publication.

2007, c. 33, s. 7.

40.4. Within 15 days of publication of the notice, an elector may inform the clerk or the secretary-treasurer in writing of the elector's objection to the maintaining of the division into electoral districts. Section 17.1 applies in such case.

2007, c. 33, s. 7.

40.5. The municipality is required to follow the procedure set out in Division III for dividing its territory into electoral districts if the number of objections received within the prescribed time is equal to or exceeds the number required under section 18 for the council to hold a public meeting on the draft by-law. The clerk or the secretary-treasurer shall inform the Commission of the situation.

2007, c. 33, s. 7.

40.6. If the number of objections received is insufficient, the division into electoral districts is maintained as of the day after the expiry of the time in which electors may make objections to its being maintained.

2007, c. 33, s. 7.

40.7. The division into electoral districts maintained under this division applies for the purposes of the first general election following the date as of which it is maintained under section 40.6. It also applies for the purposes of any subsequent by-election held before the second general election following the maintaining of that division.

2007, c. 33, s. 7.

40.8. Sections 36.1 to 40 apply to this division with the necessary modifications.

2007, c. 33, s. 7.

DIVISION IV

MUNICIPALITIES WHOSE TERRITORY IS DIVIDED INTO WARDS

41. A municipality that is not required to divide its territory into electoral districts may maintain the division into wards existing on 31 December 1987.

The council of such a municipality may, by by-law, order that the territory of the municipality cease to be divided for election purposes, on the terms and conditions it determines.

The clerk or the secretary-treasurer shall transmit a certified copy of the by-law to the chief electoral officer as soon as possible after its coming into force.

1987, c. 57, s. 41; 1990, c. 47, s. 21; 1997, c. 34, s. 13.

DIVISION V

EFFECTS OF ALTERATION OF TERRITORIAL BOUNDARIES OF MUNICIPALITY ON DIVISION THEREOF FOR ELECTION PURPOSES

1990, c. 47, s. 22.

41.1. The Minister of Municipal Affairs, Regions and Land Occupancy may, by order, allow a municipality whose territorial boundaries have been altered to maintain division into wards. The order shall contain the new description of the boundaries of the ward affected by the alteration of the territorial boundaries of the municipality and shall specify the period during which division into wards is to be maintained, where that is the case.

Where the territorial boundaries are altered in a municipality which is divided into electoral districts or in a municipality whose council has passed a draft by-law pursuant to section 14, the Minister may, by order, temporarily delimit the electoral district affected by the alteration of the boundaries of the municipality. The order shall contain the new description of the boundaries of the district and specify the period for which it is valid and, where that is the case, prescribe a reduction in the number of electoral districts fixed by by-law; as a result of such a reduction, the number of electoral districts may fall below the minimum number set out in section 9.

The addition of territory by annexation does not constitute an alteration of territorial boundaries for the purposes of the first and second paragraphs.

1990, c. 47, s. 22; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

41.2. The order comes into force on its date of publication in the *Gazette officielle du Québec* or on any later date indicated in the order.

1990, c. 47, s. 22.

41.3. As soon as possible after the publication of the order, the clerk or the secretary-treasurer shall give public notice of the publication in the municipality.

1990, c. 47, s. 22.

CHAPTER IV

COMPOSITION OF THE COUNCIL

42. The council of a municipality whose territory is divided into electoral districts shall be composed of the mayor and one councillor for each electoral district.

1987, c. 57, s. 42.

43. The council of a municipality whose territory is divided into wards shall be composed of the mayor and the number of councillors prescribed for each ward by the Act, letters patent, by-law or other juridical instrument governing the municipality in that respect.

1987, c. 57, s. 43.

44. The council of a municipality whose territory is not divided for election purposes shall be composed of the mayor and six councillors.

1987, c. 57, s. 44.

45. On the application of a municipality whose territory is not divided for election purposes, the Minister of Municipal Affairs, Regions and Land Occupancy may fix, on the terms and conditions he determines, a number of councillors under or over six.

In similar manner, the Minister may order the number of councillors of the municipality again fixed at six.

The Minister shall publish a notice of his decision in the *Gazette officielle du Québec*.

1987, c. 57, s. 45; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

46. The council of a municipality whose territory is not divided for election purposes shall assign a number to the seat of each councillor.

The council of a municipality whose territory is divided into wards shall assign a number to the seat of each councillor in each ward for which there is more than one councillor.

Until the council numbers the seats, each seat shall be numbered according to the alphabetical order of the names of the councillors in office on 31 December 1987 and of the last persons who held the seats that are vacant on that date.

1987, c. 57, s. 46.

CHAPTER V

PARTIES TO AN ELECTION

DIVISION I

ELECTORS

47. Every person of full age, being a Canadian citizen and being neither under curatorship nor under any voting disqualification pursuant to section 53, is an elector of a municipality upon fulfilling one of the following two conditions :

(1) the person has been domiciled in the territory of the municipality and, for at least six months, in Québec;

(2) the person has been, for at least 12 months, the owner of an immovable or the occupant of a business establishment, within the meaning of the Act respecting municipal taxation (chapter F-2.1), situated in the territory of the municipality.

1987, c. 57, s. 47; 1989, c. 54, s. 169; 1999, c. 25, s. 1; 1999, c. 40, s. 114.

48. The domicile of a person is as provided in the Civil Code for all civil purposes.

Notwithstanding the foregoing, a person who has left his principal establishment in Québec for more than one year is deemed to have changed his domicile, except where he carries on duties outside Québec on behalf of the Government of Québec or of Canada.

1987, c. 57, s. 48.

49. A detained person retains his domicile notwithstanding his detention.

1987, c. 57, s. 49.

50. A person who leaves his domicile temporarily to work or study in the territory of another municipality may be considered as being domiciled either in the territory where his actual domicile is situated or in the territory where he resides for the purposes of his work or studies.

A person lodged in a facility maintained by an institution operating 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 operating 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 as being domiciled either at his actual domicile or at the said facility or centre.

A person is deemed to choose to be considered domiciled at the place where he resides rather than at his actual domicile where he makes an application to that effect during the revision of the list of electors or referendum list. The person's choice shall be valid until it is revoked and as long as the person resides at the same place.

1987, c. 57, s. 50; 1992, c. 21, s. 153; 1994, c. 23, s. 23.

51. The rules provided in the Civil Code concerning the setting up, against third persons, of acts transferring immovable real rights apply in determining whether a person is the owner of an immovable.

1987, c. 57, s. 51.

52. To exercise the right to vote, a person must, at the time of voting, be an elector of the municipality and have his name entered on the list of electors of the municipality.

An elector who has obtained an authorization to vote under the first paragraph of section 219 is, after being admitted to vote under the second paragraph of that section, deemed to have his name entered on the list at the place where it should have been entered.

A person who is not an elector of the municipality when the person votes in an advance poll solely because that person is not then of full age, but who will have attained full age by polling day, is deemed to be an elector of the municipality.

1987, c. 57, s. 52; 1989, c. 54, s. 170; 1997, c. 34, s. 14; 1999, c. 25, s. 2; 2005, c. 28, s. 66.

53. A person is disqualified from voting in a municipal election if he is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

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

1987, c. 57, s. 53; 1989, c. 1, s. 596; 1990, c. 4, s. 405; 2005, c. 28, s. 67.

54. Every person who is an elector on 1 September of the calendar year in which a general election is to be held is entitled to have his name entered on the list of electors.

The same applies to any person who, on that date, is not an elector solely because the person is not then of full age but will have attained full age on polling day. For the purposes of any other provision relating to entry on the list of electors, such a person is deemed to be an elector on the date mentioned in the first paragraph.

However, in the case of undivided co-owners of an immovable and of co-occupants of a business establishment, only the co-owner or the co-occupant designated for that purpose pursuant to section 55 is entitled to have his name entered on the list of electors as the owner of the immovable or as the occupant of the business establishment.

1987, c. 57, s. 54; 1999, c. 25, s. 3; 1999, c. 40, s. 114; 2000, c. 19, s. 19; 2001, c. 68, s. 48; 2009, c. 11, s. 84.

55. Co-owners or co-occupants who are electors on 1 September of the calendar year in which a general election must be held shall designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person not otherwise entitled under section 58 to be entered on the list of electors in a higher ranking capacity.

1987, c. 57, s. 55; 1997, c. 34, s. 15; 1999, c. 25, s. 4; 2009, c. 11, s. 84.

55.1. In order for a person designated pursuant to section 55 to be able to exercise the right to be entered on the list of electors or any other right related thereto, the municipality must have received the power of attorney.

In order for a person entitled to be entered on the list of electors as the sole owner of an immovable or as sole occupant of a business establishment to be able to exercise that right, the municipality must have received a writing signed by the person and applying for such an entry.

The application for entry or the power of attorney takes effect upon receipt by the municipality and remains valid until it is withdrawn or replaced.

An application for entry made or a power of attorney given for the purposes of the list of electors to be used in a poll must be transmitted to the returning officer not later than 35 days before polling day.

An application for entry or a power of attorney transmitted after the time prescribed in the fourth paragraph but before the end of the work of the board of revisors on the last day fixed for making applications under section 132 shall be considered an application to amend the list of electors unless the returning officer has taken it into account before the deposit of the list. The returning officer shall transmit the application for entry or the power of attorney, as the case may be, to the competent board of revisors.

1999, c. 25, s. 5; 2000, c. 19, s. 20.

55.2. Before 1 September of the calendar year in which a general election is to be held, the returning officer shall send owners of immovables whose names are not already on the list of electors a notice stating that they are entitled to have their names entered on the list and setting out the rules governing the entry of names on the list. The notice must include the same particulars as the public notice prescribed in section 56 and must be accompanied by an entry application form and a power of attorney form.

2009, c. 11, s. 5.

56. Not later than 22 days before polling day, the returning officer shall give a public notice stating that sole owners or occupants and designated co-owners and co-occupants are entitled to have their names entered on the list of electors and mentioning how they may obtain information on the rules governing the entry of their names on the list of electors.

The notice shall invite sole owners and occupants who wish to make a first application for entry or to withdraw the existing entry to transmit to the returning officer, within the prescribed time, the application or a signed writing requesting the withdrawal.

The notice shall also invite co-owners and co-occupants who wish to make a first designation or replace the existing designation to transmit to the returning officer, within the prescribed time, the power of attorney.

1987, c. 57, s. 56; 1997, c. 34, s. 16; 1999, c. 25, s. 6; 2009, c. 11, s. 6.

57. In no case may the name of a person appear more than once on the list of electors of the municipality.

1987, c. 57, s. 57.

58. A person who, on 1 September of the calendar year in which a general election is to be held, is an elector in several capacities shall be registered in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the sole owner of an immovable;
- (3) as the sole occupant of a business establishment;
- (4) as an undivided co-owner of an immovable;
- (5) as a co-occupant of a business establishment.

Where several immovables are contemplated in subparagraph 2 or 4 of the first paragraph, the immovable with the highest property value shall be the immovable considered. Where several business establishments are contemplated in subparagraph 3 or 5 of the said paragraph, the business establishment with the highest rental value shall be the business establishment considered.

1987, c. 57, s. 58; 1999, c. 40, s. 114; 2009, c. 11, s. 84.

59. Every elector whose name is entered on the list of electors of an electoral district or ward is entitled to vote for a candidate for each of the offices of mayor and of councillor of the district or ward.

1987, c. 57, s. 59.

60. Every elector whose name is entered on the list of electors of a municipality whose territory is not divided for election purposes is entitled to vote for a candidate for each of the offices of mayor and of councillor of the municipality.

1987, c. 57, s. 60.

DIVISION II

CANDIDATES

61. A person is eligible for office as a member of the council of a municipality if he is entitled to have his name entered on the list of electors of the municipality and if he has resided, continuously or not, in the

territory of the municipality for at least the last 12 months on 1 September of the calendar year in which a general election is to be held.

1987, c. 57, s. 61; 1999, c. 25, s. 7; 2009, c. 11, s. 84; 2016, c. 17, s. 45.

62. The following persons are ineligible:

- (1) judges of the courts of justice;
- (2) the chief electoral officer and the other members of the Commission de la représentation;
- (3) ministers of the Government of Québec or of Canada;
- (4) public servants, other than employees within the meaning of the Labour Code (chapter C-27), of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, or of any other department who are assigned to the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire on a permanent basis;
- (5) members and officers, other than employees within the meaning of the Labour Code, of the Commission municipale du Québec;
- (6) criminal and penal prosecuting attorneys;
- (7) *(paragraph repealed)*;
- (8) the Director of Criminal and Penal Prosecutions.

1987, c. 57, s. 62; 1996, c. 73, s. 17; 1997, c. 43, s. 226; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2005, c. 34, s. 53; 2009, c. 26, s. 109.

63. The following persons are also ineligible for office as members of the council of a municipality:

- (1) the officers or employees of the municipality except those who provide their services to fight fires on an occasional basis and who are commonly called “volunteer firemen”, except those hired by the municipality to act as first responders within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) and except persons who are considered only for the purposes of the law to be officers or employees of the municipality;
 - (1.1) the officers or employees of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;
- (2) *(paragraph repealed)*;
- (3) the election officers of the municipality;
- (4) the persons acting as official agents or official representatives of parties holding an authorization under Chapter XIII that is valid in respect of the municipality, their assistants and the persons acting as official agents and official representatives of independent candidates in the current election, except independent candidates who act in that capacity themselves.

1987, c. 57, s. 63; 1990, c. 85, s. 122; 1996, c. 73, s. 18; 2002, c. 37, s. 148; 2003, c. 19, s. 186; 2009, c. 11, s. 7.

64. Any person holding the office of leader of a party or any independent candidate at a previous election whose financial report or return of election expenses required under any of sections 408, 419, 479, 483.1, 484, 485 or 492 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

Where the party no longer exists or the office of leader is vacant, the person who is ineligible under the first paragraph is the last holder of the office of leader of the party.

For the purposes of this section, the meaning of the word “leader” is the meaning given to that word in section 364.

1987, c. 57, s. 64; 2009, c. 11, s. 8; 2016, c. 17, s. 100.

65. Any independent candidate at a previous election who has not paid in full the debts contracted during the term of his authorization in accordance with section 474 is ineligible for four years from his default.

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

1987, c. 57, s. 65; 2016, c. 17, s. 100.

66. Every person disqualified to hold office as a member of the council of a municipality under any of sections 301 to 307 is ineligible for such an office.

Every person who, following a judgment that has become *res judicata*, is disqualified under any of sections 468.45.8, 568, 569 and 573.3.4 of the Cities and Towns Act (chapter C-19), articles 614.8, 938.4, 1082 and 1094 of the Municipal Code of Québec (chapter C-27.1), section 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), section 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), section 108.2 of the Act respecting public transit authorities (chapter S-30.01), section 6 of the Municipal Works Act (chapter T-14) and sections 204 and 358 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), is also ineligible.

1987, c. 57, s. 66; 1997, c. 34, s. 17; 1999, c. 25, s. 8; 2000, c. 56, s. 140; 2002, c. 37, s. 149; 2008, c. 18, s. 72.

67. A person is ineligible for office as a member of the council of a municipality if he holds office as member of the council of another municipality, or if he is a candidate for such an office or has been declared elected thereto for 30 days or less.

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

Notwithstanding the first paragraph, any warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) is not ineligible for office as a member of the council of a local municipality.

1987, c. 57, s. 67; 1989, c. 56, s. 1; 2001, c. 25, s. 79.

DIVISION III

ELECTION OFFICERS

68. The election officers of a municipality include the returning officer, the election clerk and, as the case may be, any assistant, deputy returning officer, poll clerk, member of an identity verification panel, officer in charge of information and order, and every member, secretary and revising officer of a board of revisors and any other person whose services are temporarily required by the returning officer.

1987, c. 57, s. 68; 1995, c. 23, s. 58; 1997, c. 34, s. 18; 1999, c. 15, s. 31.

69. A person is not qualified to hold office as an election officer of any municipality if he is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

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

1987, c. 57, s. 69; 1989, c. 1, s. 597; 1990, c. 4, s. 405; 2005, c. 28, s. 68.

70. The clerk or the secretary-treasurer of the municipality is the returning officer of the municipality *ex officio*. He may refuse to act as such only with the authorization of the Commission municipale du Québec.

Where the clerk or the secretary-treasurer is unable or refuses to act or where the office of clerk or secretary-treasurer is vacant, his assistant is the returning officer *ex officio*. Where he has no assistant, or the office of assistant is vacant or the assistant is unable to act, the Commission shall appoint the returning officer.

The second paragraph does not apply where an election clerk is in office and he is not unable to act.

The Commission may, for cause, dismiss the returning officer after giving him an opportunity to be heard, and designate his substitute.

1987, c. 57, s. 70.

70.1. Subject to the second paragraph, subsections 1 to 8 of section 573, sections 573.1 to 573.1.0.4 and sections 573.3 to 573.3.2 of the Cities and Towns Act (chapter C-19) apply to the returning officer, with the necessary modifications.

During the election period within the meaning of section 364, the returning officer may award any contract involving an expenditure of \$25,000 or more after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be. However, where an exceptional situation that may jeopardize the holding of the election occurs during that period, the returning officer may award any contract without being required to call for tenders.

2001, c. 25, s. 80.

71. The returning officer shall ensure that the election is properly conducted and, for that purpose, shall see to the training of the other election officers and direct their work.

For that purpose, the returning officer may issue directives that are binding on all the persons to whom they apply.

1987, c. 57, s. 71.

72. The returning officer shall appoint an election clerk before issuing the notice of election.

Where the returning officer takes office after his predecessor has issued the notice of election, he shall appoint an election clerk as soon as practicable after taking office.

1987, c. 57, s. 72.

73. The election clerk shall assist the returning officer in the performance of his duties and, for that purpose, he shall carry out the duties delegated to him by the returning officer.

The election clerk shall replace the returning officer if the latter is unable to act or if the office of returning officer is vacant for as long he is so unable or the office remains vacant.

1987, c. 57, s. 73.

74. The returning officer may appoint any assistant he considers necessary.

1987, c. 57, s. 74.

75. The assistant shall perform the duties delegated to him by the returning officer.

The assistant may subdelegate all or part of his duties with the authorization of the returning officer.

The person delegating or subdelegating duties may define the territory in which the delegation has effect.

1987, c. 57, s. 75.

76. The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.

Where there is only one polling station, the returning officer himself may perform the duties of deputy returning officer and the election clerk may perform the duties of poll clerk.

1987, c. 57, s. 76.

77. Where candidates of more than one party authorized under Chapter XIII were elected to the council of a municipality having a population of 100,000 or over at the last general election, the returning officer shall appoint as deputy returning officer and as poll clerk persons recommended by the party with the greatest number of elected candidates and by the party with the second greatest number of elected candidates, respectively.

In case of equality between parties for the greatest or second greatest number of elected candidates, their rank for the purposes of the first paragraph is established according to the number of votes obtained by all the candidates of each party.

1987, c. 57, s. 77.

78. The recommendation of a party is made by means of a writing signed by the leader of the party or by the person designated by him for that purpose and sent to the returning officer not later than 4:30 p.m. 16 days before polling day.

The returning officer may, on reasonable grounds, refuse a recommendation made to him. In such a case, he shall fix a time limit for the sending of a new recommendation by the person who sent the recommendation refused.

For the purposes of this section, the meaning of the word “leader” is the meaning given to that word in section 364.

1987, c. 57, s. 78; 1997, c. 34, s. 19.

79. If the recommendation is not received within the prescribed time, if the person recommended is not qualified to hold the office, is unable or refuses to act as such, or if the party is no longer authorized, the returning officer shall appoint the person of his choice.

1987, c. 57, s. 79.

80. The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station;
- (2) ensure that the polling is properly conducted and maintain order in his polling station;
- (3) facilitate the exercise of the right to vote and ensure the secrecy of the vote;

(4) proceed with the counting of the votes;

(5) transmit the results of the vote to the returning officer and remit the ballot box to him.

1987, c. 57, s. 80.

81. The poll clerk shall, in particular, enter in the poll book the particulars relating to the conduct of the polling and assist the deputy returning officer.

1987, c. 57, s. 81.

81.1. An identity verification panel shall be established for every place where a polling station is located.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. In the case of a municipality described in section 77, sections 77 to 79 apply with the necessary modifications to the appointment of the panel members other than the chairman.

If there are three or fewer polling stations in a place, the deputy returning officer and the poll clerk of the polling station may act as panel members.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the third paragraph of section 215. Decisions are made by a majority vote.

1999, c. 15, s. 32; 2005, c. 28, s. 69; 2009, c. 11, s. 9.

81.2. An identity verification panel shall also be established for any mobile polling station.

The identity verification panel is composed of the deputy returning officer, who is the chairman of the panel, and of the poll clerk.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the third paragraph of section 215. Decisions are made by a unanimous vote.

2002, c. 37, s. 150.

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

He shall do so for every polling place where five or more polling stations are grouped, unless all the polling stations of the municipality are grouped at the same polling place.

1987, c. 57, s. 82.

83. The officer in charge of information and order shall, in particular,

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

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

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

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

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

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

1987, c. 57, s. 83.

84. The returning officer may retain, on a temporary basis, the services of any other person he considers necessary for holding the election.

1987, c. 57, s. 84.

85. Before taking office, every election officer shall declare under oath that he will perform his duties according to law.

The first paragraph does not apply to the returning officer if he is the clerk or the secretary-treasurer or his assistant.

1987, c. 57, s. 85.

86. An election officer may not engage in partisan activity on the days on which the officer is to perform his or her duties.

1987, c. 57, s. 86; 2002, c. 37, s. 151; 2016, c. 17, s. 46.

87. As soon as practicable after making the oath, each election officer shall be registered on a list posted up in the office of the municipality.

The name of any election officer who ceases to hold office shall be struck from the list as soon as practicable.

Every election officer who has ceased to hold office shall return to the returning officer all the documents and materials pertaining to his functions that he may have in his possession.

1987, c. 57, s. 87.

88. Every election officer is entitled to receive remuneration or an expense allowance from the municipality for the duties he performs.

The council of the municipality may establish a tariff of remuneration or allowances; it may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance lower than that fixed in the tariff established by the Minister of Municipal Affairs, Regions and Land Occupancy under Title III requires the approval of the Minister.

An election officer of a municipality which has not established a tariff or which has not fixed the officer's remuneration or allowance in the tariff is entitled to the remuneration or allowance fixed in the tariff established by the Minister or, failing that, agreed upon with the returning officer.

1987, c. 57, s. 88; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

88.1. No penalty may be imposed by the municipality on any election officer who is an officer or employee of the municipality for acts performed in good faith by the election officer in the performance of his duties, even outside the election period within the meaning of section 364.

Any contravention of the first paragraph authorizes the person on whom the penalty is imposed to assert his rights before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the

exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.

1999, c. 25, s. 9; 2000, c. 54, s. 35; 2001, c. 26, s. 102; 2015, c. 15, s. 152.

88.2. The Act respecting labour standards (chapter N-1.1) does not apply to election officers.

2005, c. 28, s. 70.

DIVISION IV

CHIEF ELECTORAL OFFICER

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

1987, c. 57, s. 89; 1999, c. 25, s. 10.

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

1987, c. 57, s. 90.

90.1. The chief electoral officer may, of his own initiative or at the request of a person, inquire into the application of this chapter, Chapters VI to VII.1, Division I of Chapter XII and Chapters XIII and XIV.

1999, c. 25, s. 11.

90.2. 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.

1999, c. 25, s. 11.

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

1999, c. 25, s. 11.

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

Articles 282 to 285 of the Code of Civil Procedure (chapter C-25.01) apply to witnesses heard at an inquiry.

1999, c. 25, s. 11; I.N. 2016-01-01 (NCCP).

90.5. If, during the election period within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs, Regions and Land Occupancy of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph.

The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.

2001, c. 25, s. 81; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

90.6. With respect to informing the public, the chief electoral officer shall, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters VI to VII.1, Division I of Chapter XII and Chapters XIII and XIV;

(1.1) make public the fact that he requested that a party or an independent candidate remit to him a contribution or part of a contribution, under section 440, by publishing the request on his website 30 days after it was made, along with the name of the party or independent candidate, the number of contributors, the number and amount of the contributions or parts of contributions concerned, the period they cover, and whether or not they were prescribed;

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

(3) maintain an information centre on Chapter XIII;

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

(5) at the request of a party or an independent candidate, furnish the information required for the training of its or his official representative or official agent;

(6) make any publicity he considers necessary.

2001, c. 25, s. 81; 2016, c. 18, s. 46.

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

1987, c. 57, s. 91; 1999, c. 25, s. 12.

DIVISION V

REPRESENTATIVES OF CANDIDATES AND POLL RUNNERS

92. A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI may designate a person for each polling station where a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to represent the candidate or all the candidates, as the case may be, before the deputy returning officer.

1987, c. 57, s. 92.

93. An independent candidate may designate a person for each polling station where a vote may be cast in his favour, and give him a power of attorney to represent him before the deputy returning officer.

1987, c. 57, s. 93.

94. (*Repealed*).

1987, c. 57, s. 94; 2001, c. 25, s. 82.

95. A candidate may be present wherever his representative is authorized to act, assist him in performing his duties or replace him.

A candidate who has no representative may act where a representative could act.

1987, c. 57, s. 95.

96. An authorized party or a recognized ticket may designate a poll runner for each polling place where there is a polling station at which a vote may be cast in favour of one or several of its candidates, and give him a power of attorney to periodically collect a list of the persons who have already exercised their right to vote.

An independent candidate may in the same manner designate a poll runner for each polling place where there is a polling station at which a vote may be cast in his favour.

The first two paragraphs do not apply to advance polls.

1987, c. 57, s. 96.

97. A person who is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3) is disqualified from holding office as a representative or a poll runner.

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

1987, c. 57, s. 97; 1989, c. 1, s. 598; 1990, c. 4, s. 405; 2005, c. 28, s. 71.

98. The power of attorney shall be signed by the leader of the party or of the ticket, by the independent candidate or by the person designated by the leader or the candidate for that purpose in a writing transmitted to the returning officer.

The power of attorney shall be presented to the deputy returning officer.

The power of attorney of a representative is valid for the duration of the poll and of the counting of votes taking place at the polling station to which he is assigned. The power of attorney of a poll runner is valid for the whole duration of the poll.

For the purposes of this section, the meaning of the word “leader”, in the case of a party, is the meaning given to that word in section 364.

1987, c. 57, s. 98.

CHAPTER VI

ELECTION PROCEEDINGS

DIVISION I

NOTICE OF ELECTION

99. Not later than forty-four days before polling day, the returning officer shall give a public notice setting forth the following particulars:

(1) every office on the council that is open for nominations;

(2) the places, days and hours for filing nomination papers;

(3) the fact that where two or more candidates are nominated for the same office, an advance poll and a poll will be held to elect one of them;

(4) the date of the advance poll and the opening and closing times of the polling station or stations on that day;

(5) the date of polling day and the opening and closing times of the polling station or stations on that day;

(6) the name of the election clerk;

(6.1) the names of the returning officer's assistants who are authorized to receive nomination papers, where applicable;

(7) the telephone number of the office of the returning officer and, where applicable, the telephone numbers of the offices of the returning officer's assistants.

The returning officer shall transmit to the chief electoral officer a certified copy of the notice of election.

1987, c. 57, s. 99; 2001, c. 25, s. 83; 2002, c. 37, s. 152.

DIVISION II

LIST OF ELECTORS

§ 1. — *Preparation*

100. The returning officer shall request in writing that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors and who are entitled to have their names entered on the municipal list to be used in the election.

The request shall be made in the manner determined by the chief electoral officer. It must specify the date on which the qualification to vote of electors must be ascertained, describe the territory concerned by the election and indicate the date on which and form in which the list must be transmitted.

The chief electoral officer shall transmit the list requested not later than the date specified in the request.

The costs relating to the production of the list, established under section 549 of the Election Act (chapter E-3.3), shall be charged to the municipality.

Except where they apply by reference for purposes other than the establishment of the list of electors of the municipality, the first two paragraphs apply with the following modifications:

(1) the reference in the first paragraph to electors whose names are entered on the permanent list of electors is also a reference to the persons referred to in the second paragraph of section 54 who would be such electors if they were of full age;

(2) the request referred to in the second paragraph must also specify the date of polling day.

1987, c. 57, s. 100; 1995, c. 23, s. 59; 2001, c. 68, s. 49.

100.1. The chief electoral officer shall also transmit to the returning officer the information relating to the electors in whose respect he is unable to update the entries on the permanent list of electors.

The chief electoral officer shall also transmit a list of the addresses in the territory concerned by the request provided for in section 100 for which no electors' names are entered on the list.

1997, c. 8, s. 23; 1997, c. 34, s. 20.

101. Not later than 30 days before polling day, the returning officer shall draw up the list of electors, adding to the names on the list transmitted by the chief electoral officer the names of the persons entitled to

have their names entered on the municipal list by reason of ownership of an immovable or occupancy of a business establishment.

1987, c. 57, s. 101; 1995, c. 23, s. 59; 1999, c. 40, s. 123.

101.1. The list shall be prepared, where applicable, by electoral districts or by wards.

The list of electors in a district or ward shall constitute the list of electors of that district or ward, and the list of electors of all the districts and wards shall constitute the list of electors of the municipality.

1995, c. 23, s. 59.

102. The list shall be prepared according to the situation of the immovables, by thoroughfares, ranges or other sectors, following the numerical order of the immovables, including apartment or room numbers or, failing that, the numerical order of the cadastre.

1987, c. 57, s. 102.

103. The list shall contain the name and address of the elector and, so far as it may be obtained, his date of birth.

The address of an elector shall be, according to the capacity under which he is entitled to have his name entered on the list, the number of the immovable of his domicile, of the immovable of which he is the owner or of the business establishment of which he is the occupant. The number of the immovable shall include the apartment or room number, if any. If the immovable has no number, the cadastral number shall be used.

1987, c. 57, s. 103; 1995, c. 23, s. 60; 1999, c. 40, s. 114.

104. The returning officer shall divide the list of electors into polling subdivisions of not more than 500 electors.

1987, c. 57, s. 104; 2009, c. 11, s. 10.

105. After completing the list, the returning officer shall deposit it in the office of the municipality.

1987, c. 57, s. 105.

106. Every candidate for the office of mayor is entitled to obtain, on request and free of charge, a maximum of five copies of the list of electors of the municipality.

Every candidate for the office of councillor for an electoral district or a ward is entitled to obtain, on request and free of charge, a maximum of five copies of the list of electors of the district or ward.

Every candidate for the office of councillor of a municipality whose territory is not divided for election purposes is entitled to obtain, on request and free of charge, not more than two copies of the list of electors of the municipality.

1987, c. 57, s. 106.

107. (*Repealed*).

1987, c. 57, s. 107; 1995, c. 23, s. 61.

108. A person who withdraws his nomination after having obtained free copies of the list of electors shall return all copies obtained to the returning officer.

1987, c. 57, s. 108; 1995, c. 23, s. 62.

109. Not later than 23 days before polling day, the returning officer shall transmit, free of charge, one copy of the list of electors to each party authorized under Chapter XIII or ticket recognized under Division III of this chapter.

Each party or ticket whose authorization or recognition is withdrawn and which obtained free copies of the list of electors must return all copies obtained to the returning officer.

1987, c. 57, s. 109; 1995, c. 23, s. 63.

109.1. The returning officer and a candidate, party or ticket entitled to receive a copy of the list of electors of the municipality, or of a district or ward, may agree that the copy be transmitted by the returning officer in computer-readable form and that, in such a case, it will be returned in the same form.

A copy transmitted in such manner replaces any copy a candidate, party or ticket is entitled to receive under section 106 or 109.

1995, c. 23, s. 64.

§ 2. — Revision

1997, c. 34, s. 21.

A. — Cases where revision is carried out

1997, c. 34, s. 21.

110. Where a poll must be held, the list of electors of the municipality or, as the case may be, of the electoral district or ward shall be revised.

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

Where the holding of a poll ceases to be necessary following the end of the period for filing nomination papers, the returning officer shall decide whether the revision is to be continued or interrupted. If he decides to interrupt the revision, he shall give public notice thereof as soon as practicable.

If no revision is to be carried out or if the revision is interrupted, the returning officer shall notify the Chief Electoral Officer in writing without delay.

1987, c. 57, s. 110; 1997, c. 34, s. 21; 2009, c. 11, s. 11.

B. — Establishment and functioning of the board of revisors

1997, c. 34, s. 21.

111. The returning officer shall establish a board of revisors.

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

1987, c. 57, s. 111; 1997, c. 34, s. 21.

112. Not later than 22 days before polling day, the returning officer shall determine the place where each board of revisors will sit.

The place must, insofar as is practicable, be accessible to handicapped persons.

1987, c. 57, s. 112; 1997, c. 34, s. 21.

113. The returning officer shall, not later than 22 days before polling day, inform each party authorized under Chapter XIII or each ticket recognized under Division III of this chapter and each independent candidate concerned of his decision.

1987, c. 57, s. 113; 1997, c. 34, s. 21.

114. Each board of revisors shall be composed of three revisors appointed by the returning officer.

The returning officer may be a member of a board.

1987, c. 57, s. 114; 1997, c. 34, s. 21.

115. In the case of a municipality having a population of 100,000 or over, if the council is composed of candidates elected at the last general election from more than one party authorized Chapter XIII, the returning officer shall appoint as revisors a person recommended by the party which elected the greatest number of candidates and another person recommended by the party which elected the second greatest number of candidates.

In the case of an equal number of candidates being elected from each party, the rank of the parties for the purposes of the first paragraph is established according to the aggregate of the votes obtained by the candidates of each party.

1987, c. 57, s. 115; 1997, c. 34, s. 21.

116. A party shall make its recommendation by means of a writing signed by the leader of the party or by the person designated by him for that purpose and sent to the returning officer within the time prescribed by the returning officer.

The returning officer may, on reasonable grounds, refuse a recommendation made to him. In such a case, he shall fix a time limit for the sending of a new recommendation by the person who sent the recommendation refused.

For the purposes of this section, the word “leader” has the meaning assigned by section 364.

1987, c. 57, s. 116; 1997, c. 34, s. 21.

117. The returning officer shall appoint a person of his choice if the recommendation has not been received within the prescribed time, if the person recommended is not qualified to hold the office or is unable or refuses to do so, or if the party is no longer authorized.

1987, c. 57, s. 117; 1997, c. 34, s. 21.

118. The returning officer shall appoint the chairman and the vice-chairman of the board of revisors from among its members.

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

A member recommended by an authorized party may not be appointed chairman of a board of revisors. The member recommended by the authorized party which elected the greatest number of candidates at the last general election shall be appointed vice-chairman of the board.

1987, c. 57, s. 118; 1997, c. 34, s. 21.

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

1987, c. 57, s. 119; 1997, c. 34, s. 21.

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

1987, c. 57, s. 120; 1997, c. 34, s. 21; I.N. 2016-01-01 (NCCP).

121. Before the beginning of the work of the board of revisors, the returning officer shall provide the revisors with

(1) two copies of the list of electors to be revised, one of which shall be for the use of the revisors and one of which shall be made available for public examination at the place where the board is sitting;

(2) the information transmitted by the chief electoral officer under section 100.1 which is within the competence of the board.

No mention of the date of birth of electors shall be made on the copy deposited for examination.

1987, c. 57, s. 121; 1997, c. 34, s. 21.

122. The board of revisors shall sit on the days and at the times fixed by the returning officer, subject to the second paragraph of section 132, during the period beginning on the day on which the public notice of revision is published and ending on the tenth day before polling day.

The returning officer shall, not later than 22 days before polling day, notify each party authorized under Chapter XIII or each ticket recognized under Division III of this chapter and each independent candidate concerned of his decision.

The chairman of the board of revisors may, after consulting with the returning officer, extend the board's sitting hours and add sitting days. The chairman shall inform the returning officer of his decision and the returning officer shall notify the authorized parties, the recognized tickets and the independent candidates concerned.

1987, c. 57, s. 122; 1997, c. 34, s. 21; 1999, c. 25, s. 13; 2009, c. 11, s. 12.

123. Two revisors shall constitute a quorum of the board of revisors.

1987, c. 57, s. 123; 1997, c. 34, s. 21.

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

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

1987, c. 57, s. 124; 1997, c. 34, s. 21.

C. — Revision process

1997, c. 34, s. 21.

125. Not later than 22 days before polling day, the returning officer shall give a public notice setting forth

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

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

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

(4) the fact that the information and documents provided for in the second paragraph of section 133 must be provided to the board of revisors upon the making of an application for entry by a person domiciled in the territory of the municipality.

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

1987, c. 57, s. 125; 1997, c. 34, s. 21.

126. Not later than five days before the last day set for making applications for entry, striking off or correction, the returning officer shall send each person whose name is entered on the list of electors to be revised a notice reproducing the particulars concerning that person which appear on the list, including the particulars specified in subparagraphs 3 and 4 of the first paragraph of section 125, and send to each address provided by the Chief Electoral Officer under the second paragraph of section 100.1 for which no elector's name is entered on the list of electors to be revised and which is within the territory of the municipality or within the district or ward whose electoral list is to be revised, a notice including the particulars specified in subparagraphs 3 and 4 of the first paragraph of section 125 and indicating that no electors' names are entered on the list.

Notices to be sent to persons at the same address may be combined in one notice.

No mention of the date of birth of electors is made in the notice.

If two or more boards of revisors are established, the only particulars provided for in subparagraph 3 of the first paragraph of section 125 that are to be included in the notice are those concerning the board responsible for the revision of the part of the list that includes the name of the person to whom the notice is sent or that would include the name of the elector if a name were entered for the address to which the notice is sent.

1987, c. 57, s. 126; 1997, c. 34, s. 21; 2002, c. 37, s. 153; 2005, c. 28, s. 72; 2009, c. 11, s. 13.

127. Where the returning officer has reasonable grounds to believe that a person whose name is not entered on the list of electors would be entitled to have it entered thereon, that a person whose name is entered on the list is not entitled to have it entered thereon or that a particular entered in respect of the person is inaccurate, he may notify the person and indicate the procedure to be followed to have his name entered, struck off or corrected, as the case may be.

1987, c. 57, s. 127; 1997, c. 34, s. 21.

128. Any person who finds that his name is not entered on the list of electors when it could be must, if he wishes to exercise his right to vote, apply in person to the competent board of revisors to have his name entered on the list.

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

Any person who finds that his name is entered on the list of electors when he does not wish to have it entered thereon must appear in person before the competent board of revisors to apply to have his name struck off the list. He may, if he is domiciled in the territory of the municipality, request that the striking off apply only for the purposes of a municipal poll.

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

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

1987, c. 57, s. 128; 1997, c. 34, s. 21; 1999, c. 40, s. 114.

129. If an elector who is entitled to have his name entered on the part of the list of electors for a polling subdivision finds that the name of a person who is not entitled to be entered on that part has been entered thereon, he may apply in person to the competent board of revisors to have the name of that person struck off the list.

1987, c. 57, s. 129; 1997, c. 34, s. 21; 2002, c. 37, s. 154.

130. An elector shall apply in person to the competent board of revisors to have an error in the entry of his name, address or date of birth corrected.

1987, c. 57, s. 130; 1997, c. 34, s. 21.

131. An application for entry, striking off or correction, other than an application under section 129, may be made by the spouse or a relative of the person entitled to make the application, or by a person who is cohabiting with the person.

For the purposes of the first paragraph, the word “relative” means a father, mother, grandfather, grandmother, father-in-law or step-father, mother-in-law or step-mother, brother, sister, brother-in-law, sister-in-law, son, daughter, grandson, granddaughter, son-in-law or daughter-in-law.

1987, c. 57, s. 131; 1997, c. 34, s. 21; 2002, c. 6, s. 136.

132. Every application must be made to the board of revisors on the days and at the times fixed by the returning officer, subject to any extension decided by the chairman of the board of revisors under the third paragraph of section 122.

The returning officer shall ensure that the board holds sittings for the purpose of receiving applications on at least two days, at the latest on the second day before the last day of sittings of the board, including at least once in the evening.

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

1987, c. 57, s. 132; 1997, c. 34, s. 21; 1999, c. 25, s. 14.

133. Every application before a board of revisors shall be made under oath.

The board of revisors may require the person making an application to submit to it any proof necessary for the making of a decision. However, in the case of an application to have the name of a person domiciled in the territory of the municipality entered, the board shall require from the person making the application the former address of the domicile of the person in respect of whom the application is being made as well as two documents, one showing the name and birthdate of the person in respect of whom the application is being made, the other showing the name of that person and the address of the person’s domicile.

1987, c. 57, s. 133; 1997, c. 34, s. 21.

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

It shall also verify the information provided to its members by the returning officer under section 121.

1987, c. 57, s. 134; 1997, c. 34, s. 21.

134.1. Notwithstanding section 132, any person domiciled in a private seniors' residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or in a facility referred to in the second paragraph of section 50 or lodged in such a facility who wishes to avail himself of the third paragraph of that section may, not later than the last day fixed for making an application, forward to the returning officer a written application for entry, striking off or correction along with the documents referred to in the second paragraph of section 133.

The returning officer shall transmit all applications and documents received to the competent board of revisors.

2001, c. 68, s. 50; 2009, c. 11, s. 14; 2011, c. 27, s. 38.

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

1987, c. 57, s. 135; 1997, c. 34, s. 21.

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

The board may also, of its own initiative, enter or strike off a name or make a correction if, after verifying the information provided to its members by the returning officer under section 121, it decides that a change must be made to the list. Where the board decides that such a change is not warranted, it shall specify that its verification confirmed the accuracy of the information or that it was unable to confirm or refute the accuracy of the information.

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

1987, c. 57, s. 136; 1997, c. 34, s. 21.

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

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

However, the board is not required to give the notice where

- (1) the person is present before the board;
- (2) the board is satisfied with the proof made to it that the person in respect of whom the application for striking off is made is under curatorship or is deceased.
- (3) the person has met with and confirmed to a revising officer that he is not entitled to have his name entered on the list of electors.

1987, c. 57, s. 137; 1997, c. 34, s. 21; 1999, c. 25, s. 15; I.N. 2016-01-01 (NCCP).

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

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

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

1999, c. 25, s. 16.

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

1999, c. 25, s. 16.

138. The board of revisors shall transmit its decisions to the returning officer in accordance with the returning officer's directives.

The returning officer shall incorporate the changes into the list or prepare an abstract of changes.

1987, c. 57, s. 138; 1997, c. 34, s. 21.

139. As soon as practicable after receiving the decisions of the board of revisors, the returning officer shall transmit, free of charge, to each party authorized under Chapter XIII or to each ticket recognized under Division III of this chapter, a copy of the revised list or of an abstract of the changes made to the list submitted to be revised.

The provisions relating to the free distribution of the list of electors to candidates apply, adapted as required, to the revised list and the abstract of changes. However, the returning officer shall transmit free of charge to candidates who have already obtained free copies of the list submitted to be revised an equal number of copies of the revised list or the abstract of changes made to the list, without those candidates having to request the copies.

1987, c. 57, s. 139; 1997, c. 34, s. 21.

140. The returning officer shall communicate to the chief electoral officer the changes made to the list that concern the persons domiciled in the territory of the municipality, in the manner determined by the chief electoral officer.

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

Furthermore, the returning officer shall communicate the decisions of the board of revisors made after the verification under the second paragraph of section 134 that do not entail changes to the list.

That information must be sent to the chief electoral officer not later than the thirtieth day after the revision of the list of electors is completed or interrupted.

1987, c. 57, s. 140; 1995, c. 23, s. 65; 1997, c. 34, s. 21; 2005, c. 28, s. 73.

141. The abstract of changes forms part of the list of electors until the changes are incorporated into the list.

1987, c. 57, s. 141; 1997, c. 34, s. 21.

142. *(Replaced).*

1987, c. 57, s. 142; 1997, c. 34, s. 21.

142.1. *(Replaced).*

1995, c. 23, s. 66; 1997, c. 34, s. 21.

143. *(Replaced).*

1987, c. 57, s. 143; 1997, c. 34, s. 21.

§ 3. — *Coming into force*

144. The list of electors comes into force upon completion or interruption of the revision or, where it is not revised, upon the expiry of the period prescribed in section 153 for filing nomination papers.

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

1987, c. 57, s. 144.

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

1987, c. 57, s. 145.

DIVISION III

NOMINATION

146. Every eligible person may be nominated as a candidate for one office on the council of a municipality at a time, by filing a nomination paper with the returning officer.

Notwithstanding the foregoing, a municipality having a population of 100,000 or over may, by a by-law of its council, allow double candidacies in accordance with this paragraph; in such a case, the clerk shall transmit a certified copy of the by-law, as soon as possible after its coming into force, to the chief electoral officer. If such a by-law is in force 44 days before polling day, the candidate for the office of mayor of a party authorized under Chapter XIII may, jointly with another candidate of the party who is his co-candidate, also be candidate for the office of councillor in an electoral district. A by-law passed under this paragraph ceases to be in force if it is repealed or if the population of the municipality falls below 100,000.

1987, c. 57, s. 146; 1990, c. 20, s. 1; 1997, c. 34, s. 22; 2001, c. 25, s. 84.

147. In the case of a municipality to which Chapter XIII applies, candidates may be grouped into authorized parties in accordance with that chapter.

In the case of other municipalities, candidates may be grouped into tickets recognized by the returning officer.

1987, c. 57, s. 147.

148. *(Repealed).*

1987, c. 57, s. 148; 1999, c. 25, s. 17; 2005, c. 28, s. 74.

149. The leader of the ticket shall transmit to the returning officer a written application for recognition containing the following information:

- (1) the name of the ticket;

- (2) the address to which communications intended for the ticket must be sent;
- (3) the name, address and telephone number of the leader of the ticket.

The application must be accompanied by a list including the names, addresses and signatures of at least 10 electors of the municipality who support the application.

1987, c. 57, s. 149; 2005, c. 28, s. 75.

150. The returning officer shall grant the recognition to a ticket making an application therefor in accordance with section 149.

The returning officer shall refuse to recognize the ticket if the name of the ticket includes the word “independent” or is likely to mislead the electors as to which ticket they are voting for.

The recognition has effect for the purposes of the next general election and every by-election held before the general election following the next one.

1987, c. 57, s. 150; 2005, c. 28, s. 76; 2009, c. 11, s. 84.

151. A recognized ticket is not authorized to change its name except with the approval of the returning officer. The returning officer shall refuse to approve any change if the proposed new name includes the word “independent” or is likely to mislead the electors as to which ticket they are voting for, or if the application for a change of name is made during the election period within the meaning of section 364.

An application for approval is made by means of a writing filed by the leader of the ticket.

1987, c. 57, s. 151; 1999, c. 25, s. 18.

152. The returning officer shall withdraw the recognition of a ticket which has changed its name to include the word “independent” or if the new name is likely to mislead the electors as to which ticket they are voting for or the recognition of a ticket which changes its name during the election period within the meaning of section 364.

1987, c. 57, s. 152; 1999, c. 25, s. 19; 2005, c. 28, s. 77.

153. The nomination paper shall, under pain of rejection, be filed in the office of the returning officer or in the office of the assistant designated by the returning officer for that purpose during the days and hours the office is open in the period beginning 44 days and ending 30 days before polling day.

Thirty days before polling day, the office shall be open from 9:00 a.m. to 4:30 p.m.

1987, c. 57, s. 153; 2001, c. 25, s. 85; 2002, c. 37, s. 155; 2009, c. 11, s. 15.

154. The nomination paper shall state the name of the candidate, his date of birth, his address, and the office for which he is a candidate, and shall include a sworn attestation of his eligibility.

The nomination paper filed by an independent candidate seeking an authorization must, in addition, include his telephone number and the information specified in subparagraphs 2 to 5 of the first paragraph of section 400.

1987, c. 57, s. 154; 2009, c. 11, s. 16.

155. A person may be a candidate under the name by which he is commonly known provided it is the name he always uses in his political, professional or social life and that he is acting in good faith.

1987, c. 57, s. 155.

156. The address of the candidate shall be, according to the capacity under which he is eligible, the street number of the immovable in which he has his domicile or of his residence in the territory of the municipality. The number of the immovable includes the apartment number, if any. If the immovable has no number, the cadastral number shall be used.

1987, c. 57, s. 156.

157. The designation of the office of councillor shall specify the electoral district, the ward or the number assigned to the seat.

1987, c. 57, s. 157.

158. The nomination paper of the candidate of an authorized party or recognized ticket shall state that he is the candidate for that party or ticket and that he is a co-candidate, where that is the case.

1987, c. 57, s. 158; 1990, c. 20, s. 2.

159. The nomination paper shall be signed by the candidate.

1987, c. 57, s. 159.

160. The nomination paper for the office of mayor or borough mayor shall include the supporting signatures of not fewer than the following number of electors of the municipality:

- (1) 5 in the case of a municipality or borough having a population of under 5,000;
- (2) 10 in the case of a municipality or borough having a population of 5,000 or over but under 20,000;
- (3) 50 in the case of a municipality or borough having a population of 20,000 or over but under 50,000;
- (4) 100 in the case of a municipality or borough having a population of 50,000 or over but under 100,000;
- (5) 200 in other cases.

The nomination paper for the office of councillor shall include the supporting signatures of not fewer than the following number of electors of the municipality:

- (1) 5 in the case of a municipality having a population of under 5,000;
- (2) 10 in the case of a municipality having a population of 5,000 or over but under 20,000;
- (3) 25 in other cases.

Each elector shall enter his address opposite his signature as it must be entered on the list of electors.

1987, c. 57, s. 160; 1997, c. 34, s. 23; 2009, c. 11, s. 17.

161. Only the person who intends to be a candidate and the person he designates for that purpose on the nomination paper are authorized to collect the supporting signatures.

1987, c. 57, s. 161; 2002, c. 37, s. 156.

162. The nomination paper shall be accompanied with a proof of the candidate's identity and a statement signed by the person who collected the signatures in support of his nomination certifying that he knows the signatories, that they signed the nomination paper in his presence and that to the best of his knowledge they are electors of the municipality.

The proof of the identity of the candidate must be a document stating the name and date of birth of the candidate and be issued by the Government of Québec or Canada or any of their departments or agencies, or by a public body or by a public servant who is authorized to issue copies of or extracts from the acts of civil status.

After examining the proof of identity, the returning officer shall keep a true copy and return it to the person filing the nomination paper.

1987, c. 57, s. 162.

162.1. In the case of a municipality to which Chapter XIII applies, the nomination paper shall be accompanied with a document indicating the total amount of any publicity expense made by the candidate, through his or her official representative or the official representative referred to in the third paragraph, in relation to the election for which the candidate files a nomination paper. If the total amount is greater than \$1,000, a breakdown of the publicity expense must be made.

For the purposes of the first paragraph, “publicity expense” means any expense meeting all of the following conditions :

(1) it is made during the period beginning on 1 January of the current year and ending on the day on which the election period within the meaning of section 364 begins or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending on the day on which the election period within the meaning of that section begins ;

(2) its object is any publicity relating to the election, whatever the medium used, other than an announcement of the holding of a meeting for the selection of a candidate, provided that the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.

Where the candidate is a member of an authorized party, was a member during the period mentioned in the second paragraph or is the candidate of such a party, the document must indicate the publicity expenses within the meaning of the second paragraph which the official representative of that party made in respect of the candidate, including the portion attributable to the official representative of joint publicity expenses made by the party.

In the case of an expense made for property or a service used both before and during the period mentioned in the second paragraph, the portion of its cost that is a publicity expense within the meaning of that paragraph shall be determined according to a formula based on the frequency of use during that period in relation to such frequency before and during that period.

The chief electoral officer shall see that this section is carried out and, in that regard, may perform the same duties as those listed in section 368, if they are consistent with this section.

2001, c. 25, s. 86; 2002, c. 37, s. 157; 2005, c. 28, s. 78.

163. The nomination paper of the candidate of an authorized party or recognized ticket must be accompanied with a letter signed by the leader of the party or ticket certifying that the person is its official candidate for the office in question and, where that is the case, that he is a co-candidate.

For the purposes of this section, the meaning of the word “leader” , in the case of a party, is the meaning given to that word in section 364.

1987, c. 57, s. 163; 1990, c. 20, s. 3.

164. In a municipality to which Chapter XIII applies, the nomination paper of an independent candidate must be accompanied with a writing signed by him in which he designates his official agent for the purposes

of this chapter. The candidate may designate himself as his official agent. Except in that case, the writing must include the consent of the official agent and be countersigned by him.

1987, c. 57, s. 164; 2005, c. 28, s. 79.

165. The returning officer shall accept the filing of the nomination paper, without delay, if it is complete and if all the required documents are attached to it. The returning officer may not reject a nomination paper on the ground that it does not contain all the information required to grant an authorization to the independent candidate.

The returning officer shall then give a receipt, which is proof of the nomination.

1987, c. 57, s. 165; 2009, c. 11, s. 18.

166. Every candidate may, on request, obtain, free of charge, a copy of any nomination paper the filing of which has been accepted.

1987, c. 57, s. 166.

166.1. A new nomination paper must be filed if a candidate ceases to be recognized as a candidate for an authorized party or a recognized ticket, if the candidate wishes to change his authorized party or recognized ticket affiliation, if an independent candidate wishes to become a recognized candidate for an authorized party or recognized ticket or if the candidate wishes to run for another office than that for which the original nomination paper was filed.

2009, c. 11, s. 19.

167. A candidate may withdraw his nomination by transmitting to the returning officer a writing to that effect signed by him.

1987, c. 57, s. 167.

167.1. The withdrawal of a co-candidate entails the withdrawal of the candidate with whom he is associated as a candidate for the office of councillor. From the withdrawal of the latter as a candidate for the office of mayor or councillor, the co-candidate ceases to be a co-candidate and becomes the party's only candidate for the office of councillor in the district concerned.

The death of a person referred to in the first paragraph has the same effect as a withdrawal.

The withdrawal of the party's authorization entails the withdrawal of the candidate with whom the candidate is associated as candidate for the office of councillor and the co-candidate shall thereupon cease to be a co-candidate.

1990, c. 20, s. 4.

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

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

Notwithstanding the foregoing, where, as a result of a withdrawal after the end of the period contemplated in the first paragraph but before the end of the polling period, there remains only one candidate for an office, the returning officer shall declare that candidate elected.

The first and third paragraphs do not apply where election procedures must be recommenced pursuant to subdivision 2 of Division VII.

1987, c. 57, s. 168.

168.1. Where, in the absence of an opponent, a candidate for the office of mayor is declared elected, his co-candidate ceases, from that time, to be a co-candidate and becomes the party's only candidate for the office of councillor in the district concerned.

Where the only candidates for the office of councillor in a district are the co-candidate and the candidate with whom he is associated, no poll is required and the returning officer shall declare the former or the latter elected according as the latter is elected or defeated as mayor.

Notwithstanding the foregoing, a candidate for the office of mayor who has been declared elected to the office of councillor under the second paragraph may, if he has not made the oath prescribed in section 313, renounce holding the office of councillor by transmitting to the returning officer, within 30 days after the declaration, a writing to that effect signed by him. In such a case and in the case where the candidate dies during the time within which he is still entitled to renounce holding the office of councillor, the returning officer shall declare the co-candidate elected to that office; the latter declaration cancels the former declaration.

1990, c. 20, s. 5; 1994, c. 43, s. 1.

169. The declaration of election is made by means of a writing signed by the returning officer who shall indicate the date of declaration, the name and address of the elected candidate and the office to which he is elected.

Where applicable, the returning officer shall read the declaration to the persons present at the place where he signs it.

1987, c. 57, s. 169.

170. Within three days of the day on which a candidate is declared elected, the returning officer shall transmit a copy of the declaration to the elected candidate.

1987, c. 57, s. 170.

DIVISION IV

POLL

§ 1. — *Notice of poll*

171. Not later than 10 days before polling day, the returning officer shall give a public notice setting forth the following particulars:

- (1) the designation of each office for which a poll must be held;
- (2) the names of the candidates for each office;
- (3) the address of each candidate;
- (4) for each candidate, his membership in an authorized party or recognized ticket and, where that is the case, the indication "co-candidate";
- (5) the day and time when the polling station or stations will be open for the advance poll;

(6) the day and time when the polling station or stations will be open for the poll;

(7) the place where the polling station will be established for the advance poll and for the poll and, if there are several polling stations, the information for determining at which station a person whose name is entered on the list of electors may vote;

(8) the day and time when the addition of votes will begin and the location where it will take place.

The particulars set forth in subparagraph 7 of the first paragraph need not be mentioned if the returning officer causes a reminder containing them to be distributed pursuant to section 173.

1987, c. 57, s. 171; 1990, c. 20, s. 6.

172. The particulars relating to the office, to the name and to the address must correspond to those appearing on the nomination paper.

The same applies to the indication of membership in an authorized party or recognized ticket or to the indication “co-candidate” unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn or the co-candidate has ceased to be such, or the name of the party or ticket appearing on the nomination paper is inaccurate.

1987, c. 57, s. 172; 1990, c. 20, s. 7.

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

The returning officer is required to do so in the case of a municipality having a population of 20,000 or over.

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

1987, c. 57, s. 173.

§ 2. — *Advance poll*

174. Whenever a poll is required, an advance poll must be held seven days before polling day.

Notwithstanding the foregoing, the returning officer may decide that the advance poll shall be held for two consecutive days beginning seven days before polling day.

Despite the first two paragraphs, the returning officer may decide that a mobile polling station is to receive electors’ votes on one or more of the eighth, seventh or sixth days before polling day.

1987, c. 57, s. 174; 2009, c. 11, s. 20.

175. Any elector whose name is entered on the list of electors may vote in an advance poll.

Any person whose name is entered on the list of electors as a person domiciled in a private seniors’ residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or in a facility referred to in the second paragraph of section 50 may vote at a mobile polling station determined under section 177 if the following conditions are fulfilled:

(1) the person is unable to move about;

(2) the person applies therefor in writing to the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors, or, if there is no revision of the list under section 277, not later than 12 days before polling day.

The returning officer shall draw up a list of the persons who have made an application under subparagraph 2 of the second paragraph and shall send a copy of the list to each authorized party or recognized ticket and to each independent candidate concerned.

1987, c. 57, s. 175; 2001, c. 68, s. 51; 2005, c. 28, s. 80; 2009, c. 11, s. 21; 2011, c. 27, s. 38.

176. The provisions of this Act relating to the holding of a poll, except the provision relating to the leave of absence of employees, pupils and students, apply, adapted as required, to the advance poll, so far as they are consistent with this subdivision.

1987, c. 57, s. 176.

177. The returning officer may establish as many advance polling stations as he considers necessary and determine, where applicable, any such station that is a mobile polling station.

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

The returning officer shall notify each authorized party or recognized ticket and each independent candidate concerned of his decision as soon as practicable.

1987, c. 57, s. 177; 2001, c. 68, s. 52.

177.1. Where the returning officer establishes a mobile polling station, the only persons from among the persons to which Divisions III and V of Chapter V apply who may be present in the polling station are the deputy returning officer and the poll clerk.

2001, c. 68, s. 53.

178. Every advance polling station must be accessible to handicapped persons.

The operator of a private seniors' residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or the executive director of an institution referred to in the second paragraph of section 50 shall ensure that the mobile polling station is made accessible to the electors.

Despite subparagraph 2 of the second paragraph of section 175, when in an institution or residence, a mobile polling station may go to the room or apartment of an elector who is unable to move about, on the elector's request.

1987, c. 57, s. 178; 2001, c. 68, s. 54; 2009, c. 11, s. 22; 2011, c. 27, s. 38.

179. Every advance polling station must be open from 12:00 p.m. to 8:00 p.m.

However, a mobile polling station may receive the vote of electors during the hours fixed by the returning officer.

1987, c. 57, s. 179; 2001, c. 68, s. 55; 2009, c. 11, s. 23.

180. An elector who votes in a mobile polling station and declares that he is unable to mark his ballot paper himself may be assisted by the deputy returning officer and the poll clerk.

The elector may also be assisted

- (1) by the elector's spouse or relative within the meaning of section 131; or
- (2) by another person, in the presence of the deputy returning officer and the poll clerk.

The person referred to in subparagraph 2 of the second paragraph shall attest under oath to not having assisted another elector who is not that person's spouse or relative within the meaning of section 131, during the advance poll.

1987, c. 57, s. 180; 2002, c. 37, s. 158; 2005, c. 28, s. 81; 2009, c. 11, s. 24.

181. *(Replaced).*

1987, c. 57, s. 181; 1997, c. 34, s. 24; 2002, c. 37, s. 158.

182. After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

- (1) the number of electors who have voted;
- (2) the number of ballot papers cancelled and the number of unused ballot papers;
- (3) the names of the persons who have performed duties as election officers or representatives.

The deputy returning officer shall place, in separate envelopes, the ballot papers found in the ballot box, the cancelled ballot papers, the unused ballot papers, the forms, and the list of electors, and seal them. He shall then place the poll book and the envelopes, except the envelope containing the list of electors, in the ballot box, and seal it.

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.

The deputy returning officer shall then remit the ballot box and the envelope containing the list of electors to the returning officer or the person designated by him.

1987, c. 57, s. 182.

183. Immediately before the time fixed for the opening of the polling station on the second day, where that is the case, the deputy returning officer, in the presence of the poll clerk and the representatives, shall open the ballot box, resume possession of the poll book and of the envelopes containing the unused ballot papers, the forms and the list of electors, and open the envelopes to resume possession of their contents. The envelopes containing the used and cancelled ballot papers shall remain in the ballot box.

After the close of the polling station on the second day, the deputy returning officer and the poll clerk shall observe the same formalities as after the close of the polling station on the first day. The ballot papers used or cancelled on the second day shall be placed in envelopes separate from those containing the ballot papers used or cancelled on the first day.

1987, c. 57, s. 183.

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

1987, c. 57, s. 184.

185. From 8 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes cast in an advance polling station, in the presence of those representatives who wish to attend.

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

If the deputy returning officer or poll clerk who acted in the advance polling station is unable to act, the returning officer shall appoint a substitute for the purposes of this section. The substitute need not be recommended by an authorized party, if any.

1987, c. 57, s. 185; 2005, c. 28, s. 82.

§ 3. — *Polling stations*

186. The returning officer shall establish a polling station for each polling subdivision.

The returning officer may, notwithstanding the foregoing, establish several polling stations for the same subdivision and determine which electors of the subdivision are entitled to vote at each polling station.

The returning officer shall notify each authorized party or recognized ticket and each independent candidate of his decision as soon as practicable.

1987, c. 57, s. 186; 2005, c. 28, s. 83.

187. Every elector is entitled to vote at the polling station of the polling subdivision which includes him or, where there are several stations for such subdivision, at the polling station determined by the returning officer.

1987, c. 57, s. 187.

188. The polling station shall be situated in a spacious place of convenient access to the public. It must also be accessible to handicapped persons.

The polling stations of the same electoral district or of the same ward must be grouped at the same polling place in the district or ward wherever possible.

Notwithstanding the foregoing, the returning officer may establish polling stations of the same district or ward in more than one polling place or establish some of them in a neighbouring district or ward, but all the polling stations for the same polling subdivision must be at the same polling place.

In addition, if unable to establish a polling station in a place accessible to handicapped persons, the returning officer shall inform the council of that fact at the first sitting after polling day by filing a document stating the reasons for the decision to establish it elsewhere than in such a place and showing that the returning officer had no other options.

1987, c. 57, s. 188; 2016, c. 17, s. 47.

189. School boards and 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) must allow the use of their premises free of charge for the establishment of polling stations.

1987, c. 57, s. 189; 1992, c. 21, s. 154, s. 375; 1994, c. 23, s. 23.

190. The returning officer shall be responsible for the arrangement and identification of the polling place where a polling station is situated.

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 proceedings.

1987, c. 57, s. 190; 1999, c. 15, s. 33.

191. *(Repealed).*

1987, c. 57, s. 191; 2009, c. 11, s. 25.

§ 4. — *Materials required for the poll*

192. The returning officer shall cause ballot papers to be printed.

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

1987, c. 57, s. 192.

193. The ballot papers shall be printed by reversing process so that, on the obverse, the indications and the circles provided for the affixing of the elector's mark appear in white or light colour surrounded by black or dark colour.

The ballot papers used for the election of the mayor may be of a colour other than that of the ballot papers used for the election of the councillors. In addition, the ballot papers used for the election of the councillors may vary for each numbered office.

1987, c. 57, s. 193.

194. The paper used to make the ballot papers must be of sufficient weight that writing does not appear through it.

1987, c. 57, s. 194.

195. The ballot papers must have a counterfoil and a stub.

The back of the stub and of the counterfoil must bear the same number. The ballot papers must be numbered consecutively.

1987, c. 57, s. 195.

196. The ballot papers must allow each candidate to be identified.

The ballot papers must contain, on the obverse,

- (1) the name of each candidate, his given name preceding his surname;
- (2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs where such is the case;
- (3) a circle for the elector's mark opposite the particulars pertaining to each candidate.

All circles, as the space between consecutive circles, must be of the same size.

Where several independent candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where such is the case, above the indication of his political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

Notwithstanding the foregoing, the particulars pertaining to a co-candidate must appear with those pertaining to the candidate with whom he is associated, in the following order: the name of the candidate associated with the co-candidate, the name of the co-candidate and his capacity, and the name of the party. These particulars must appear on the ballot paper in the alphabetical order of the surname of the candidate associated with the co-candidate and opposite a single voting circle; in order to do so, these particulars may be printed in a smaller type.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn or the co-candidate has ceased to be such, or the name of the party or ticket appearing on the nomination paper is inaccurate.

1987, c. 57, s. 196; 1990, c. 20, s. 8.

197. The ballot papers shall contain, on the reverse,

- (1) the number of the ballot paper appearing on the counterfoil and the stub;
- (2) a space reserved for the initials of the deputy returning officer;
- (3) the name of the municipality;
- (4) the office concerned;
- (5) the date of the poll;
- (6) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.

1987, c. 57, s. 197.

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

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

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

1987, c. 57, s. 198; 1999, c. 40, s. 114.

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

In the case described in the first paragraph, or where a co-candidate otherwise ceases to be such when there is no time to take account of that fact on the ballot papers to be used for the election at which he is a candidate for the office of councillor, the returning officer shall cause the indication "co-candidate" and the particulars

pertaining to the candidate associated with him to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

1987, c. 57, s. 199; 1990, c. 20, s. 9.

200. The returning officer shall obtain a ballot box for each polling station.

1987, c. 57, s. 200.

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

1987, c. 57, s. 201.

202. The materials required for the poll may not be seized so long as they are required.

1987, c. 57, s. 202.

203. The returning officer, on behalf of the municipality, may enter into any contract to procure the materials required for the poll.

1987, c. 57, s. 203.

204. Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall deliver to the deputy returning officer, in a sealed ballot box, after affixing his initials or a printed mark bearing his initials to the seals,

(1) the copy of the list of electors used for the advance poll and comprising the electors who are entitled to vote at his polling station;

(2) a poll book;

(3) the required number of ballot papers which, for each office in respect of which a poll is held at that station, shall not be greater than the number of electors entitled to vote at the station, plus 25;

(4) the forms and other documents necessary for the poll and the counting of the votes.

The returning officer shall also deliver to the deputy returning officer any other materials required for the poll.

1987, c. 57, s. 204.

§ 5. — *Formalities prior to the opening of polling stations*

205. The deputy returning officer and the poll clerk shall be present at the polling place in which the polling station to which they are assigned is situated one hour before the opening of the poll, or earlier if so directed by the returning officer.

The officer in charge of information and order, if any, and any other election officer assigned to the polling place shall be present one hour before the opening of the polling station, or earlier if so directed by the returning officer.

1987, c. 57, s. 205.

206. The representatives assigned to a polling station may be present at the polling place in which the polling station is situated one hour before the opening of the polling stations.

The representatives may attend any of the activities taking place at the polling place.

1987, c. 57, s. 206.

207. During the hour preceding the opening of the polling station, 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 other materials required for the poll.

1987, c. 57, s. 207.

208. The election officers must be identified as such.

1987, c. 57, s. 208.

209. Immediately before the time fixed for the opening of the polling station, the deputy returning officer and the poll clerk shall ascertain that the ballot box is empty.

The ballot box shall then be sealed and placed on the table of the polling station in full view of the election officers.

1987, c. 57, s. 209.

§ 6. — *Polling proceedings*

210. The polling period shall begin at the opening of the polling stations, at 10 a.m., and shall end at the closing of the stations, at 8 p.m., subject to any extension of the polling period provided for in section 211.

1987, c. 57, s. 210; 2005, c. 28, s. 84.

211. In the case of a delay or interruption, the returning officer may extend the polling period, to the extent he sees fit, for the polling station affected by the delay or interruption.

The extension must not exceed the extent of the delay or interruption.

1987, c. 57, s. 211.

212. Any electors on the premises of a polling station at the end of the polling period who have not been able to vote may nevertheless exercise their right to vote.

The deputy returning officer shall declare the polling closed after they have voted.

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 end of the polling period.

1987, c. 57, s. 212.

213. During the polling period, every employer shall grant to those of his employees whose names are entered on the list of electors sufficient leave to allow at least four consecutive hours to vote, not counting the time normally allowed for meals. No deduction of wages nor any penalty may be imposed on any employee by reason of this leave.

On polling day, every educational institution shall give leave to those of its pupils or students whose names are entered on the list of electors.

This section is binding upon the Government and its departments and agencies.

1987, c. 57, s. 213.

213.1. The returning officer 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 215 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 215 in their possession.

1999, c. 15, s. 34.

213.2. 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 affidavit provided for that purpose in the register kept by the panel members;

(3) show his face and 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 215;

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 131;

iv. produces a document referred to in the third paragraph of section 215 that bears his photograph; and

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

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 the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2) or in a locality referred to in section 7.8 of the Regulation respecting licences (chapter C-24.2, r. 34), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 335.2 of the Election Act (chapter E-3.3).

Despite subparagraphs 2 and 3 of the first paragraph, an elector who is unable to show his face for reasons of physical health that are considered valid by the chief electoral officer or any person designated by the chief electoral officer for that purpose may obtain an authorization allowing him to be identified without showing his face, provided he first signs the affidavit provided for that purpose in the presence of the members of the verification panel.

The chairman of the verification panel shall give the elector the authorization described in the third paragraph.

1999, c. 15, s. 34; 2007, c. 29, s. 1; I.N. 2016-01-01 (NCCP).

213.3. No person may write down or otherwise record information contained in a document produced pursuant to section 213.2.

1999, c. 15, s. 34.

213.4. Where an elector meets the conditions imposed by section 213.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.

1999, c. 15, s. 34.

214. Only one elector may be admitted to the polling station at a time.

Notwithstanding the first paragraph, two electors may be admitted at the same time to a polling station that is provided with two polling booths.

Only the deputy returning officer, the poll clerk and the representatives assigned to the polling station may be present at the station, together with the returning officer, the election clerk and the assistant returning officer. The officer in charge of information and order may be present at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.

1987, c. 57, s. 214.

215. The elector shall give his name and address to the deputy returning officer and the poll clerk. He shall also give them his date of birth, if so requested.

The address of the elector is the address that must be entered on the list of electors.

In addition, the elector shall show his face and identify himself, notwithstanding any incompatible provision, by producing 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 by the Government pursuant to paragraph 4 of section 549 of the Election Act (chapter E-3.3).

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

1987, c. 57, s. 215; 1999, c. 15, s. 35; 1999, c. 89, s. 53; 2007, c. 29, s. 2.

215.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the third paragraph of section 215.

1999, c. 15, s. 36.

216. 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 used at the polling station, if his name, address and, where such is the case, date of birth correspond to those appearing on that list and if he has produced identification in accordance with section 213.2 or the third paragraph of section 215.

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

1987, c. 57, s. 216; 1999, c. 15, s. 37.

217. Before admitting a person to vote, the deputy returning officer, the poll clerk or a representative assigned to the polling station may, for reasons he shall specify, require the person to declare under oath that he has the right to vote.

The poll clerk shall note in the poll book the name of the person who requires that the voter be sworn together with the reasons therefor and, where that is the case, the fact that the oath was made.

1987, c. 57, s. 217.

218. An elector under whose name another person has already voted shall nevertheless be admitted to vote, after declaring under oath that he truly is the elector registered on the list and that he has not already voted. An indication thereof shall be entered in the poll book.

1987, c. 57, s. 218.

219. The returning officer may authorize an elector to vote where

(1) the name of the elector 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 returning officer's possession;

(2) the name of the elector does not appear on any document referred to in subparagraph 1 but was entered or corrected by a board of revisors;

(3) the name of the elector does not appear on any document referred to in subparagraph 1 but the elector sent, within the time prescribed in section 55.1, an application for entry on the list of electors as the sole owner of an immovable or sole occupant of a business establishment or a power of attorney as undivided co-owner of an immovable or co-occupant of a business establishment;

(4) the name of the elector does not appear on any document referred to in subparagraph 1 but does appear on the list of electors sent by the Chief Electoral Officer in accordance with section 100, and has not been struck off by a board of revisors.

An elector who has obtained an authorization under this section shall present it to the deputy returning officer and must be admitted to vote after declaring under oath that he is the person who obtained it. An indication thereof shall be entered in the poll book.

The returning officer shall send to the chief electoral officer a copy of the authorization given to an elector domiciled in the territory of the municipality unless he is satisfied that the change to the list warranting the authorization was communicated in accordance with section 140.

1987, c. 57, s. 219; 1997, c. 34, s. 25; 2009, c. 11, s. 26.

220. In no case may the returning officer admit to vote any person who refuses to make the oath that is required of him. An indication thereof shall be entered in the poll book.

1987, c. 57, s. 220.

221. The deputy returning officer shall give the elector who is admitted to vote every ballot paper to which he is entitled, after writing his initials in the space reserved for that purpose and detaching the counterfoil.

The deputy returning officer shall also give the elector a pencil.

1987, c. 57, s. 221; 1999, c. 25, s. 20.

222. The elector shall enter the polling booth and mark the ballot paper in the circle placed opposite the indications pertaining to the candidate for whom the elector intends to vote, using the pencil given to him by the deputy returning officer. For the purposes of this paragraph, a co-candidate and the candidate with whom the co-candidate is associated shall be counted as one candidate for the office of councillor.

The elector shall then fold the ballot paper he has marked.

1987, c. 57, s. 222; 1990, c. 20, s. 10; 1999, c. 25, s. 21.

223. After marking and folding every ballot paper given to him, the elector shall leave the polling booth.

He shall allow the initials of the deputy returning officer to be examined by the latter, by the poll clerk and by any representative assigned to the polling station 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.

Lastly, the elector himself shall place the ballot paper in the ballot box.

1987, c. 57, s. 223.

224. The deputy returning officer shall cancel any ballot paper bearing initials that are not his own or not bearing any initials and prevent it from being placed in the ballot box. An indication thereof shall be entered in the poll book.

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

(1) the number of ballot papers presented by the elector corresponds to the number given to him by the deputy returning officer;

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

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

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

1987, c. 57, s. 224.

225. The deputy returning officer shall cancel any ballot paper inadvertently marked or spoiled by an elector and shall give another ballot paper to that elector.

The deputy returning officer shall not attempt to learn for whom the elector has voted, where that is the case.

1987, c. 57, s. 225.

226. An elector who declares that he is unable to mark his ballot paper himself may be assisted either

(1) by a person who is the elector's spouse or a relative within the meaning of section 131;

(2) by another person, in the presence of the deputy returning officer and the poll clerk;

(3) by the deputy returning officer in the presence of the poll clerk.

The person referred to in subparagraph 2 of the first paragraph shall declare under oath that the person has not assisted another elector who is not that person's spouse or relative within the meaning of section 131, during the poll.

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.

An indication that an elector has availed himself of this section shall be entered in the poll book.

1987, c. 57, s. 226; 1999, c. 25, s. 22; 2002, c. 37, s. 159; 2005, c. 28, s. 85; 2009, c. 11, s. 27.

227. The deputy returning officer shall provide a visually handicapped person who so requests a template to enable him to vote without assistance.

The deputy returning officer shall adjust the template and the ballot paper, give them to the elector and indicate to him the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.

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

Where the elector is entitled to more than one ballot paper, the deputy returning officer shall wait until the ballot paper given to the elector is placed in the ballot box before giving him another in accordance with the second paragraph.

1987, c. 57, s. 227.

228. 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.

The first paragraph does not apply where the elector has voted pursuant to an authorization where his name was not entered on the copy of the list of electors used at the polling station.

1987, c. 57, s. 228.

DIVISION V

COUNTING AND ADDITION OF VOTES

228.1. For the purposes of this division, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.

1990, c. 20, s. 11.

229. After the closing of the poll, the deputy returning officer, assisted by the poll clerk, shall proceed to the counting of the votes.

The representatives assigned to the polling station may attend.

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

1987, c. 57, s. 229.

230. Before the ballot box is opened, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who have voted;

(2) the number of cancelled ballot papers and the number of unused ballot papers;

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

1987, c. 57, s. 230.

231. The deputy returning officer, the poll clerk and the representatives shall use the compiling sheet provided by the returning officer for the counting of votes.

1987, c. 57, s. 231.

232. 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 the ballot papers without touching them.

1987, c. 57, s. 232.

233. The deputy returning officer shall reject every ballot paper which

- (1) has not been furnished by the deputy returning officer;
- (2) has not been marked or has not been marked properly;
- (3) has been marked in favour of more than one candidate;
- (4) has been marked in favour of a person who is not a candidate;
- (5) bears fanciful or injurious entries;
- (6) bears a mark by which the elector can be identified;
- (7) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.

1987, c. 57, s. 233; 1999, c. 25, s. 23.

234. Every ballot paper that does not bear the initials of the deputy returning officer must be rejected.

Notwithstanding the foregoing, no ballot paper contemplated in the first paragraph may be rejected where all of the following conditions are met:

- (1) the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors and the poll book, as the case may be, were placed in it;
- (2) the ballot papers found in the ballot box which bear no initials are, on their face, those furnished by the deputy returning officer;
- (3) the deputy returning officer signs a written declaration supported by his oath attesting that he inadvertently omitted or forgot to affix his initials to a specified number of ballot papers.

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.

1987, c. 57, s. 234.

235. No ballot paper may be rejected for the sole reason that the stub has not been detached.

In that case, the deputy returning officer shall detach the stub and destroy it.

1987, c. 57, s. 235.

236. No ballot paper may be rejected for the sole reason that the mark made in one of the circles extends beyond the circumference of the circle or that the circle is not completely filled.

1987, c. 57, s. 236; 1999, c. 25, s. 24.

237. The deputy returning officer shall consider every objection raised by a representative assigned to the polling station in respect of the validity of a ballot paper and make a decision immediately. He may reserve his decision as to an objection based on the absence of his initials until all the ballot papers placed in the ballot box are examined.

The objection and the decision of the deputy returning officer shall be entered in the poll book.

1987, c. 57, s. 237.

238. After examining all the ballot papers placed in the ballot box, the deputy returning officer shall draw up a statement of votes indicating

- (1) the number of ballot papers received from the returning officer;
- (2) the number of ballot papers given in favour of each candidate;
- (3) the number of ballot papers rejected in the counting of votes;
- (4) the number of ballot papers cancelled and not placed in the ballot box;
- (5) the number of unused ballot papers.

The statement must be drawn up separately for each office for which a poll was held at the polling station.

The deputy returning officer shall draw up a sufficient number of copies of the statement of votes to provide, in addition to his copy, a copy for the returning officer and for each representative assigned to the polling station.

1987, c. 57, s. 238; 2002, c. 37, s. 160.

239. *(Repealed).*

1987, c. 57, s. 239; 2002, c. 37, s. 161.

240. The deputy returning officer shall give a copy of the statement of votes to each representative assigned to the polling station.

The deputy returning officer shall keep a copy of the statement for himself and a copy intended for the returning officer under section 244.

1987, c. 57, s. 240.

241. After drawing up the statement of votes, the deputy returning officer shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes, the ballot papers cancelled and not placed in the ballot box, the unused ballot papers and the statement of votes in separate envelopes.

The first paragraph applies separately in respect of each office for which a poll was held at the polling station.

1987, c. 57, s. 241; 2002, c. 37, s. 162.

242. The deputy returning officer shall then seal the envelopes.

The deputy returning officer, the poll clerk and those representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

1987, c. 57, s. 242.

243. The deputy returning officer shall place the envelopes, the poll book and the list of electors in the ballot box.

He shall then seal the ballot box.

The deputy returning officer, the poll clerk and those representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

1987, c. 57, s. 243; 2002, c. 37, s. 163.

244. The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

The deputy returning officer shall at the same time deliver a copy of the statement of votes to the returning officer or designated person.

1987, c. 57, s. 244; 2002, c. 37, s. 164.

245. The addition of the votes shall begin, at the discretion of the returning officer,

- (1) at the time he fixes, during the evening, on polling day;
- (2) at 9 a.m. on the day after polling day;
- (3) or at the time and on the day he determines, that day being any of the four days following polling day.

If the returning officer chooses to begin the addition of the votes after polling day, he shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.

1987, c. 57, s. 245.

246. The addition of the votes shall be conducted at the place determined by the returning officer.

Any person may attend.

1987, c. 57, s. 246.

247. The returning officer shall proceed to the addition of the votes by using the statements of votes delivered with the ballot boxes and compiling the votes cast in favour of each candidate.

The returning officer shall, however, use the statements contained in the ballot boxes if a candidate or an elector concerned produces to him a sworn declaration in writing attesting that there is reason to believe that a statement delivered with a ballot box is erroneous or fraudulent and does not correspond to the statement placed in the ballot box, and that the results may be different if the statement placed in the ballot box is used in conducting the addition of the votes.

1987, c. 57, s. 247; 1997, c. 34, s. 26; 2002, c. 37, s. 165.

248. If a statement of votes to be remitted to him is missing, the returning officer shall adjourn the addition of the votes until he obtains it.

If it appears impossible to obtain the statement of votes referred to in the first paragraph, the returning officer shall use the statement of votes of the deputy returning officer or of a representative or the statement contained in the ballot box.

1987, c. 57, s. 248; 2002, c. 37, s. 166.

249. After consulting the statement of votes, the returning officer shall place it in an envelope and seal the envelope.

If the statement of votes was taken out of the ballot box, the returning officer shall place the envelope in the ballot box and seal the ballot box.

1987, c. 57, s. 249; 2002, c. 37, s. 167.

250. If it appears impossible to obtain the statement of votes, the returning officer shall cause a summary counting of the votes to be made by the deputy returning officer and the poll clerk on the date, at the time and at the place determined by him.

At the summary counting of the votes, the deputy returning officer shall open the ballot box and the envelopes it contains in the presence of the poll clerk. With the poll clerk's assistance, the deputy returning officer shall count, without questioning whether the ballot papers are valid, rejected or cancelled, the ballot papers cast in favour of each candidate, the ballot papers rejected at the time of the counting of votes, the ballot papers that were cancelled and the unused ballot papers. The formalities applicable after any counting of votes shall then apply.

If the deputy returning officer or if the poll clerk is unable or refuses to act, the other shall proceed alone to a summary counting of the votes. If both are unable or refuse to act, the returning officer shall himself proceed thereto.

The returning officer shall give advance notice of the summary counting of the votes to each authorized party, recognized ticket and independent candidate concerned. The representatives assigned to the polling station may attend.

1987, c. 57, s. 250; 2002, c. 37, s. 168.

251. Where it appears impossible to obtain the statement of votes and the ballot papers, the returning officer shall inform the Minister of Municipal Affairs, Regions and Land Occupancy in accordance with Division III of Chapter XI.

1987, c. 57, s. 251; 1999, c. 43, s. 13; 2002, c. 37, s. 169; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

252. Immediately upon completion of the addition of the votes, the returning officer shall announce the results to the persons present.

1987, c. 57, s. 252.

253. After making the announcement, the returning officer shall communicate the results of the addition of the votes to every person who requests it.

1987, c. 57, s. 253.

254. In case of a tie for first place, the returning officer shall apply for a recount of the votes in accordance with Division VII.

1987, c. 57, s. 254.

DIVISION VI

DECLARATION OF ELECTION AND SUBSEQUENT PROCEEDINGS

255. If no application for a recount or re-addition of the votes is made within the time prescribed in section 264, or if an application is made and is dismissed, the returning officer shall declare elected the candidate who obtained the greatest number of votes according to his announcement.

1987, c. 57, s. 255.

256. Where a recount or re-addition is made, the returning officer shall declare elected the candidate who obtained the greatest number of votes according to the results certified by a judge in accordance with section 273.

Where the certified results show a tie for first place, a drawing of lots shall determine which candidate shall be declared elected. For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.

1987, c. 57, s. 256; 1990, c. 20, s. 12.

257. Where a drawing of lots is required, the returning officer shall give one clear day's advance notice of it to each candidate concerned.

At the time and place indicated in the notice, the returning officer shall carry out a public drawing of lots.

He shall declare elected the candidate who is favoured by the drawing of lots.

1987, c. 57, s. 257.

257.1. Where the candidate of an authorized party for the office of mayor is entitled to be declared elected both to that office and to the office of councillor of an electoral district, he shall be declared elected to the office of mayor and his co-candidate to that of councillor.

Where the candidate is entitled to be declared elected only to the office of councillor, he shall be declared elected in preference to his co-candidate.

Notwithstanding the foregoing, a candidate for the office of mayor who has been declared elected to the office of councillor under the second paragraph may, if he has not made the oath prescribed in section 313, renounce holding the office of councillor by transmitting to the returning officer, within 30 days after the declaration, a writing to that effect signed by him. In such a case and in the case where the candidate dies during the time within which he is still entitled to renounce holding the office of councillor, the returning officer shall declare the co-candidate elected to that office; the latter declaration cancels the former declaration.

1990, c. 20, s. 13; 1994, c. 43, s. 2.

258. The declaration of election shall be made by means of a writing signed by the returning officer, indicating the date of the declaration, the name and address of the elected candidate and the office to which he is elected.

Where such is the case, the returning officer shall read the declaration to the persons present at the place where he signs it.

1987, c. 57, s. 258.

259. Within three days after the declaration of election of a candidate, the returning officer shall transmit a copy of the writing to the candidate.

1987, c. 57, s. 259.

260. As soon as the returning officer has been informed of the complete results of the election, he shall give public notice thereof, indicating the candidate elected to each office.

The returning officer shall transmit a copy of the notice to the chief electoral officer and to the regional county municipality or to the metropolitan community whose territory comprises that of the municipality.

1987, c. 57, s. 260; 1990, c. 85, s. 122; 2000, c. 56, s. 218; 2002, c. 37, s. 170.

261. In no case may the person responsible for access to documents held by the municipality deliver any copy of any used ballot paper.

He shall allow no one to examine the ballot papers, unless he is required to do so by order of the court or a judge.

1987, c. 57, s. 261.

DIVISION VII

RECOMMENCEMENT OF PROCEEDINGS

§ 1. — *Recount or re-addition of votes*

262. Any person who has reasonable grounds to believe that a deputy returning officer, a poll clerk or the returning officer has improperly counted or rejected votes or has drawn up an incorrect statement of the number of votes cast in favour of a candidate may apply for a recount of the votes. The application may be limited to one or certain polling subdivisions but the judge is not bound by that limitation.

Any person who has reasonable grounds to believe that the returning officer improperly compiled the votes cast in favour of a candidate may apply for a re-addition of the votes.

The first paragraph does not apply where the returning officer applies for a recount of the votes in the case of a tie.

1987, c. 57, s. 262.

263. The application for a recount or re-addition is made by way of an application to a judge of the Court of Québec of the judicial district in which all or part of the territory of the municipality is situated, filed in the office of that court.

The respondent is the candidate having the greatest number of votes according to the announcement made by the returning officer.

Subject to any inconsistent provision of this subdivision, proceedings are conducted in accordance with the rules of contentious proceedings in the Code of Civil Procedure (chapter C-25.01), but the application shall be heard and decided by preference.

1987, c. 57, s. 263; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

264. The application must, on pain of dismissal, be served on the returning officer and presented within four days after the end of the addition of the votes.

The first paragraph does not apply to an application for a recount of the votes in the case of a tie.

1987, c. 57, s. 264; I.N. 2016-01-01 (NCCP).

265. No appeal lies from the decision on the application.

1987, c. 57, s. 265; I.N. 2016-01-01 (NCCP).

266. The recount or re-addition shall be made by the judge who granted the application or by any other judge of the Court of Québec designated by the chief judge.

It shall begin within four days after the decision granting the application and be carried out as soon as practicable.

1987, c. 57, s. 266; 1988, c. 21, s. 66; 1995, c. 42, s. 56; I.N. 2016-01-01 (NCCP).

267. The judge shall give one clear day's advance notice to the candidates concerned of the date, time and place at which he will proceed to the recount or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the ballot boxes used in the poll for the office concerned with their contents and the statements of votes used in the addition of the votes, where that is the case. Where the recount is limited to one or certain polling subdivisions, the judge shall order only the ballot boxes and statements he will need.

1987, c. 57, s. 267; 2002, c. 37, s. 171.

268. On the appointed day, the judge, in the presence of the returning officer shall, in the case of a recount, examine the ballot papers and the other documents contained in the ballot boxes and, in the case of a re-addition, the statement of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine the ballot papers and other documents examined by the judge.

1987, c. 57, s. 268; 2002, c. 37, s. 172.

269. The rules provided in Division V to establish the validity of a ballot paper apply at a recount.

The judge may, for that purpose, take any measure he considers appropriate.

1987, c. 57, s. 269.

270. If a ballot box or required documents are missing, the judge shall take any appropriate measure to ascertain the results of the vote.

For the purposes of this section, the judge is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Every person testifying in an inquiry before the judge has the same privileges and immunity as a witness before the Superior Court. Articles 282 to 285 of the Code of Civil Procedure (chapter C-25.01) apply, adapted as required.

1987, c. 57, s. 270; 1992, c. 61, s. 278; I.N. 2016-01-01 (NCCP).

271. While the recount or re-addition is in progress, the judge has the custody of the ballot boxes and their contents, and of all the other documents that have been remitted to him.

1987, c. 57, s. 271.

272. Immediately upon completion of the recount, the judge shall verify or rectify the statement of votes and make a re-addition of the votes.

1987, c. 57, s. 272; 2002, c. 37, s. 173.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall remit the ballot boxes, their contents and all the other documents used for the recount or re-addition to the returning officer.

1987, c. 57, s. 273.

274. The judge shall award and fix the amount of the costs according to the tariff established by government regulation.

Where, according to the results of the poll certified by the judge, the candidate who received the greatest number of votes is the same as according to the announcement made by the returning officer, the costs of that candidate shall be assumed by the appellant.

Where the recount is applied for following a tie, there shall be no costs.

1987, c. 57, s. 274.

275. Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.

1987, c. 57, s. 275; 1988, c. 21, s. 66.

§ 2. — New election on account of the lack, death or withdrawal of candidates or the rejection of the ballot papers

276. The returning officer shall recommence election proceedings to fill an office on the council, subject to section 277, where

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

(2) every candidate for the office withdraws after the end of the period contemplated in paragraph 1 but before the end of the polling period;

(3) a candidate, in the case of the office of councillor, dies after the end of the period contemplated in paragraph 1 but before the end of the polling period;

(4) a candidate, in the case of the office of mayor, dies or withdraws for medical reasons which, in the opinion of at least two physicians, prevent him from remaining a candidate, less than 34 days before polling day but before the end of the polling period;

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

1987, c. 57, s. 276; 2009, c. 11, s. 28.

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

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

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

It is not necessary to give the public notice prescribed in section 56 if it was given for the purposes of the original election.

1987, c. 57, s. 277; 1999, c. 25, s. 25; 2009, c. 11, s. 29.

278. Election proceedings may be recommenced only once.

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

1987, c. 57, s. 278; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

CHAPTER VII

ELECTORAL CODE OF ETHICS

DIVISION I

SECRECY OF VOTING

279. Voting is secret.

1987, c. 57, s. 279.

280. No elector may, on the premises of a polling station, indicate publicly, in any manner, in favour of which candidate he proposes to vote or has voted.

No candidate, representative or election officer may, on those premises, attempt to learn in favour of which candidate an elector proposes to vote or has voted.

The building in which the polling station is located and any neighbouring place where the indications of the elector or the actions of the candidate, representative or election officer may be heard or seen by the electors waiting in line are deemed to be the premises of a polling station.

1987, c. 57, s. 280; 1999, c. 40, s. 114.

281. No candidate or representative, nor any election officer or elector who has given assistance to another elector may disclose for which candidate the elector has voted.

1987, c. 57, s. 281.

282. No person may be compelled to disclose for which candidate he has voted.

1987, c. 57, s. 282.

DIVISION II

PARTISAN PUBLICITY AND PARTISAN ACTIVITY OF OFFICERS AND EMPLOYEES OF THE MUNICIPALITY

1987, c. 57, Div. II; 2016, c. 17, s. 48.

283. No person may, on the premises of a polling station, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

If the party, ticket or candidate promoted by prohibited partisan publicity refuses to stop or remove the publicity after being requested to do so, the returning officer may have it stopped or removed at the expense of the party, ticket or candidate.

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 deemed to be the premises of the polling station.

1987, c. 57, s. 283; 1999, c. 40, s. 114; 2005, c. 28, s. 86.

284. For the sake of maintaining public trust in municipal election proceedings and ensuring respect for the principles of loyalty and political neutrality, an officer or employee of a municipality or of a mandatory body of a municipality referred to in paragraph 1 or 2 of section 307 may engage in partisan activity in connection with an election to an office on the council of the municipality only if the activity is not likely to interfere with the officer's or employee's ability to perform his or her duties loyally and impartially.

Despite the first paragraph, the following persons may not engage in any such activity:

- (1) the director general and the assistant director general;
- (2) the secretary-treasurer and the deputy secretary-treasurer;
- (3) the treasurer and the deputy treasurer;
- (4) the clerk and the deputy clerk;
- (5) the chief auditor;
- (6) the inspector general of Ville de Montréal;

(7) the officer or employee having the highest authority within a mandatory body of a municipality referred to in paragraph 1 or 2 of section 307.

1987, c. 57, s. 284; 2001, c. 68, s. 56; 2002, c. 37, s. 174; 2016, c. 17, s. 49.

285. Attending a political meeting, making a contribution to a party or an authorized independent candidate, being a member of a party or affixing a signature in support of a nomination paper or an application for authorization does not constitute partisan activity.

The first paragraph does not apply to the clerk or the secretary-treasurer of the municipality or his assistant, to any other officer or employee of the municipality while he is an election officer, or to the treasurer, within the meaning of section 364, of a municipality, subject to Divisions II to IX of Chapter XIII.

1987, c. 57, s. 285; 2016, c. 17, s. 50.

CHAPTER VII.1

ELECTION POSTERS AND BILLBOARDS

1999, c. 25, s. 26.

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

For the purposes of this section, the expression “election period” has the meaning assigned by section 364.

1999, c. 25, s. 26.

285.2. Election posters and billboards may be placed on any property, other than buildings, of the municipality, the Government, public bodies, state enterprises and school boards situated in the territory of the municipality.

Election posters may also be placed on public utility poles.

1999, c. 25, s. 26.

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

1999, c. 25, s. 26.

285.4. No election poster or billboard may be placed on a classified heritage immovable or on a classified heritage site within the meaning of the Cultural Heritage Act (chapter P-9.002) or in an area declared a national heritage site under that Act.

1999, c. 25, s. 26; 2011, c. 21, s. 227.

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

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

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

1999, c. 25, s. 26; 2002, c. 37, s. 175.

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

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

1999, c. 25, s. 26.

285.7. Election posters placed on public utility poles must meet the following conditions :

(1) the highest part of the poster must not be more than 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 with any support that could cause damage to or leave permanent marks on the pole ;

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

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

Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done, remove any election poster from a pole. Except in an emergency, they shall first notify, as the case may be, the candidate or the authorized party concerned or the private intervenor referred to in Division VIII. 1 of Chapter XIII responsible for the poster.

1999, c. 25, s. 26; 2002, c. 37, s. 176.

285.8. All election posters and billboards must be removed not later than 15 days after the date fixed for the polling, failing which they may be removed by the municipality or by the owner of the property or poles at the expense of, as the case may be, the party or candidate concerned or the private intervenor responsible for them, following the expiry of a five-day notice to that effect transmitted to the party, candidate or private intervenor.

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

1999, c. 25, s. 26.

285.9. The party, candidate or private intervenor, as the case may be, shall ensure that the provisions of this chapter are complied with.

1999, c. 25, s. 26.

CHAPTER VIII

CONTESTATION OF ELECTIONS

286. Every person entitled to vote at the election of a member of the council of a municipality may contest the election on the grounds that the person declared elected was ineligible, that he did not obtain the greatest number of the valid votes, that a corrupt electoral practice was used which caused the election to be null, or that the proper formalities were not observed.

Every candidate defeated by the person declared elected may also avail himself of the first paragraph.

1987, c. 57, s. 286.

287. An election is contested by way of an application to the Superior Court of the judicial district in which all or part of the territory of the municipality is situated.

The respondent is the person declared elected. The returning officer must be impleaded.

1987, c. 57, s. 287; I.N. 2016-01-01 (NCCP).

288. The application must, on pain of dismissal, be presented within 30 days after the respondent is declared elected, or within 30 days after the corrupt electoral practice was used where the application alleges that such a practice was used after the declaration.

Where the alleged corrupt electoral practice consists in incurring election expenses in excess of the maximum fixed in Chapter XIII, the application must, on pain of dismissal, be presented within 90 days from the transmission of the return of election expenses.

1987, c. 57, s. 288; I.N. 2016-01-01 (NCCP).

289. The applicant may demand that the election be declared null, or that the election be declared null and the candidate he identifies be declared elected.

1987, c. 57, s. 289.

290. Proceedings are conducted in accordance with the rules of contentious proceedings in the Code of Civil Procedure (chapter C-25.01), but the application is heard and decided by preference.

1987, c. 57, s. 290; I.N. 2016-01-01 (NCCP).

291. The rules of proof are those applicable in civil matters.

1987, c. 57, s. 291.

292. The court shall decide that the member of the council whose election is contested was duly elected, that his election is null or that his election is null and another person designated by the court was duly elected.

1987, c. 57, s. 292.

292.1. If the court declares that the election of the candidate of an authorized party to the office of mayor is null, it may at the same time declare the candidate elected to the office of councillor of an electoral district in place of his co-candidate, unless the ground for the nullity of the election is the respondent's ineligibility or the use by the respondent or, with his knowledge and consent, by another person, of a corrupt electoral practice.

Where the court declares elected to the office of mayor the candidate of an authorized party who has been declared elected to the office of councillor of an electoral district in preference to his co-candidate, it may at the same time declare the co-candidate elected as councillor in place of the candidate.

1990, c. 20, s. 14.

293. The court shall declare the election of the respondent null where the hearing establishes that a corrupt electoral practice within the meaning of section 645 was used by him or, with his knowledge or consent, by another person.

The court shall declare the election of the respondent null where the hearing establishes that, without his knowledge and consent, his representative, mandatary or official agent or that of his party used a corrupt electoral practice, unless it is established that the practice could not have had a determining effect on the election of the respondent. For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be deemed to be reciprocal mandataries.

1987, c. 57, s. 293; 1990, c. 20, s. 15.

294. The court shall declare the election of the respondent null where the hearing establishes that he failed to observe the proper formalities and that the inobservance may have had a determining effect on the election of the respondent.

1987, c. 57, s. 294.

295. An appeal lies to the Court of Appeal from the judgment rendered on the application.

The appeal must, on pain of dismissal, be brought within 30 days from the judgment.

No appeal lies from any judgment in the course of a proceeding.

1987, c. 57, s. 295; I.N. 2016-01-01 (NCCP).

296. The rules of contentious proceedings in the Code of Civil Procedure (chapter C-25.01) apply to the proceedings but the appeal is heard by preference.

1987, c. 57, s. 296; I.N. 2016-01-01 (NCCP).

297. The provisional execution of the judgment declaring the election of the respondent null does not result in the termination of his term or, as the case may be, his replacement by the candidate declared elected in his place.

Notwithstanding the foregoing, during the provisional execution, the respondent is not entitled to attend, as a member, the sittings of the council of the municipality, of its committees and commissions, or of the council, committees and commissions of the regional county municipality, the metropolitan community or any intermunicipal board of management, or of any other board, committee, commission or public body of which the respondent is a member by reason of the fact that he is a member of the council of the municipality, the regional county municipality, the community or the board.

The respondent shall consequently lose the right to receive the remuneration or allowance prescribed for each sitting he is not entitled to attend. Where his remuneration or allowance is not established for each sitting, an amount equal to 1% of the annual amount of the remuneration or allowance is subtracted for each sitting he is not entitled to attend. The sums shall be repaid to the respondent where the judgment having become a *res judicata*, overturning the judgment under provisional execution, orders it.

1987, c. 57, s. 297; 1990, c. 85, s. 122; 2000, c. 56, s. 218.

298. The appellant shall notified to the clerk or the secretary-treasurer of the municipality a certified copy of the judgment having become a *res judicata* and granting his application.

Where the judgment granting his application is appealed but is under a provisional order of execution, the appellant shall notify a certified copy of the appealed judgment and, if such is the case, of the order to the clerk or the secretary-treasurer.

The clerk or secretary-treasurer shall immediately notify the council, the regional county municipality, the metropolitan community, the intermunicipal board of management or any other body whose sittings the respondent is no longer entitled to attend. He shall also notify them as soon as possible where the respondent recovers the right to attend.

1987, c. 57, s. 298; 1990, c. 85, s. 122; 2000, c. 56, s. 218; I.N. 2016-01-01 (NCCP).

299. The person declared elected by the court in the place of another person is deemed to have been declared elected on the day the judgment having become a *res judicata* is notified to the clerk or the secretary-treasurer of the municipality.

1987, c. 57, s. 299; I.N. 2016-01-01 (NCCP).

CHAPTER IX

DISQUALIFICATIONS

DIVISION I

GROUND FOR DISQUALIFICATION

300. A person holding office as a member of the council is disqualified from holding office as such

- (1) for the whole term of office if he was elected while ineligible;

(2) upon ceasing after 1 September of the calendar year in which the election was held, to meet the eligibility requirements prescribed in section 61, until he again meets those requirements;

(3) upon becoming ineligible under section 62 or 63 after his election, and as long as he remains ineligible;

(4) if he was a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) or a member of the Parliament of Québec or of Canada when he was elected to the council and did not cease to hold that office thirty-one days after taking his oath of office as a member of the council, as long as the plurality continues;

(5) if he begins to hold office as a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization or as a Member of the Parliament of Québec or of Canada after his election, as long as the plurality continues.

1987, c. 57, s. 300; 2001, c. 25, s. 87.

301. A person who is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3) is disqualified from holding office as a member of the council of a municipality.

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

1987, c. 57, s. 301; 1989, c. 1, s. 599; 1990, c. 4, s. 405; 2005, c. 28, s. 87.

302. A person who is convicted, under any Act, of an offence which pursuant to an Act of the Parliament of Québec or of Canada is an offence punishable by imprisonment for a term of two years or more is disqualified from holding office as a member of the council of a municipality.

The disqualification shall last for a period equal to the longer of five years or twice the term of imprisonment, starting from the day on which the judgment convicting the person becomes a *res judicata* or the day the final sentence is pronounced, whichever is later.

1987, c. 57, s. 302; 1990, c. 4, s. 406; 2016, c. 17, s. 51.

303. Every person who

(1) makes a written declaration of his pecuniary interests under section 357 or 358 with the knowledge that it is incomplete or contains a false statement or information, or who

(2) in contravention of section 361 as to a matter that is to be taken up for consideration by a council, committee or commission of which he is a member and in which he knows he has, directly or indirectly, a personal pecuniary interest,

(a) fails to disclose the general nature of that interest before the discussions on that matter are begun where he is present, at the sitting at which it is to be taken up for consideration or, if he is not present, at the first sitting of the council, committee or commission attended by the person after becoming aware of the fact that the matter was taken up for consideration;

(b) fails to abstain from taking part in the discussions and from voting or attempting to influence the vote on the matter;

(c) fails to leave the sitting after having disclosed the general nature of his interest, while the matter is being discussed and voted on, where the sitting is not public,

is disqualified from holding office as a member of the council of a municipality.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*.

1987, c. 57, s. 303; 1999, c. 25, s. 27.

304. A person who knowingly, during his term as member of the council of a municipality or as member of a municipal body, has an interest, directly or indirectly, in a contract with the municipality or body is disqualified from holding office as a member of the council of a municipality.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*.

1987, c. 57, s. 304.

305. Section 304 does not apply

(1) where the person acquires his interest by succession or gift and renounces or divests himself of it as soon as practicable;

(2) where the interest of the person consists in holding shares of a business corporation which he does not control, of which he is neither a director nor an executive officer and of which he possesses less than 10% of the voting shares issued;

(2.1) where the interest of the person arises from the fact that he is a member, director or executive officer of another municipal body, a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a solidarity cooperative, a non-profit organization or an organization of which he is required by law, as a member of the council of that municipality or that municipal body, to be a member, a director or an executive officer;

(3) where the object of the contract is a remuneration, an allowance, the reimbursement of expenses, social benefits, goods or services to which the person is entitled as a condition of employment attached to his duties with the municipality or municipal body;

(4) where the object of the contract is the appointment of the person to a position as an officer or employee, provided that the position is not one that makes its holder ineligible;

(5) where the object of the contract is the furnishing of services offered to the public by the municipality or the municipal body;

(5.1) where the object of the contract is the sale or leasing, on non-preferential terms, of an immovable ;

(6) where the contract consists of bonds, notes or other securities offered to the public by the municipality or the municipal body or in the acquisition of such bonds, notes or securities on non-preferential terms;

(7) where the object of the contract is the furnishing of goods or services that the person has an obligation to furnish to the municipality or municipal body pursuant to a legislative or regulatory provision;

(8) where the object of the contract is the furnishing of goods by the municipality or municipal body and where the contract was entered into before the person held office as a member of the municipality or body and before he became a candidate at the election in which he was elected;

(9) in a case of irresistible force, where the general interest of the municipality or municipal body requires that the contract be entered into in preference to any other contract.

For the purposes of subparagraph 2.1 of the first paragraph, a solidarity cooperative is a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates and the payment of interest on any category of preferred shares, unless the rebate is allotted or the interest is paid to a municipality, the

Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

1987, c. 57, s. 305; 1989, c. 56, s. 2; 2000, c. 19, s. 21; 2009, c. 52, s. 714; 2017, c. 13, s. 150.

306. A person who knowingly, during his term as a member of the council of a municipality or member of a municipal body, uses his position to misappropriate moneys or commit a breach of trust or other misconduct is disqualified from holding office as a member of the council of a municipality.

The disqualification shall continue for five years from the day on which the judgment declaring the person disqualified becomes a *res judicata*, unless the judgment fixes a shorter period.

1987, c. 57, s. 306.

307. For the purposes of sections 304 to 306, “municipal body” means the council or any committee or commission of

(1) a body declared by law to be a mandatary or agent of a municipality;

(2) a body whose board of directors is composed for the greater part of members of the council of a municipality, whose budget is adopted by the municipality or more than one-half of whose funding is provided by the municipality;

(3) a public body whose board of directors is composed for the greater part of council members from several municipalities;

(4) any other body determined by the Minister of Municipal Affairs, Regions and Land Occupancy.

1987, c. 57, s. 307; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

DIVISION II

ACTION FOR DECLARATION OF DISQUALIFICATION

308. Any elector of a municipality in which a person is a member or former member of the municipal council or is a candidate for that office may bring an action for the declaration of disqualification of that person.

The Attorney General and the municipality may also bring the action.

1987, c. 57, s. 308.

309. The action is brought before the Superior Court of the judicial district which includes all or part of the territory of the municipality.

The action must, on pain of dismissal, be brought before the expiry of five years after the end of the term of office of the respondent during which the disqualification is alleged to have existed.

1987, c. 57, s. 309.

310. The action is governed by the Code of Civil Procedure (chapter C-25.01) but is heard and decided by preference.

An appeal lies from the judgment of the Superior Court in accordance with the Code of Civil Procedure.

1987, c. 57, s. 310; I.N. 2016-01-01 (NCCP).

311. The provisional execution of the judgment declaring the disqualification of a person who is a member of the council of a municipality has the same effect as the provisional execution, provided for in section 297, of a judgment declaring his election null, with the necessary adjustments.

The first paragraph applies also where the judgment grants a demand for ouster from office brought in accordance with the Code of Civil Procedure (chapter C-25.01).

1987, c. 57, s. 311; I.N. 2016-01-01 (NCCP).

312. The applicant must notify to the clerk or the secretary-treasurer of the municipality a certified copy of the judgment having become a *res judicata* and declaring the member of the council disqualified or ousted from office.

Where the judgment is appealed but is under a provisional order of execution, the appellant must notify a certified copy of the appealed judgment and, where such is the case, of the order of execution to the clerk or the secretary-treasurer.

The clerk or the secretary-treasurer shall, as soon as possible, notify the council, the regional county municipality, the metropolitan community, the intermunicipal board of management and every public body whose sittings the respondent is no longer entitled to attend. He shall also notify them as soon as practicable where the respondent recovers the right to attend.

The first two paragraphs do not apply where the appellant is the municipality.

1987, c. 57, s. 312; 1990, c. 85, s. 122; 2000, c. 56, s. 218; I.N. 2016-01-01 (NCCP).

CHAPTER IX.1

PROVISIONAL INCAPACITY

2013, c. 3, s. 6.

312.1. The Superior Court may, on an application, if it considers it warranted in the public interest, declare provisionally incapable to perform any duty of office a member of the council of a municipality against whom proceedings have been brought for an offence under an Act of the Parliament of Québec or Canada that is punishable by a term of imprisonment of two years or more.

The application may be brought by the municipality, the Attorney General or any of the municipality's electors. It is heard and decided by preference. Notice of the application is given to the Director of Criminal and Penal Prosecutions and to any other authority responsible for the proceedings on which the application is based, so that they may make representations concerning any order needed to protect the right to a fair trial in the context of those proceedings.

To assess whether it is warranted in the public interest, the court considers the connection between the alleged offence and the council member's duties and the extent to which the alleged offence is likely to discredit the administration of the municipality.

2013, c. 3, s. 6; I.N. 2016-01-01 (NCCP).

312.2. The court may not declare the council member provisionally incapable if the application is based on proceedings brought before the polling day for the most recent election in which the council member was declared elected or, as applicable, before the day on which the council member was declared elected under section 168 in that election.

2013, c. 3, s. 6; I.N. 2016-01-01 (NCCP).

312.3. No appeal lies from the judgment.

2013, c. 3, s. 6.

312.4. The provisional incapacity ceases on the first of the following dates:

(1) the date on which the prosecutor stays or withdraws all charges in the proceedings on which the application was based;

(2) the date of a judgment of acquittal or a stay of proceedings in respect of all such charges; and

(3) the date on which the council member's term that was in progress on the date of the judgment ends in accordance with the provisions of this Act.

2013, c. 3, s. 6; I.N. 2016-01-01 (NCCP).

312.5. On an application by the council member, the Superior Court may put an end to the provisional incapacity if it considers it warranted in view of the fact that the proceedings on which a provisional incapacity application was based were substantially modified.

It is heard and decided by preference.

2013, c. 3, s. 6; I.N. 2016-01-01 (NCCP).

312.6. If found guilty, by a judgment that has become final, of the offence alleged in the proceedings on which the judgment declaring him provisionally incapable was based, the council member must repay to the municipality and any mandatory body of the municipality or supramunicipal body any sum received as remuneration or an allowance under the Act respecting the remuneration of elected municipal officers (chapter T-11.001) for the period during which he was forced to cease performing any duty of office.

The council member must also reimburse the municipality for any expenses paid in the context of the defence of the council member against a provisional relief application brought under subparagraph 3 of the first paragraph of section 604.6 of the Cities and Towns Act (chapter C-19) or subparagraph 3 of the first paragraph of article 711.19.1 of the Municipal Code of Québec (chapter C-27.1).

2013, c. 3, s. 6; I.N. 2016-01-01 (NCCP); 2016, c. 30, s. 7; 2018, c. 8, s. 176.

312.7. The Minister of Municipal Affairs, Regions and Land Occupancy may set up a program to provide financial support to any elector who has brought or intends to bring an application under the second paragraph of section 312.1.

2013, c. 3, s. 6; I.N. 2016-01-01 (NCCP).

CHAPTER X

TERM OF OFFICE OF COUNCIL MEMBERS

313. Within 30 days after having been declared elected, the person elected shall make the oath provided in Schedule II.

His term of office as council member begins when he makes the oath.

1987, c. 57, s. 313; 2010, c. 27, s. 39.

314. The term of the mayor expires when the candidate elected to the office of mayor at the general election makes the oath or, if he fails to do so, at the expiry of the time prescribed therefor.

The term of a person holding office as councillor expires when the candidate elected to the office at the general election makes the oath of office or, if he fails to do so, at the expiry of the time prescribed therefor.

However, where a person holding office is a candidate for another office at a general election, his term expires at the time the candidate elected to either office makes the oath of office or, if he fails to do so, at the expiry of the time prescribed therefor.

1987, c. 57, s. 314; 1989, c. 56, s. 3; 2009, c. 11, s. 84.

314.1. Notwithstanding sections 313 and 314, where a change affecting the composition of the council, such as a change described in the third paragraph, takes effect following a general election,

(1) the term of a candidate elected to the office of councillor shall begin on the later of the following events:

(a) when he makes the oath of office;

(b) when the majority of the candidates elected to the office of councillor have made the oath of office;

(2) the term of every councillor whose seat is open for nominations or ceases to exist following that election shall expire at the time specified in paragraph *b* of subparagraph 1.

However, if the majority of the candidates elected to the office of councillor have not made the oath of office before the thirty-fifth day following polling day, the term of a candidate who has made the oath of office shall begin on that day and the term of the councillors referred to subparagraph 2 of the first paragraph shall expire at the same time.

Changes affecting the composition of the council and giving rise to the application of the first or second paragraph are as follows:

(1) a reduction in the number of seats of councillor;

(2) the beginning or end of the division of the territory for election purposes;

(3) the replacement of a division of the territory into wards by a division into electoral districts;

(4) a change in the boundaries of any of the electoral districts or wards.

The clerk or the secretary-treasurer shall give notice in writing to every person affected by this section of the date of the beginning or expiry of his term.

1989, c. 56, s. 4; 1990, c. 47, s. 23; 2009, c. 11, s. 30.

314.2. During the period commencing at 4:30 in the afternoon 30 days before polling day in a general election and ending when the majority of the candidates elected to the office of councillor have made the oath of office, the council shall not sit unless a fortuitous event necessitating its intervention occurs. Deliberations during such a sitting shall pertain only to such event.

If the majority of the candidates elected to the office of councillor have not made the oath of office before the thirty-fifth day following polling day, the provisions of the first paragraph cease to apply from the beginning of that day.

1989, c. 56, s. 4; 2009, c. 11, s. 31.

315. The term of a member of the council ends prematurely upon his death or, in accordance with this chapter, upon his resignation, failure to attend council sittings, disqualification, the annulment of his election or his ouster from office.

The term of a councillor elected mayor by co-optation under section 336 ends prematurely when his term as mayor begins.

1987, c. 57, s. 315.

316. A member of the council may resign from office by transmitting a writing to that effect signed by him to the clerk or the secretary-treasurer of the municipality.

The term of the member ends on the date of transmission of the writing or on any later date specified therein.

The clerk or the secretary-treasurer shall table the writing before the council at the first sitting after it is transmitted.

1987, c. 57, s. 316.

317. The term of a member of the council who fails to attend council sittings for 90 consecutive days ends at the close of the first sitting after the expiry of the 90 days unless the member attends that sitting.

The council may, at the first sitting after the 90 days, grant 30 days of grace to the member if he was in fact unable to attend the sittings. In such case, the term of the member ends 31 days later, unless he attends a sitting of the council during the period of grace.

The council may also in due time order that a member's failure to attend sittings of the council for serious reasons beyond his control and causing no prejudice to the citizens of the municipality or of the electoral district or ward, as the case may be, shall not entail the end of his term.

The first three paragraphs do not apply where the member is unable to attend the sittings by reason of the provisional execution of a judgment declaring the nullity of his election or his disqualification or ouster from office or by reason of the existence of a judgment declaring him provisionally incapable under section 312.1. Nor do they apply where the member's failure to attend sittings is due to the member's pregnancy or the birth or adoption of the member's child, provided that failure does not exceed a period of 18 consecutive weeks.

Where the member fails to attend the first sitting after the expiry of the period specified in the first paragraph by reason of a suspension imposed by the Commission municipale du Québec for a violation of a rule of the code of ethics and conduct of the municipality, that period is deemed not to have expired and is extended until the last day of the suspension.

This section applies only to the member's attendance in his capacity as member.

1987, c. 57, s. 317; 1999, c. 40, s. 114; 2010, c. 27, s. 40; 2013, c. 3, s. 7; 2016, c. 17, s. 52.

318. The term of a member of the council who is disqualified or was disqualified during his term of office ends on the date on which the judgment declaring the member disqualified becomes a *res judicata*.

Where the disqualification of a member results from the fact that, after his election, he became ineligible pursuant to section 62 or 63, he became a warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) or he became a Member of the Parliament of Québec or Canada, his term ends on the day he begins to hold the office referred to in section 62 or 63, becomes a warden or becomes a Member of Parliament.

Where the disqualification of a member results from the fact that he has been convicted of an offence described in section 301, his term ends on the day the judgment convicting him becomes a *res judicata*. Where the disqualification of a member results from the fact that he has been convicted of an offence described in section 302, his term ends, except in the case of an immediate pardon, on the date the judgment convicting him becomes a *res judicata* or on the day the final sentence is pronounced, whichever is later.

The second and third paragraphs apply subject to sections 321 to 328.

1987, c. 57, s. 318; 1990, c. 4, s. 407; 1997, c. 34, s. 27; 2001, c. 68, s. 57; 2016, c. 17, s. 53.

319. The term of a member of the council ends on the date the judgment declaring the nullity of his election or ousting him from office becomes a *res judicata*.

1987, c. 57, s. 319.

320. The clerk or secretary-treasurer who ascertains that the term of a member of the council has ended by reason of his failure to attend sittings of the council, his disqualification, the nullity of his election or his ouster from office, shall notify in writing the Commission municipale du Québec as soon as possible.

The Commission shall, after inquiry, ascertain whether or not the term of office has ended. It shall transmit, at the same time, a copy of its decision to the municipality and to the member concerned.

The Commission may, even though it has not been notified as required by the first paragraph, act in accordance with the second paragraph.

Where the Commission ascertains that the term has ended pursuant to the second or third paragraph of section 318, it shall attach a notice reproducing sections 321 to 328 to the copy of its decision.

1987, c. 57, s. 320; 1999, c. 25, s. 28.

321. The member of the council may contest the Commission's decision where the latter ascertains that the term of the member has ended pursuant to the second or third paragraph of section 318.

The contestation must, under pain of absolute nullity, be made by means of a writing signed by the member and transmitted to the clerk or the secretary-treasurer and the Commission within 10 days after the transmission of the copy of the Commission's decision.

The Commission shall notify the municipality in writing of the date on which it received the writing in contestation.

1987, c. 57, s. 321; 1999, c. 40, s. 114.

322. In case of contestation, the Commission may apply for judicial confirmation of the date of the end of the term of the council member.

The municipality, an elector of the municipality or the Attorney General may also make the application.

1987, c. 57, s. 322.

323. An application for judicial confirmation of the date on which the member's term ends is made by an application to a judge of the Superior Court of the judicial district in which all or part of the territory of the municipality is situated, filed in the office of the Court.

The respondent is the council member whose end of term is the subject of the application for judicial confirmation.

Subject to sections 326 to 328, the procedure shall be according to the rules of contentious proceedings in the Code of Civil Procedure (chapter C-25.01) but the application shall be heard and decided by preference.

1987, c. 57, s. 323; I.N. 2016-01-01 (NCCP).

324. The application must, on pain of dismissal, be made within 30 days after the Commission receives the writing in contestation.

An application by the Commission, an elector or the Attorney General shall be served on the municipality before being brought.

1987, c. 57, s. 324; I.N. 2016-01-01 (NCCP).

325. If no application is brought within the prescribed time, the term of the council member shall continue.

The clerk or the secretary-treasurer shall then notify the member as soon as practicable and the council at its next sitting.

The member shall be notified in writing.

1987, c. 57, s. 325; I.N. 2016-01-01 (NCCP).

326. The judge to whom the application is validly made may either grant it or dismiss it on the ground that the disqualification of the member of the council is not manifest and that the end of his term must be established, where such is the case, under the first paragraph of section 318 rather than under the second or third paragraph.

1987, c. 57, s. 326; I.N. 2016-01-01 (NCCP).

327. No appeal lies from the decision of the judge.

1987, c. 57, s. 327.

328. If the application is dismissed, the term of the council member shall continue.

The clerk or secretary-treasurer shall then notify the member as soon as practicable and the council at its next sitting.

The member shall be notified in writing.

The judge's decision cannot be pleaded as grounds for the inadmissibility of or as a plea of *res judicata* against an action for declaration of disqualification or an application in contestation of an election or for ouster from office.

1987, c. 57, s. 328; I.N. 2016-01-01 (NCCP).

329. Sections 318 to 328 apply to an elected candidate whose term has not begun and, except sections 325 and 328, prevent it from beginning.

1987, c. 57, s. 329.

CHAPTER XI

VACANCIES AND PROCEDURE FOR FILLING VACANCIES ON THE COUNCIL

DIVISION I

VACANCIES

330. The office of a member of the council of a municipality becomes vacant on the day the person elected to that office is in default to make the oath that he will perform his duties according to law.

1987, c. 57, s. 330.

331. The office becomes vacant on the day of the premature end of the term of its holder.

The office does not become vacant where the premature end of the term is the result of a judgment which designates another holder.

In the case where the premature end of the term occurs in circumstances described in the second or in the third paragraph of section 318, the office becomes vacant upon the expiry of the time prescribed for the transmission of the writing in contestation of the end of the term, if it is not contested, or, on the day on which the judge grants the application to confirm the end of the term, if it is contested.

1987, c. 57, s. 331; L.N. 2016-01-01 (NCCP).

332. The office becomes vacant on the day fixed as the end of the term under sections 318 to 328 where the term of the person elected to the office cannot begin.

Where the incumbent office holder is still in office on that date, the office becomes vacant on the day his term expires.

1987, c. 57, s. 332.

333. The clerk or the secretary-treasurer, on ascertaining that an office has become vacant, shall notify the council at the next sitting or, if the council cannot sit, give public notice of the vacancy.

1987, c. 57, s. 333; 1999, c. 25, s. 29.

334. This chapter does not apply to a vacancy existing, as a result of the application of the third paragraph of section 314 or of section 314.1, between the expiry of a term occurring after the election of a candidate to that office and the beginning of his term.

1987, c. 57, s. 334; 1989, c. 56, s. 5; 2009, c. 11, s. 32.

DIVISION II

BY-ELECTION AND CO-OPTATION

335. Any vacancy occurring more than 12 months before the day fixed for the next general election must be filled by a by-election.

Where the vacancy occurs 12 months or less before that day, the council may, within 15 days after notice of the vacancy, order a by-election to fill it.

1987, c. 57, s. 335; 2009, c. 11, s. 33.

336. Where a vacancy occurs in the office of mayor 12 months or less before the day fixed for the next general election and the council has not ordered a by-election to fill it, the councillors shall elect one of their number to the office within 30 days after notice of the vacancy.

The election shall be held by secret ballot at a sitting of the council.

The clerk or secretary-treasurer shall determine the nomination and voting procedure. He shall declare the person who obtains the greatest number of votes elected.

If there is an equality of votes, the person presiding at the sitting shall cast a vote in favour of one of the persons who have received an equal number of votes.

The person elected shall, within the following 30 days, make the oath to perform his duties as mayor according to law.

1987, c. 57, s. 336; 2009, c. 11, s. 34.

337. Where a vacancy occurs in the office of a councillor 12 months or less before the day fixed for the next general election and the council has not ordered a by-election to fill it, it shall not be filled until that general election.

The first paragraph applies with the reservation that the Minister of Municipal Affairs, Regions and Land Occupancy may order a by-election or make an appointment to fill the vacancy in accordance with Division III.

1987, c. 57, s. 337; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 11, s. 35; 2009, c. 26, s. 109.

338. Chapters V to X, adapted as required and to the extent that they are consistent with this division, apply to a by-election.

Notwithstanding the foregoing, the second paragraph of section 146 does not apply to a by-election.

1987, c. 57, s. 338; 1990, c. 20, s. 16.

339. The returning officer, within 30 days after the notice of vacancy or after the council orders a by-election to fill the vacancy, as the case may be, shall fix, as polling day, a Sunday in the four months following the notice or decision.

The Minister of Municipal Affairs, Regions and Land Occupancy, at the request of the returning officer, may grant him an extension or allow him to change, even outside the four-month period provided for in the first paragraph, the Sunday fixed as polling day and, consequently, to give a new notice of election. In the second case, the Minister shall prescribe the adaptations to be made to the rules applicable to the by-election.

The returning officer shall notify the council as soon as practicable of the day fixed as polling day.

1987, c. 57, s. 339; 1999, c. 25, s. 30; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

340. *(Repealed).*

1987, c. 57, s. 340; 1997, c. 34, s. 28; 2001, c. 25, s. 88; 2002, c. 37, s. 177; 2009, c. 11, s. 36.

341. With regard to the right to be entered on the list of electors for the by-election, the eligibility for that election and the disqualification resulting from the loss of eligibility, the date of 1 September of the calendar year in which a general election is to take place shall be replaced by the date of publication of the notice of election.

1987, c. 57, s. 341; 2009, c. 11, s. 84.

342. A person who holds another office on the same council is not eligible. Moreover, a member of the council of a municipality is not eligible to run for office as warden of a regional county municipality in an election held in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).

1987, c. 57, s. 342; 2009, c. 11, s. 37.

343. It shall not be necessary to prepare a list of electors of the municipality or, as the case may be, of the electoral district or ward, where the date fixed as polling day occurs 90 days or less after the last revision of the list of electors in force is completed.

Where the returning officer does not draw up a new list, he shall deposit the list of electors in force as soon as practicable after publication of the notice of election and it shall not be necessary to give the public notice prescribed in section 56.

1987, c. 57, s. 343; 1997, c. 34, s. 29; 1999, c. 25, s. 31.

344. Where the returning officer prepares a list of electors of the municipality or, as the case may be, of the electoral district or ward, he shall do so in the period beginning on the day of publication of the notice of election and ending 30 days before polling day.

1987, c. 57, s. 344; 1997, c. 34, s. 30.

DIVISION III

INTERVENTION OF THE MINISTER OF MUNICIPAL AFFAIRS, REGIONS AND LAND OCCUPANCY

1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

345. The clerk or the secretary treasurer shall notify the Minister of Municipal Affairs, Regions and Land Occupancy in writing if any of the following events occurs and subdivision 2 of Division VII of Chapter VI is not applicable:

- (1) an election, including an election under section 336, required to be held has not been held;
- (2) an election has not been completed;
- (3) an election has not resulted in the election of candidates to all the offices open for nominations;
- (4) the council lacks a quorum by reason of vacancies.

1987, c. 57, s. 345; 1999, c. 25, s. 32; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

346. Where an event described in section 345 occurs, the Minister may order the holding of a by-election or appoint an eligible person to fill the vacancy.

The by-election is governed by Division II, except that the Minister shall designate the returning officer and fix the polling day.

The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.

1987, c. 57, s. 346.

CHAPTER XII

RELATED RIGHTS AND OBLIGATIONS

DIVISION I

LEAVE WITHOUT PAY

347. Every employer shall, upon written request, grant leave without pay to his employee who is a candidate at a municipal election.

The request may be made at any time after the date of publication of the notice of election, even before the employee becomes a candidate.

1987, c. 57, s. 347.

348. Every employer shall, upon written request, grant leave without pay to his employee who is a member of the council of a municipality.

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

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

1987, c. 57, s. 348.

349. Every employer shall, upon written request, grant leave without pay to his employee who is the official agent of an authorized party or of an independent candidate or the deputy of an official agent.

The request may be made at any time after the date of publication of the notice of election, even before the employee becomes an official agent or the deputy of an official agent.

1987, c. 57, s. 349.

350. The leave begins on the day the employee becomes a candidate, a member of the council, an official agent or the deputy of an official agent, as the case may be, or on the first day for which he requested the leave, whichever is later.

The leave of a candidate terminates on the day of the declaration of election to the office concerned, that granted to a member of the council terminates on the expiry of his term and that granted to an official agent or deputy terminates on the expiry of the time prescribed for the transmission of returns of election expenses.

An employee may terminate his leave at any time by means of a thirty-day advance notice to the employer in the case of a council member or five days, in other cases.

1987, c. 57, s. 350.

351. The 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 or hours of his leave.

1987, c. 57, s. 351.

352. Notwithstanding any agreement or Act inconsistent herewith, the employee, throughout his leave as a candidate, official agent or deputy, is entitled to all the benefits attached to his employment, except his remuneration.

1987, c. 57, s. 352.

353. The 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.

1987, c. 57, s. 353.

354. At the expiry of the leave, the employer shall reinstate the employee, on the conditions of employment prevailing before the beginning of the leave or conditions more favourable for the employee, in accordance with the provisions of 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.

1987, c. 57, s. 354.

355. No employer may, by reason of the leave, dismiss, lay off, suspend, demote or transfer the 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.

The employer shall not subtract the leave granted to an employee who is a candidate, an official agent or a deputy from the period of vacation of the employee.

1987, c. 57, s. 355.

356. An employee believing himself to be the victim of a contravention of a provision of this division may file a complaint with the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.

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 Administrative Labour Tribunal. Sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code (chapter C-27) then apply, adapted as required.

Where a complaint is filed with the Administrative Labour Tribunal at the same time the grievance settlement and arbitration procedure is invoked, the arbitrator must refuse to hear the grievance.

1987, c. 57, s. 356; 2001, c. 26, s. 103; 2015, c. 15, s. 153.

DIVISION II

DISCLOSURE OF PECUNIARY INTERESTS OF COUNCIL MEMBERS

357. Within 60 days of the declaration of his election, every member of the council of a municipality must file with the council a written statement of his pecuniary interests in immovables located in the territory of the municipality and in the territory of the regional county municipality or of the metropolitan community on whose council the mayor of the municipality sits and in legal persons, partnerships and enterprises likely to make transactions with the municipality or any municipal body of which he is a member.

The statement must include a list of the employments and administrative positions held by the member of the council and of the loans he has obtained from a person or body other than a financial institution and the loans he has granted to persons other than his immediate family members, on which the balance in principal and interest is over \$2,000.

The statement does not indicate the value of the interests listed or the extent of the interests of the council member in legal persons, partnerships or enterprises. No mention shall be made of any sum of money deposited with a financial institution or of any bonds issued by a government, a municipality or any other public body that may be held by the council member.

For the purposes of the second paragraph, an immediate family member of the council member is the council member's spouse within the meaning of the Interpretation Act (chapter I-16) or a dependent child of the council member or the council member's spouse.

1987, c. 57, s. 357; 1990, c. 85, s. 122; 1996, c. 2, s. 660; 2000, c. 56, s. 218; 2010, c. 42, s. 17.

358. Every year, within 60 days after the anniversary of the declaration of his election, each member of the council shall file an updated statement with the council.

1987, c. 57, s. 358.

359. A member of the council who fails to file the statement within the prescribed time loses, from the 10th day following the expiry of the prescribed time and until the statement is filed, the right to attend in that capacity the sittings of the council of the municipality or of the committees and commissions thereof, of the councils, committees and commissions of the regional county municipality, the metropolitan community, or any intermunicipal board of management or of any other board, committee, commission or public body of

which he is a member by reason of the fact that he is a member of the council of the municipality, regional county municipality, community or board.

As soon as practicable after the expiry of the time prescribed for filing the statement, the clerk or the secretary-treasurer shall notify the member who has not filed the statement of his failure and of the effects thereof.

As soon as practicable after the member has lost the right to attend sittings, the clerk or the secretary-treasurer shall notify in writing the Minister of Municipal Affairs, Regions and Land Occupancy, the council, the regional county municipality, the metropolitan community, the intermunicipal board of management and every other public body the sittings of which he is no longer entitled to attend. He shall also notify them as soon as practicable where the member files the statement and recovers the right to attend sittings.

1987, c. 57, s. 359; 1990, c. 85, s. 122; 2000, c. 56, s. 218; 2010, c. 42, s. 18.

360. Every member who has lost the right to attend sittings loses, as a consequence, the right to receive the remuneration or allowance prescribed for each sitting he is not entitled to attend.

Where the remuneration or allowance of the member is not established for each sitting, an amount equal to 1% of the annual amount of the remuneration or allowance shall be deducted for each sitting he is not entitled to attend.

1987, c. 57, s. 360.

360.1. The member of the council notifies the clerk or secretary-treasurer in writing of any significant change to the information contained in his statement, referred to in section 357 or 358, within 60 days after the change is made. The clerk or secretary-treasurer reports the change to the council at the next regular sitting.

Failure to notify the clerk or secretary-treasurer within the time prescribed is an aggravating factor for the purposes of section 26 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) if a rule of the code of ethics and conduct has been violated with respect to an interest that is the subject of the change.

2010, c. 42, s. 19.

360.2. Not later than 15 February of each year, the clerk or secretary-treasurer must send the Minister of Municipal Affairs, Regions and Land Occupancy a list of the members of the council of the municipality who have filed a statement, referred to in section 357 or 358, with the council since the last list was sent, and those who have not.

2010, c. 42, s. 19.

361. Every member of the council of a municipality who is present at a sitting when a matter in which he has a direct or indirect pecuniary interest is taken up for consideration shall disclose the general nature of his interest before discussions on the matter are begun and abstain from participating in the discussions and from voting or attempting to influence the vote on that matter.

The first paragraph also applies to a sitting of any board, committee or commission of the municipality or of a municipal body of which the council member is a member.

Where a sitting is not public, the member, in addition to complying with the requirements of the first paragraph, shall, after disclosing the general nature of his interest, leave the sitting while the matter is being discussed and voted on.

Where the matter is taken up for consideration at a sitting not attended by the member, he shall disclose the general nature of his interest at the first sitting attended by the member after becoming aware of that fact.

1987, c. 57, s. 361; 1999, c. 25, s. 33.

362. Section 361 does not apply where the member's interest consists of remuneration, allowances, reimbursements of expenses, social benefits or other conditions of employment attached to his duties with the municipality or the municipal body.

Nor does section 361 apply where the interest is so minor that the member could not reasonably be influenced by it.

1987, c. 57, s. 362; I.N. 2019-04-01.

363. For the purposes of this division, the words "municipal body" have the meaning assigned to those words in section 307.

1987, c. 57, s. 363.

CHAPTER XIII

AUTHORIZATION AND FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES, FINANCING OF POLITICAL PARTY LEADERSHIP CAMPAIGNS AND CONTROL OF ELECTION EXPENSES

2011, c. 38, s. 35.

DIVISION I

DEFINITIONS AND APPLICATION

364. In this chapter,

"**election fund**" means the sums made available to an official agent to cover election expenses;

"**election period**" means the period beginning 44 days before polling day and ending on polling day at the time of closing of the polling stations;

"**electoral district**" means, in addition to its ordinary meaning, a ward or, if none, the whole territory of the municipality if the municipality is not divided into electoral districts or if the divisions do not apply;

"**financial institution**" means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

"**fiscal year**" means the calendar year;

"**leader**" means the person designated by the party to perform the duties of leader provided for in this chapter;

"**treasurer**" means the treasurer, the secretary-treasurer or the head of the finance department of the municipality.

In this chapter, the expression "independent candidate" includes any person who has indicated the intention to become an independent candidate.

1987, c. 57, s. 364; 1988, c. 64, s. 587; 1998, c. 31, s. 84; 1998, c. 52, s. 95; 2001, c. 25, s. 89; 2000, c. 29, s. 643; 2002, c. 37, s. 178; 2009, c. 11, s. 38.

365. Divisions II to IX apply to every municipality having a population of 5,000 or over.

Where Divisions II to IX have begun to apply to a municipality, they continue to apply even if its population falls below 5,000.

1987, c. 57, s. 365; 1998, c. 31, s. 85; 1999, c. 25, s. 34.

366. The Minister of Municipal Affairs, Regions and Land Occupancy may, upon request, order that Divisions II to IX cease to apply to a municipality having a population of under 5,000, on the terms and conditions he determines and render them again applicable to it in the same manner.

Divisions II to IX shall become again applicable to the municipality once its population again reaches 5,000.

The Minister shall publish in the *Gazette officielle du Québec* a notice of his decision to end the application of Divisions II to IX to a municipality or to render them again applicable to it. He shall transmit a copy of the notice to the chief electoral officer.

1987, c. 57, s. 366; 1998, c. 31, s. 86; 1999, c. 25, s. 35; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

DIVISION II

PERSONS ENTRUSTED WITH A FUNCTION RELATING TO THE FINANCING OF MUNICIPAL POLITICAL PARTIES AND INDEPENDENT CANDIDATES AND THE CONTROL OF ELECTION EXPENSES

§ 1. — *Chief electoral officer*

367. The chief electoral officer shall see to the carrying out of this chapter.

He may conduct studies on the financing of municipal political parties and independent candidates and their election expenses.

1987, c. 57, s. 367.

368. The chief electoral officer shall, in particular,

- (1) authorize parties and independent candidates;
- (2) verify that the parties and candidates are complying with this chapter;
- (3) give directives on the carrying out of this chapter;
- (4) receive, examine and, if necessary, audit the reports and returns filed with the Chief Electoral Officer;
- (5) *(subparagraph repealed)*.

The Chief Electoral Officer shall have access to all the books, accounts and documents relating to the financial business of the parties and candidates.

At the request of the Chief Electoral Officer, parties or candidates must furnish any information required for the purposes of this chapter within 30 days.

1987, c. 57, s. 368; 1999, c. 25, s. 36; 2009, c. 11, s. 39; 2010, c. 35, s. 19; 2011, c. 38, s. 36.

369. *(Repealed)*.

1987, c. 57, s. 369; 2001, c. 25, s. 90.

370. *(Repealed).*

1987, c. 57, s. 370; 1999, c. 25, s. 37.

371. *(Repealed).*

1987, c. 57, s. 371; 1999, c. 25, s. 37.

372. *(Repealed).*

1987, c. 57, s. 372; 1999, c. 25, s. 37.

373. *(Repealed).*

1987, c. 57, s. 373; 1999, c. 25, s. 37.

374. *(Repealed).*

1987, c. 57, s. 374; 1999, c. 25, s. 37.

375. Under the authority of the Chief Electoral Officer, the returning officer and, during an election period, the assistant designated by the returning officer to receive nomination papers, may grant an authorization to an independent candidate who files an application for authorization in accordance with sections 400 and 400.1.

On granting an authorization, the returning officer or the assistant shall inform the Chief Electoral Officer.

1987, c. 57, s. 375; 1999, c. 25, s. 38; 2001, c. 25, s. 91; 2002, c. 37, s. 179; 2009, c. 11, s. 40.

§ 2. — *Treasurer*

376. For the purposes of the carrying out of this chapter, the treasurer is under the authority of the chief electoral officer.

1987, c. 57, s. 376.

376.1. Section 88.1 applies, with the necessary modifications, to the treasurer.

1999, c. 25, s. 39.

377. The treasurer is entitled to receive a remuneration or an expense allowance from the municipality for the functions he performs.

The council of the municipality may establish a remuneration or allowance tariff; the council may delegate that power to the executive committee, if any. Any tariff fixing a remuneration or allowance that is lower than that fixed by the tariff established by the Minister of Municipal Affairs, Regions and Land Occupancy under Title III shall be submitted for approval to the Minister.

The treasurer of a municipality that has not established a tariff is entitled to the remuneration or allowance fixed by the tariff established by the Minister.

1987, c. 57, s. 377; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

§ 3. — *Leader of the party*

378. Every party seeking or holding an authorization must have a leader. The leader must be an elector of the municipality in whose territory the party intends to carry on its activities.

1987, c. 57, s. 378; 2005, c. 28, s. 88.

379. If the office of leader of an authorized party becomes vacant, the party must, within 30 days, appoint an interim leader and notify the Chief Electoral Officer of the appointment.

1987, c. 57, s. 379; 2011, c. 38, s. 37.

§ 4. — *Official representative and official agent*

380. Every party or independent candidate seeking or holding an authorization must have an official representative.

An authorized party may also have a delegate of its official representative for each electoral district. For the purposes of the designation of the delegate, the municipal by-laws or the decision of the Commission de la représentation establishing the electoral districts may be taken into account upon coming into force.

1987, c. 57, s. 380.

381. Every authorized party must have an official agent and it may also have deputy official agents.

Every independent candidate must have an official agent.

1987, c. 57, s. 381.

382. The official representative and the official agent of a party shall be the same person unless the leader decides otherwise.

Where the offices of official representative and official agent are not held by the same person or where the office of official agent is vacant, the holder of the office of official representative is deemed to hold the office of official agent until the vacancy is filled.

The official representative and the official agent of an authorized independent candidate shall be the same person.

1987, c. 57, s. 382.

383. In no case may an official representative, his delegate, an official agent or his deputy be a person who

- (1) is not an elector of the municipality;
- (2) is a candidate for the office of member of the council of the municipality, except an authorized independent candidate who designates himself as official agent and representative;
- (3) is the leader of a party carrying on its activities in the territory of the municipality;
- (4) is an election officer of the municipality or an employee of such an election officer;
- (5) is an officer or employee of the municipality or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;
- (6) is the chief electoral officer or a member of his personnel;

(7) is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Disqualification under subparagraph 7 of the first paragraph shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

1987, c. 57, s. 383; 1989, c. 1, s. 600; 1990, c. 4, s. 408; 2002, c. 37, s. 180; 2005, c. 28, s. 89.

384. The leader of a party shall designate, in writing, the official representative of the party and, where such is the case, his delegate or delegates and the official agent of the party.

An independent candidate shall designate his official representative and official agent in his application for an authorization under section 400.1 or in the writing he files with his nomination paper.

The writing must include the designated person's consent and be countersigned by him.

1987, c. 57, s. 384; 2001, c. 25, s. 92.

385. The official agent of an authorized party may, with the approval of the leader of the party, appoint a sufficient number of deputies and authorize each of them to incur or authorize election expenses up to the amount fixed by him in each deed of appointment. The deed of appointment shall include the consent of the deputy and be countersigned by him.

The amount fixed in the deed of appointment may, before the filing of the return of election expenses, be changed in writing by the official agent. However, the official agent may not reduce the amount of expenses to less than the amount of election expenses already incurred or authorized according to law by the deputy.

1987, c. 57, s. 385.

386. Any person referred to in this subdivision may resign by transmitting a writing to that effect, signed by him, to the person who appointed him.

He shall transmit a copy of the writing to the chief electoral officer.

1987, c. 57, s. 386.

387. Any vacancy in the office of official representative or official agent of an authorized party or of an independent candidate must be filled as soon as practicable.

Notwithstanding the foregoing, where the offices of official representative and official agent of the party are held by two persons, a vacancy in the office of official agent need not be filled if the leader of the party decides that both offices will in the future be held by the same person.

1987, c. 57, s. 387.

387.1. An authorized party's official representative and his delegate must, within 30 days after being appointed, undergo training given by the Chief Electoral Officer on the rules governing political financing and election expenses. In the case of an authorized independent candidate's official representative, that time limit is 10 days.

If the official agent and the official representative are not the same person, the official agent and the deputy must, within 10 days after being appointed, undergo training given by the Chief Electoral Officer on the rules governing election expenses.

In addition, those persons must undergo any refresher training given by the Chief Electoral Officer.

The Chief Electoral Officer shall determine, by directive, the other particulars regarding all such training.

2016, c. 17, s. 54.

§ 5. — *Auditor of the party*

388. The leader of an authorized party shall, not later than 30 days after the day the authorization is granted, appoint an auditor from among the persons duly entitled to practise public auditing in Québec.

1987, c. 57, s. 388.

389. The following persons shall not act as auditor:

- (1) the chief electoral officer;
- (2) the officers or employees of the municipality or of a mandatory body of the municipality referred to in paragraph 1 or 2 of section 307;
- (3) members of the Parliament of Québec or of the Parliament of Canada;
- (4) the leader of the party or other executive officer of the party;
- (5) official agents or representatives of parties carrying on their activities in the territory of the municipality and those of independent candidates for office as a member of the council of the municipality;
- (6) candidates for office as member of the council of the municipality at the last general election, any subsequent by-election or the current election;
- (7) the auditor of the municipality;
- (8) the election officers of the municipality;
- (9) a person who is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Disqualification under subparagraph 9 of the first paragraph shall continue for five years from the day on which the judgment convicting the person becomes a *res judicata*.

The associates and the employees of the persons contemplated in subparagraphs 1 to 8 of the first paragraph are also disqualified from holding office as auditor.

1987, c. 57, s. 389; 1989, c. 1, s. 601; 1990, c. 4, s. 405; 2002, c. 37, s. 181; 2005, c. 28, s. 90.

390. The auditor may resign by transmitting a writing to that effect signed by him to the party leader.

He shall transmit a copy of that writing to the chief electoral officer.

1987, c. 57, s. 390.

391. Any vacancy in the office of auditor of an authorized party must be filled within 30 days after its occurrence.

1987, c. 57, s. 391; 2009, c. 11, s. 41.

§ 6. — *Transmission of information*

392. Every authorized party or party whose application for authorization is pending shall, without delay, notify the treasurer and the chief electoral officer in writing of every appointment made under any of subdivisions 3 to 5, whether as actual holder of the office or as interim, of any vacancy in the office of official agent and of the decision of the leader of the party not to fill the vacancy in the office of official agent.

The notice shall be given by the leader of the party, by the official representative or by any other person designated for that purpose by the leader of the party. If the notice cannot be given by one of those persons, it may be given by another officer.

The notice of the appointment of the new leader of the party must be accompanied with a copy of the resolution to that effect passed in conformity with the by-laws of the party and certified by two or more officers of the party.

The application for authorization constitutes a notice to the chief electoral officer of the appointment of the initial holders of the offices of leader and official representative.

1987, c. 57, s. 392; 1999, c. 25, s. 40; 2009, c. 11, s. 42; 2016, c. 17, s. 55.

393. Every independent candidate shall, without delay, notify the treasurer and the chief electoral officer in writing of the appointment of his official representative or official agent whether as first holder of the office or as interim and of any vacancy in that office.

The writing accompanying the nomination paper and the application for authorization constitute a notice to the treasurer and chief electoral officer, respectively, of the appointment of the initial holders of the offices of official representative and official agent.

The returning officer shall notify the treasurer of the appointment, as soon as practicable.

1987, c. 57, s. 393; 2009, c. 11, s. 43; 2016, c. 17, s. 56.

394. At the beginning of the election period, the treasurer shall post a list of the official agents of the parties, including any deputy official agents, and of the official agents of the independent candidates in the office of the municipality.

He shall keep the list up-to-date during that period.

1987, c. 57, s. 394; 2009, c. 11, s. 44.

DIVISION III

AUTHORIZATION OF PARTIES AND INDEPENDENT CANDIDATES

§ 1. — *Authorization required*

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

1987, c. 57, s. 395.

§ 2. — *Authorization of a party*

396. *(Repealed).*

1987, c. 57, s. 396; 1999, c. 25, s. 41; 2005, c. 28, s. 91.

397. The leader of the party shall transmit to the chief electoral officer a written application for authorization containing the following information:

- (1) the name of the party;
- (2) the address to which communications intended for the party must be sent;
- (3) the address where the books and accounts pertaining to the funds of the party, the expenses it will incur and the loans it will contract are to be kept;
- (4) the name, domiciliary address and telephone number of the leader of the party;
- (4.1) the name, address and telephone number of two officers of the party other than the leader ;
- (5) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (6) the name of the party's auditor, if any;
- (7) the address of the permanent office of the party, if any;
- (8) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates;
- (9) the amount of the funds at the disposal of the party.

The application must be accompanied by a list including the names and addresses of party members who are electors of the municipality and who support the application; the minimum number of party members is set out in the third paragraph. The list must include the number and the expiry date of each person's membership card and contain each person's signature.

The minimum number of party members who must be on the list is

- (1) 100, in the case of a municipality with a population of 100,000 or more;
- (2) 50, in the case of a municipality with a population of 50,000 to 99,999; and
- (3) 25, in the case of a municipality with a population of 5,000 to 49,999.

1987, c. 57, s. 397; 1999, c. 25, s. 42; 2005, c. 28, s. 92.

398. The chief electoral officer shall grant the authorization to a party which applies therefor in accordance with this subdivision.

The chief electoral officer shall refuse his authorization to a party if the name of the party includes the word "independent" or is likely to mislead the electors as to which party they are contributing to.

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

1987, c. 57, s. 398.

399. An authorized party cannot change its name without the approval of the chief electoral officer who shall refuse to approve the proposed new name if it includes the word "independent" or is likely to mislead the electors as to which party they are contributing, or if the application for a change of name is made during the election period'.

The application for approval is made by means of a writing by the leader of the party.

1987, c. 57, s. 399; 1999, c. 25, s. 43.

399.1. Before filing an application for authorization, the leader of a party may apply in writing to the chief electoral officer to have a name reserved for a period not exceeding six months. The application must specify the municipality in whose territory the party intends to carry on its activities and the council for which it intends to present candidates.

The second and third paragraphs of section 398 apply to the reservation, with the necessary modifications.

A party having reserved a name may, however, specify another name in its application for authorization.

1999, c. 25, s. 44.

399.2. An authorized party must at all times have a minimum number of members who are qualified electors and hold a valid membership card, which minimum number is set out in the third paragraph of section 397.

2011, c. 5, s. 31.

399.3. Not later than 1 April each year, the party must send to the Chief Electoral Officer a list showing the names and addresses of party members who meet the conditions set out in section 399.2, in at least the number set out in the third paragraph of section 397.

The Chief Electoral Officer may take any necessary measures to verify the accuracy of the information provided under the first paragraph.

2011, c. 5, s. 31.

§ 3. — *Authorization of an independent candidate*

400. The chief electoral officer shall grant an authorization to an independent candidate who applies therefor in writing and furnishes the following information:

- (1) his name, the address of his domicile and his telephone number;
- (2) the name of the municipality for whose council he is a candidate;
- (3) the address to which communications intended for him must be sent;
- (4) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept;
- (5) the name, address and telephone number of his official representative, unless the candidate designates himself as his official agent and representative, in which case that fact must be indicated.

During the period for filing nomination papers, the application for authorization may be filed at the same time as a nomination paper.

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

1987, c. 57, s. 400; 2005, c. 28, s. 93; 2009, c. 11, s. 45.

400.1. Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer as of 1 January of the year preceding the year in which the election must be held.

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

The application for authorization must contain the information referred to in section 400 as well as the signatures and addresses of the number of electors of the municipality referred to in section 160 who declare that they support the application.

2001, c. 25, s. 93; 2001, c. 68, s. 58; 2016, c. 17, s. 57.

401. The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.

After polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions only for the purpose of paying the debts contracted during the term of his authorization and to dispose, for the purposes listed in section 498, of the funds or goods he obtained as a candidate and which remain in his possession.

Where a candidate withdraws or is declared elected before the end of the polling period, his authorization entitles his official representative, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts contracted during the term of his authorization incurred before the withdrawal or declaration of election and to dispose, for the purposes mentioned in the second paragraph, of the funds or goods he obtained as a candidate and which remain in his possession.

1987, c. 57, s. 401; 2016, c. 17, s. 100.

402. The authorization granted to an independent candidate expires on 31 December of the second calendar year following the year of the election unless it is withdrawn before then.

The authorization of an independent candidate who was elected and who has not, by that date, discharged all the debts contracted during the term of his authorization expires on the date the financial report establishing that all the debts have been discharged is filed.

1987, c. 57, s. 402; 2016, c. 17, s. 58.

§ 4. — *Withdrawal of authorization*

403. The chief electoral officer may, upon the written application of the leader, withdraw the authorization of a party. He may, upon the written application of an independent candidate, withdraw the candidate's authorization.

In the case of a party, the application must be accompanied with

(1) a copy of the resolution passed in conformity with the by-laws of the party and certified by two or more officers of the party;

(2) a closing financial report, containing the same information as the annual financial report under section 479, for the period running from the date of authorization or the end of the period covered by the preceding financial report, as the case may be, to the date of the application for withdrawal;

(3) the preceding financial report, where it has not been filed with the treasurer, and the auditor's report pertaining to it.

Notwithstanding the foregoing, the chief electoral officer shall not withdraw the authorization of an independent candidate who has not paid all the debts contracted during the term of his authorization.

1987, c. 57, s. 403; 1999, c. 25, s. 45; 2002, c. 37, s. 182; 2016, c. 17, s. 59.

404. The chief electoral officer may withdraw the authorization of a party or independent candidate which or who fails to make an appointment required under subdivisions 3 to 5 of Division II, to furnish the information required for the purposes of the updating of the register as provided in section 424 or to give the Chief Electoral Officer access to all the books, accounts and documents relating to the party's or candidate's financial business, which or who contravenes Division IV or V, or whose official representative contravenes Division VI. In addition, the Chief Electoral Officer must withdraw the authorization of a party which does not comply with section 399.2 and may withdraw the authorization of a party which does not provide the information required under section 399.3.

For the purposes of the first paragraph, the failure or contravention of a mandatory is deemed to be a failure or contravention of the party or of the candidate.

1987, c. 57, s. 404; 2009, c. 11, s. 46; 2011, c. 5, s. 32.

405. The chief electoral officer shall withdraw the authorization of a party which changes its name if the new name includes the word "independent" or is likely to mislead the electors as to which party they are contributing, or the authorization of a party which changes its name during the election period.

1987, c. 57, s. 405; 1999, c. 25, s. 46.

406. *(Repealed).*

1987, c. 57, s. 406; 1999, c. 25, s. 47; 2005, c. 28, s. 94.

407. The chief electoral officer shall withdraw the authorization of an independent candidate who dies.

The chief electoral officer shall also withdraw the authorization of an independent candidate who joins a party.

The chief electoral officer shall in addition withdraw the authorization of a person who has undertaken to run as an independent candidate but has not filed nomination papers on the expiry of the time prescribed to do so.

1987, c. 57, s. 407; 2001, c. 25, s. 94.

408. The funds and assets of a party whose authorization has been withdrawn shall be remitted to the chief electoral officer by the persons holding them not later than ten days after they have been notified of the withdrawal.

The party shall transmit to the chief electoral officer, within 60 days after the withdrawal of authorization,

(1) a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization, unless it has already been transmitted with the application for withdrawal;

(2) the preceding financial report, where it has not been filed with the treasurer, and the auditor's report pertaining to it, unless they have already been filed with the application for withdrawal;

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

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

1987, c. 57, s. 408; 2008, c. 18, s. 73.

409. The chief electoral officer shall liquidate the assets of the party.

He shall pay the debts of the party out of the sums remitted to him and the proceeds of the liquidation of its assets. However, if the party's liabilities exceed the assets, the chief electoral officer shall pay the respective creditors on a *pro rata* basis.

1987, c. 57, s. 409; 2002, c. 37, s. 183.

410. After payment of the debts, the balance shall be remitted to the treasurer to be deposited into the general fund of the municipality.

1987, c. 57, s. 410.

411. For the purposes of the liquidation of the assets of the party, the chief electoral officer may open accounts in financial institutions having offices in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

1987, c. 57, s. 411.

412. Where the authorization of the party is withdrawn during the election period, the chief electoral officer may prescribe changes to be made to the rules provided in this chapter to ensure the transition from the status of party candidate to that of authorized independent candidate.

1987, c. 57, s. 412.

413. Where the authorization of an independent candidate is withdrawn at his request, the sums and assets remaining from those he obtained as a candidate shall be remitted to the chief electoral officer by the persons holding them not later than 10 days after they have been notified of the withdrawal. In such case, the second paragraph of section 408 applies, except subparagraph 3, with the necessary modifications. The chief electoral officer shall liquidate the assets and remit to the treasurer the proceeds of the liquidation and the sums that were remitted to him. The treasurer shall deposit the proceeds and the sums into the general fund of the municipality.

Where the authorization of an independent candidate is withdrawn otherwise than at his request, sections 408 to 411 apply, adapted as required. However, in the case referred to in the second paragraph of section 407, the chief electoral officer shall, after payment of the debts, pay the surplus to the party the candidate has joined.

1987, c. 57, s. 413; 2001, c. 25, s. 95; 2002, c. 37, s. 184.

§ 5. — *Merger of authorized parties*

414. The merger of authorized parties requires the authorization of the chief electoral officer.

1987, c. 57, s. 414.

415. The application for authorization shall be made by means of a joint application in writing of the leaders of the parties, containing the following information:

- (1) the proposed date of merger;
- (2) the name of the party resulting from the merger;
- (3) the address to which communications intended for the party must be sent;
- (4) the address where the books and accounts pertaining to the funds of the party, the expenses it will incur and the loans it will contract are to be kept;
- (5) the name, domiciliary address and telephone number of the leader of the party;

- (5.1) the name, address and telephone number of two officers of the party other than the leader ;
- (6) the name, address and telephone number of the party's official representative and those of his delegates, if any;
- (7) the name of the auditor of the party, if any;
- (8) the address of the permanent office of the party, if any;
- (9) the name of the municipality in whose territory the party intends to carry on its activities and for whose council it intends to present candidates.

The application must be accompanied with the balance sheet of each of the applying parties as at the date of the application.

1987, c. 57, s. 415; 1999, c. 25, s. 48; 2002, c. 37, s. 185; 2009, c. 11, s. 47.

416. Each applying party shall, at the request of the chief electoral officer, remit to him any book, account or document relating to its financial business and have its balance sheet audited by an auditor.

1987, c. 57, s. 416; 2002, c. 37, s. 186; 2009, c. 11, s. 48.

417. The chief electoral officer shall grant the authorization to merge to the parties which apply therefor in accordance with this subdivision.

The chief electoral officer shall refuse his authorization where the name of the party resulting from the merger includes the word "independent" or is likely to mislead the electors as to which party they are contributing.

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

1987, c. 57, s. 417; 1999, c. 25, s. 49.

418. Subject to any provision of another Act governing the merger or dissolution of one of the applying parties, the merger takes effect on the day authorization is granted by the chief electoral officer or on any later date indicated in the application.

From the merger, the applying parties cease to exist and are replaced by the party resulting from the merger, which then succeeds to their rights and obligations.

1987, c. 57, s. 418.

419. Within 60 days after the merger, a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the merger shall be transmitted in respect of each applying party to the chief electoral officer.

At the request of the chief electoral officer, the financial report shall be accompanied with a report of the auditor of the party.

1987, c. 57, s. 419.

420. The official representative of the party resulting from the merger shall, not later than 1 April of the calendar year following that of the merger, file the financial report in accordance with Division VI for that part of the fiscal year that has lapsed since the merger.

The financial report of the party shall be accompanied with an opening balance sheet at the date of the merger.

1987, c. 57, s. 420.

§ 6. — *Miscellaneous provisions*

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

1987, c. 57, s. 421.

422. Where the chief electoral officer intends to refuse or withdraw his authorization, he shall give the party or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

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

The first and second paragraphs do not apply where the chief electoral officer is bound to withdraw the authorization, where the withdrawal of authorization is made at the request of the leader of the party and the copy of the resolution of the party is attached to the application, or where the withdrawal of authorization is made at the request of the independent candidate.

1987, c. 57, s. 422; 1999, c. 25, s. 50; 2002, c. 37, s. 187; I.N. 2016-01-01 (NCCP).

423. As soon as practicable after granting or withdrawing his authorization, the chief electoral officer shall give notice of it on the Chief Electoral Officer's website.

The notice shall indicate the name of the official representative, and of his delegates, if any.

The Chief Electoral Officer shall also give notice, on the website, of any replacement of an official representative or delegate or of any change in the name of an authorized party.

1987, c. 57, s. 423; 2009, c. 11, s. 49.

424. The chief electoral officer shall keep, in respect of each municipality, a register of the parties and independent candidates he has authorized, setting out the following information:

(1) the name of the party or of the independent candidate, the domiciliary address and telephone number of the leader of the party or independent candidate;

(1.1) the name, address and telephone number of at least two officers of the party other than the leader ;

(2) the address to which communications intended for the party or independent candidate must be sent;

(3) the address where the books and accounts pertaining to the funds of the party or those obtained by the candidate in such capacity, the expenses it or he will incur and the loans it or he will contract are to be kept;

(4) the name, address and telephone number of the official representative and his delegate and of the official agent and his deputy and an entry indicating whether or not those persons have undergone the training required under the first or second paragraph of section 387.1;

(5) the name of the auditor of the party;

- (6) the address of the permanent office of the party, if any.

1987, c. 57, s. 424; 1999, c. 25, s. 51; 2016, c. 17, s. 60.

425. Every authorized party or authorized independent candidate shall, within 30 days, furnish in writing to the chief electoral officer, in addition to the information required under sections 392 and 393, all other information required for updating the register.

Such information shall, in the case of a party, be furnished by the leader or official representative of the party or by any other person designated for that purpose by the leader and, in the case of an independent candidate, by the candidate or by his official representative.

In the case of a party, the information may be furnished by another officer if none of the persons referred to in the second paragraph is able to furnish it.

1987, c. 57, s. 425; 1999, c. 25, s. 52; 2009, c. 11, s. 50.

426. The chief electoral officer shall inform the treasurer of any change in the information contained in the register kept in respect of the municipality.

1987, c. 57, s. 426.

DIVISION IV

CONTRIBUTIONS, FINANCING, EXPENSES AND LOANS

1987, c. 57, Div. IV; 2016, c. 17, s. 100.

§ 1. — *Contributions*

427. The following are contributions:

- (1) any gift of money to a party or to a candidate;
- (2) any service rendered or goods furnished to a party or to a candidate free of charge and for political purposes;
- (3) any money, goods or services furnished by the candidate himself in view of his election, except a sum of money used for the payment of an expense referred to in section 454.

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

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

1987, c. 57, s. 427.

428. The following are not contributions:

- (1) volunteer work performed personally and voluntarily and the result of such work, without compensation and for no consideration;

(2) *(paragraph repealed)*;

(3) an amount paid under any Act, including a reimbursement under subdivision 4 of Division V;

(4) a loan granted for political purposes, in accordance with subdivision 2, by an elector of the municipality or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted;

(5) suretyship contracted by an elector of the municipality;

(6) an annual amount not in excess of \$25 paid by a natural person for membership in a party;

(7) at the option of the official representative, applied equally to all the participants, an entrance fee to a political activity or rally, where the fee is not over \$60 per day, up to one admission per person. The total amount collected must not exceed 3% of the total contributions collected during the period covered by a financial report;

(7.1) *(paragraph replaced)*;

(8) ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer's directives;

(9) the payment to the official representative of the party by a leadership candidate of the cost of goods and services furnished in accordance with section 461 referred to in section 499.11;

(10) remaining sums of money transferred in accordance with section 499.18.

1987, c. 57, s. 428; 1999, c. 25, s. 53; 2010, c. 32, s. 13; 2011, c. 38, s. 38; 2016, c. 18, s. 47.

429. Only an elector of the municipality may make a contribution.

An elector may make a contribution only in favour of a party or independent candidate holding an authorization that is valid for the municipality.

However, an undivided co-owner of an immovable or a co-occupant of a business establishment may only make such a contribution if he is the person designated in accordance with section 429.1.

1987, c. 57, s. 429; 2016, c. 17, s. 61.

429.1. Undivided co-owners of an immovable or co-occupants of a business establishment who are electors may designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person who would not otherwise be entitled under section 58 to be entered on the list of electors in a higher ranking capacity if that person had been entered on the list on the date of signature of the power of attorney.

In order for a designated person to be authorized to make a contribution, the municipality must have received the power of attorney.

The power of attorney takes effect upon its receipt by the municipality and remains valid until it is withdrawn or replaced.

2016, c. 17, s. 62.

430. Every contribution must be made by the elector himself and out of his own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.

1987, c. 57, s. 430; 2010, c. 32, s. 14.

431. The total amount of contributions, other than a contribution described in section 499.7, by the same elector for the same fiscal year may not exceed \$100 to each of the authorized parties and independent candidates.

During a fiscal year in which a general election is held, an elector may also make contributions the total of which may not exceed \$100 to each of the authorized parties and independent candidates. In the case of a by-election, such contributions exceeding the maximum prescribed in the first paragraph may however only be paid as of the date on which notice of the vacancy is given up to the 30th day after polling day.

In the case of undivided co-owners of an immovable or co-occupants of a business establishment, the maximum amounts set out in the first and second paragraphs apply as if the co-owners or co-occupants were a single elector.

In addition to the contributions described in the first and second paragraphs, a candidate of an authorized party or an authorized independent candidate may, after the nomination papers have been accepted, make contributions for the candidate's own benefit or that of the party for which the candidate is running, the total of which may not exceed \$800.

1987, c. 57, s. 431; 1999, c. 25, s. 54; 2011, c. 38, s. 39; 2013, c. 7, s. 1; 2016, c. 17, s. 63.

432. No contributions may be solicited except under the responsibility of the official representative or through persons designated in writing by the official representative.

Every person authorized to solicit contributions shall, on request, produce a certificate of his capacity signed by the official representative.

1987, c. 57, s. 432.

433. A contribution shall be made to no one except the official representative of the authorized party or independent candidate for which or for whom it is intended, or the person designated in writing by the official representative.

1987, c. 57, s. 433.

434. The person who receives the contribution shall issue a receipt to the contributor.

He shall remit any contribution he receives to the official representative along with a duplicate of the receipt in the form prescribed by the Chief Electoral Officer.

The receipt must include the contributor's given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.

1987, c. 57, s. 434; 2010, c. 32, s. 15.

435. A delegate of the official representative of an authorized party has, for the electoral district for which he is appointed, the powers conferred on the official representative as person responsible for soliciting contributions, for designating persons to do the soliciting and for receiving contributions and duplicates of receipts of contributions.

Every delegate shall transmit every contribution and duplicate of the receipt received to the official representative.

1987, c. 57, s. 435.

436. Every contribution of money of more than \$50 must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized party or independent candidate.

Such a contribution may also be made, in accordance with the directives of the chief electoral officer, by means of a credit card.

1987, c. 57, s. 436; 2001, c. 25, s. 96; 2010, c. 35, s. 20; 2016, c. 17, s. 64.

437. *(Replaced).*

1987, c. 57, s. 437; 2001, c. 25, s. 96.

438. On being cashed, a contribution is deemed paid by the person who made it and received by the party or the candidate for which or for whom it is intended.

1987, c. 57, s. 438.

439. The official representative shall deposit, in a Québec branch of a financial institution, the funds of the party or, as the case may be, those obtained by an independent candidate in such capacity.

1987, c. 57, s. 439.

440. If a contribution or part of a contribution was made contrary to this chapter, the party or independent candidate shall, as soon as the fact is known, remit such a contribution to the treasurer.

The sums remitted must be paid into the municipality's general fund.

The Chief Electoral Officer may, after notifying the official representative of a party or of an independent candidate of his intention, apply to the competent court for an order to comply with the first paragraph.

1987, c. 57, s. 440; 2009, c. 11, s. 51; 2010, c. 36, s. 7; 2016, c. 18, s. 48.

440.0.1. The Chief Electoral Officer may inform a party or independent candidate in writing that the party or candidate is holding a contribution or part of a contribution made contrary to this chapter and whose prescription period has expired.

2016, c. 18, s. 49.

440.1. An official representative of a party or an authorized independent candidate who, during political activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the official representative collected during that period must, within 30 days after the report is filed, remit to the treasurer an amount equal to the part of the amounts collected that exceeds that percentage.

The treasurer shall pay the amount into the general fund of the municipality.

2010, c. 32, s. 16.

441. *(Repealed).*

1987, c. 57, s. 441; 2010, c. 32, s. 17.

442. Outside an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting a contribution, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to authorized political parties, provided he offers such service equitably as to quality and quantity to all the authorized parties in the municipality.

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

Any time or space made available free of charge in accordance with section 464 is not a contribution.

1987, c. 57, s. 442.

§ 1.1. — *Supplemental public financing*

2016, c. 17, s. 65.

442.1. Subject to sections 442.2 and 442.3, a municipality with a population of 20,000 or over shall pay each authorized party or independent candidate \$2.50 per dollar received as a contribution as of 1 January of the year in which a general election is held until polling day or, for a by-election, during the election period.

For the purposes of the first paragraph, contributions made by a candidate for the candidate's own benefit or that of the party for which the candidate is running are excluded from the computation of the amount of contributions received.

2016, c. 17, s. 65.

442.2. Subject to section 442.3, the maximum amount to which an authorized independent candidate for the office of mayor or borough mayor is entitled or to which a party is entitled for its candidate for the office of mayor or borough mayor is

(1) \$1,000 in the case of a borough having a population of under 20,000 or a municipality or borough having a population of 20,000 or over but under 50,000;

(2) \$2,000 in the case of a municipality or borough having a population of 50,000 or over but under 100,000;

(3) \$3,000 in the case of a municipality or borough having a population of 100,000 or over but under 200,000;

(4) \$3,500 in the case of a municipality or borough having a population of 200,000 or over but under 300,000;

(5) \$4,000 in the case of a municipality or borough having a population of 300,000 or over but under 400,000;

(6) \$4,500 in the case of a municipality or borough having a population of 400,000 or over but under 500,000;

(7) \$5,000 in the case of a municipality or borough having a population of 500,000 or over but under 1,000,000;

(8) \$10,000 in other cases.

Subject to section 442.3, the maximum amount to which an authorized independent candidate for the office of councillor is entitled or to which a party is entitled for each of its candidates for the office of councillor is

(1) \$500 in the case of a borough having a population of under 20,000 or a municipality or borough having a population of 20,000 or over but under 50,000;

(2) \$750 in the case of a municipality or borough having a population of 50,000 or over but under 500,000;

(3) \$1,000 in other cases.

2016, c. 17, s. 65.

442.3. The amount to which a party is entitled may not exceed the amount of the election expenses incurred and paid in accordance with Division V of this chapter for its candidate for the office of mayor or borough mayor and for each of its candidates for the office of councillor and reported in its return of election expenses.

The amount to which an independent candidate is entitled may not exceed the total obtained by adding the amount of the debts arising from the election expenses incurred and paid by the candidate in accordance with Division V of this chapter and reported in the candidate's return of election expenses and the amount of the candidate's personal contribution attested by a receipt referred to in the second paragraph of section 484.

2016, c. 17, s. 65.

442.4. The treasurer pays the amounts provided for in sections 442.1 to 442.3 at the same time as the reimbursement of election expenses is made. Sections 477 and 478 apply with the necessary modifications.

2016, c. 17, s. 65.

442.5. When this subdivision has begun to apply to a municipality, it continues to apply even if its population falls below 20,000.

Except on 1 January of the year in which a general election is held until polling day or, for a by-election, during the election period, the council of the municipality may, however, by a resolution adopted by a two-thirds majority vote of its members, exempt itself from the application of this subdivision.

2016, c. 17, s. 65.

§ 2. — *Expenses and loans*

443. Expenses other than election expenses of an authorized party or independent candidate may be incurred only by the official representative or by a person designated by him in writing for that purpose.

Every person authorized to incur such expenses shall, on request, produce a certificate of his capacity signed by the official representative.

1987, c. 57, s. 443.

444. A delegate of the official representative of an authorized party has, in the electoral district for which he is appointed, the same powers to incur expenses and to designate persons to incur expenses as the official representative.

1987, c. 57, s. 444.

445. The official representative of an authorized party or independent candidate shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

1987, c. 57, s. 445; 2002, c. 37, s. 188.

446. Only the official representative of an authorized party or independent candidate may contract a loan for the party or candidate.

1987, c. 57, s. 446.

446.1. Any loan granted by an elector shall be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec.

2016, c. 17, s. 66.

447. 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, which must take section 448 into account.

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

The deed of loan or contract of suretyship shall also include a declaration by the elector stating that the loan is being granted or the suretyship contracted out of the elector's own property, voluntarily, without compensation and for no consideration, and that it will not be reimbursed in any other way than as stipulated in the deed or contract.

1987, c. 57, s. 447; 2016, c. 17, s. 67.

447.1. The total of the following amounts shall not, for a given elector, exceed \$5,000:

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

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

1998, c. 31, s. 87; 2016, c. 17, s. 68.

448. The official representative must, at least once a year, pay the interest due on the loans he has contracted.

1987, c. 57, s. 448.

449. No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 457 or which has been used by the official representative or his delegate to pay election expenses pursuant to section 455.

1987, c. 57, s. 449.

§ 3. — Allowance to authorized parties

2016, c. 17, s. 69.

449.1. The budget of a municipality having a population of 20,000 or over must include an appropriation to provide for payment of an allowance as reimbursement for expenses incurred and paid for the day-to-day administration of an authorized party, the propagation of its political program and support for its members' political activities. The allowance may not be used to pay election expenses or repay the principal of or pay the interest on a loan which has been paid into an electoral fund.

The appropriation must be equal to the product obtained by multiplying the following amount by the number of electors whose names are entered on the list of electors prepared for the last general election:

(1) \$0.62 in the case of a municipality having a population of 20,000 or over but under 500,000;

(2) \$0.87 in the case of a municipality having a population of 500,000 or over.

The appropriation is apportioned among the authorized parties that obtained at least 1% of the votes cast at the last general election.

One quarter of the appropriation is apportioned in proportion to the number of votes validly obtained by the candidate for the office of mayor of each authorized party at the last general election, expressed as a percentage of the total number of votes validly obtained by all the candidates for the office of mayor of all the authorized parties.

Three quarters of the appropriation is apportioned in proportion to the number of votes validly obtained by the candidate for the office of councillor of each authorized party at the last general election, expressed as a percentage of the total number of votes validly obtained by all the candidates for the office of councillor of all the authorized parties. If a candidate for such an office is elected by acclamation, the number of votes deemed validly obtained is equal to the average elector participation rate in each electoral district where a poll was held multiplied by the number of electors whose names are entered on the list of electors in the electoral district in which the candidate was elected, and that number is taken into consideration for the purpose of computing the total number of votes obtained by all the candidates. If all the candidates for the office of councillor of all the authorized parties are elected by acclamation, three quarters of the appropriation is apportioned in proportion to the number of electors whose names are entered on the list of electors of each candidate's electoral district, expressed as a percentage of the total number of electors whose names are entered on the lists of electors of all the candidates' electoral districts.

The amounts provided for in subparagraphs 1 and 2 of the second paragraph are adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. The second decimal of the amount computed on the basis of the index is rounded off to the higher digit when the third decimal is equal to or greater than 5 and, if not, to the lower digit. The Chief Electoral Officer shall publish the results of the adjustment in the *Gazette officielle du Québec*.

2016, c. 17, s. 69.



See notice of indexation; (2019) 151 G.O. 1, 210.

449.2. The allowance is paid by the treasurer to the official representative of the authorized party, at the rate of 1/12 of the allowance per month, on presentation of vouchers the minimum content of which may be determined by the Chief Electoral Officer.

The treasurer shall keep the vouchers for seven years after they are received.

2016, c. 17, s. 69.

449.3. When this subdivision has begun to apply to a municipality, it continues to apply even if its population falls below 20,000.

However, the council of the municipality may, by a resolution adopted by a two-thirds majority vote of its members, exempt itself from the application of this subdivision. The decision takes effect as of 1 January of the year following the year in which it is adopted.

2016, c. 17, s. 69.

DIVISION V

ELECTION EXPENSES

§ 1. — Definitions

450. For the purposes of this division, the word “candidate” includes any person who subsequently becomes a candidate or has indicated his intention to become a candidate.

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

1987, c. 57, s. 450; 1998, c. 52, s. 96.

451. The cost of any goods or services used during an election period to

- (1) promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;
- (2) propagate or oppose the program or policies of a candidate or party;
- (3) approve or disapprove courses of action advocated or opposed by a candidate or party; or
- (4) approve or disapprove any act done or proposed by a party, a candidate or their supporters,

is an election expense.

1987, c. 57, s. 451.

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

1987, c. 57, s. 452.

453. The following are not election expenses:

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

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

(3) the necessary costs of holding a convention for the selection of a candidate, including the cost of renting a hall, of convening the delegates and of the publicity made at the convention, but which cannot include the cost of any other form of publicity nor exceed \$2,250 in the case of a candidate for the office of mayor or \$750 in the case of a candidate for the office of councillor;

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

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

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

(6) the reasonable ordinary costs incurred for the day-to-day operations of the permanent office of the party at the address entered, not less than three months before the publication of the notice of election, in the register of the chief electoral officer;

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

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

(9) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance with Division VIII.1, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots.

1987, c. 57, s. 453; 1998, c. 52, s. 97; 1999, c. 25, s. 55; 2002, c. 37, s. 189.

454. The reasonable costs incurred by a candidate for attending a convention to select a candidate, for his transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity other than the publicity made by the candidate at the convention.

1987, c. 57, s. 454.

§ 2. — *Authorization of election expenses*

455. During the election period, no person other than the official agent of an authorized party or independent candidate or, for any amount up to the amount fixed by the official agent of the party pursuant to section 385, the deputy of the official agent, may incur or authorize election expenses, subject to section 456.

All election expenses incurred or authorized by a deputy, up to the fixed amount, are deemed to have been incurred or authorized by the official agent.

Within 60 days after polling day, every deputy shall furnish to the official agent a detailed account of the election expenses he has incurred or authorized accompanied with the invoices, receipts and other vouchers.

The official representative or his delegate may incur or authorize an election expense contemplated in section 452. Any such expense is deemed to have been incurred or authorized by the official agent.

1987, c. 57, s. 455.

456. An official agent may authorize, in writing, an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. The amount may be changed in writing by the official agent before he files his return of election expenses. However, the official agent shall not reduce the amount below the amount of the election expenses already incurred or ordered according to law by the advertising agency.

The advertising agency shall furnish to the official agent, within 60 days after polling day, a detailed account of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors.

1987, c. 57, s. 456.

457. In no case may an official agent or his deputy pay the cost of any election expense otherwise than out of an election fund.

Any election expense contemplated in section 452 and paid by the official representative or his delegate is deemed to have been paid out of an election fund.

1987, c. 57, s. 457.

458. No sums of money other than those collected in accordance with this chapter by the official representative for an authorized party or independent candidate may be paid by him into the election fund put at the disposal of the official agent or be used by the official representative or his delegate to pay any election expense contemplated in section 452.

The official agent shall deposit the sums paid into the election fund put at his disposal in an account opened for that purpose at a Québec branch of a financial institution. In the case of an authorized party, the account shall be separate from that of the official representative.

It is not necessary to open such an account if the sums come exclusively from contributions made by an authorized independent candidate.

1987, c. 57, s. 458; 2005, c. 28, s. 95.

459. No goods or services all or part of the cost of which constitutes an election expense contemplated in section 452 may be used during an election period except by the official agent of the authorized independent candidate or of an authorized party or his deputy, or with his authorization.

1987, c. 57, s. 459; 2001, c. 25, s. 97.

460. No person may accept or execute an order for election expenses not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case.

1987, c. 57, s. 460.

461. No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period nor may he refuse to be paid for them.

Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 428.

1987, c. 57, s. 461.

462. The official agent of an authorized party may, so long as no candidate of the party has filed his nomination paper for an office and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses to be attributed to the eventual candidate of the party for that office.

If the party presents no candidate for the office contemplated in the first paragraph, the election expenses are attributed to the candidate of the party for the office of mayor or, failing such a candidate, to each of its candidates for the office of councillor, in equal proportions.

Where the party presents no candidates, the election expenses shall be shown as expenses of the party in its financial report.

1987, c. 57, s. 462; 1999, c. 25, s. 56.

463. Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name and title of the official agent or deputy who caused it to be printed or manufactured.

Any advertisement relating to an election published in a newspaper or other publication must mention the name and title of the official agent or deputy who caused it to be published.

In the case of an advertisement relating to an election broadcast on the radio or television or produced using any other medium or information technology, the name and title of the official agent or deputy, as the case may be, must be mentioned at the beginning or at the end of the advertisement.

Any advertising copy, object or material, advertisement or publicity that relates to an election and is used jointly by authorized independent candidates must include the information required under the first three paragraphs and the name of each independent candidate in whose behalf the official agent is acting, with the words “independent candidate” next to it.

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

1987, c. 57, s. 463; 1999, c. 40, s. 114; 2002, c. 37, s. 190; 2009, c. 11, s. 52.

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

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

1998, c. 52, s. 98.

464. During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the leaders of the authorized parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office or to all the leaders of authorized parties in the municipality. For the purposes of this paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.

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

1987, c. 57, s. 464; 1990, c. 20, s. 17.

465. The amount of election expenses incurred by an authorized party or independent candidate during an election must not exceed,

- (1) for an election to the office of mayor or borough mayor, the amount of \$3,780, increased by
 - (a) \$0.30 per person entered on the list of electors of the municipality up to 20,000 electors;
 - (b) \$0.51 per person entered on that list above 20,000 but not above 100,000 electors;
 - (c) \$0.38 per person entered on that list above 100,000 electors;

(2) for an election to the office of councillor, the amount of \$1,890, increased by \$0.30 per person entered on the list of electors of the electoral district.

For the purposes of an election to the office of borough mayor, the combined lists of electors of all the electoral districts in the borough concerned is considered to be the list of electors of the municipality.

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

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

1987, c. 57, s. 465; 1999, c. 43, s. 13; 2001, c. 25, s. 98; 2009, c. 11, s. 53; 2013, c. 7, s. 2.

§ 3. — *Payment of election expenses*

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

Every payment of election expenses amounting to \$100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars required for verifying each item of goods or services and the rate or unit price used for computing the amount.

1987, c. 57, s. 466; 2002, c. 37, s. 191.

467. Every person to whom an amount is due for election expenses shall present his claim to the official agent within 60 days after polling day.

Where the offices of official agent and official representative are vacant the claim shall be presented within the same time to the leader of the party or to the independent candidate himself, as the case may be.

No claim presented after the expiry of the prescribed time may be paid by the official agent or, as the case may be, by the leader of the party or the independent candidate. The claim shall in that case be presented to the treasurer within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.

1987, c. 57, s. 467.

468. Before filing his return of election expenses, the official agent shall pay every claim received within 60 days after polling day, except any claim he contests.

1987, c. 57, s. 468.

469. The treasurer shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 494 and according to the rules provided in sections 470 and 471 every claim received within 120 days after the expiry of the time prescribed for presenting claims to the official agent.

1987, c. 57, s. 469.

470. The treasurer shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the official agent.

Any excess amount shall be remitted by the treasurer to the official representative of the party or independent candidate after the expiry of 180 days after polling day.

1987, c. 57, s. 470.

471. Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the treasurer shall advise the official agent and forward the invoice to him as soon as practicable.

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

Where the official agent does not contest the claim, or contests it in part, the official representative shall, if necessary, forward to the treasurer an additional cheque made to his order to enable him to pay the claim or the uncontested part thereof.

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

1987, c. 57, s. 471.

472. Any amount set aside for a claim that is not presented to the treasurer within the prescribed time shall be deposited into the general fund of the municipality.

1987, c. 57, s. 472.

473. In no case may an official agent, the leader of a party or an independent candidate pay a contested claim or the contested part of a claim.

Only the official representative may pay the claim or part of the claim in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

Notwithstanding the foregoing, where no party or independent candidate objects, the treasurer may authorize the official representative to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to one particular candidate, the payment thereof may be contested only by a party having presented a candidate for the same office or by an independent candidate for the same office.

1987, c. 57, s. 473.

474. Every independent candidate is required as of 31 December of the second calendar year following that of polling day, to have paid, in accordance with this subdivision, all debts contracted during the term of his authorization.

1987, c. 57, s. 474; 2016, c. 17, s. 100.

§ 3.1. — Advance on supplemental public financing and on the reimbursement of election expenses

2016, c. 17, s. 70.

474.1. On receipt of a return in the form prescribed by a directive of the Chief Electoral Officer from an official agent of an authorized party or independent candidate indicating the amount of the contributions received and of the election expenses for which invoices were received, the treasurer shall pay without delay to the party or candidate entitled to payment of an amount provided for in sections 442.1 to 442.3 an advance equal to 50% of the amount and, if the party or candidate is entitled to a reimbursement under section 475 or 476, an advance equal to 50% of the amount to which the party or candidate would be entitled under that section.

The return may only be filed as of the fifth day following polling day. It must include a statement by the official agent attesting the accuracy of the return.

The advance is made, in the case of a party, to its official representative and, in the case of an independent candidate, jointly to the candidate and to the candidate's official representative.

2016, c. 17, s. 70.

474.2. On receipt of the return of election expenses of the official agent of an authorized party or independent candidate to which or whom an advance has been paid under section 474.1, the treasurer shall verify whether the amount of the advance exceeds the amount to which the party or candidate is entitled under sections 442.1 to 442.3 and 475 or 476.

If the advance exceeds the amount to which the party or candidate is entitled, the treasurer shall forward a claim for the difference between the amounts, by registered or certified mail, to the official representative to which the advance was granted.

The amount of the claim must be paid within 30 days of its receipt by the official representative.

2016, c. 17, s. 70.

§ 4. — *Reimbursement of election expenses*

475. The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 70% of the election expenses reported in the return of election expenses and incurred and paid in accordance with this division by a party for its candidate for the office of mayor and for each of its candidates for the office of councillor, if the candidate is elected or obtains at least 15% of the votes cast at the election for the office concerned.

When computing the reimbursement, the treasurer shall subtract from the amount of the election expenses reported in the return the amount to which a party is entitled under sections 442.1 to 442.3 for its candidate for the office of mayor or borough mayor and for each of its candidates for the office of councillor.

1987, c. 57, s. 475; 1999, c. 25, s. 57; 2013, c. 7, s. 3; 2016, c. 17, s. 71.

476. The treasurer shall reimburse, out of the general fund of the municipality, an amount equal to 70% of the election expenses reported in the return of election expenses and incurred and paid in accordance with this division by an independent candidate who is elected or obtains at least 15% of the votes cast at the election for the office concerned.

When computing the reimbursement, the treasurer shall subtract from the amount of the election expenses reported in the return the amount to which an independent candidate is entitled under sections 442.1 to 442.3.

However, the amount obtained by adding the amount paid under sections 442.1 to 442.3 and the amount of the reimbursement shall not exceed the total obtained by adding the amount of the debts arising from the election expenses of the candidate and the amount of the personal contribution of the candidate attested by a receipt referred to in the second paragraph of section 484.

1987, c. 57, s. 476; 1999, c. 25, s. 58; 2002, c. 37, s. 192; 2013, c. 7, s. 4; 2016, c. 17, s. 72.

477. No reimbursement shall be made to a party until its return of election expenses has been filed.

No reimbursement shall be made to an independent candidate until he has filed his return of election expenses and a financial report provided for in section 484.

1987, c. 57, s. 477.

478. The reimbursement of the election expenses of a party shall be made to its official representative.

The reimbursement of the election expenses of an independent candidate shall be made jointly to the candidate and to his official representative.

1987, c. 57, s. 478.

DIVISION VI

REPORTS AND RETURNS OF AUTHORIZED PARTIES AND INDEPENDENT CANDIDATES

§ 1. — *Financial report*

479. The official representative of every authorized party shall, not later than 1 April each year, file with the treasurer a financial report for the preceding fiscal year in the form prescribed by a directive of the chief electoral officer. The report must contain a balance sheet, an income statement and a cash flow statement prepared in accordance with generally recognized accounting principles.

If 1 April falls during an election period, the financial report shall be filed not later than 90 days after polling day.

1987, c. 57, s. 479; 2002, c. 37, s. 193; 2005, c. 28, s. 96; 2009, c. 11, s. 54.

480. The income statement must include a general statement of revenues and total expenditures and indicate, in addition,

(1) *(paragraph repealed)*;

(2) the total amount of contributions of \$50 or less and the number of contributors;

(3) the number and total amount of party membership fees of \$25 or less collected from natural persons;

(4) the number and total amount of entrance fees of \$60 or less collected at a political activity or rally, and the nature, place and date of the activity or rally;

(4.1) the total amount of ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer's directives, how that revenue breaks down, and the nature, place and date of the activity or rally;

(4.2) the total amount of the sums paid to the official representative of the party for goods and services furnished in accordance with section 461 referred to in section 499.11;

(5) the total amount of contributions of more than \$50 and the number of contributors.

1987, c. 57, s. 480; 1999, c. 25, s. 59; 2002, c. 37, s. 194; 2010, c. 32, s. 18; 2010, c. 35, s. 21; 2011, c. 38, s. 40; 2016, c. 17, s. 100..

481. The financial report shall also indicate

(1) the financial institutions where the party funds are deposited and the account numbers;

(2) the total value of the goods and services furnished to the party free of charge and for political purposes, taking account of the second and third paragraphs of section 427;

(3) the name and full address of each elector who made one or more contributions to the party totalling more than \$50, and the total amount contributed;

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

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

(6) the rent paid for the permanent office of the party entered in the register of the chief electoral officer, where such is the case;

(7) the total amount of the remaining sums of money referred to in section 499.18.

The information described in subparagraph 3 of the first paragraph shall be presented according to the alphabetical order of the names of the electors.

1987, c. 57, s. 481; 2002, c. 37, s. 195; 2010, c. 35, s. 22; 2011, c. 38, s. 41; 2016, c. 17, s. 100.

481.1. The financial report of an authorized party must be signed by the leader of the party and accompanied by a declaration by the party leader in the form prescribed by the Chief Electoral Officer.

The declaration must state, in particular, that the party leader has been informed of the financing rules, that he has reminded the persons authorized to solicit contributions of their obligation to comply with those rules, that he has been informed of the party's solicitation practices and considers that they comply with the law, that he has read the report and that he has obtained any clarification he wished to receive regarding its content.

The report must also be accompanied by a declaration by the official representative in the form prescribed by the Chief Electoral Officer.

2016, c. 17, s. 73.

482. If the auditor of the party must audit the financial report, it shall be deemed filed with the treasurer only if it is accompanied by the report of the auditor of the party.

1987, c. 57, s. 482; 2005, c. 28, s. 97.

483. The official representative of the party shall keep the receipts issued for contributions for seven years after the date the financial report was filed as well as the vouchers necessary to ascertain compliance with sections 430 and 436.

The receipts and vouchers shall be remitted to the treasurer every three months.

The official representative of the party shall also keep the invoices, evidences of payment and other vouchers relating to the preparation of the financial report for seven years.

1987, c. 57, s. 483; 2001, c. 25, s. 99; 2010, c. 32, s. 19; 2016, c. 17, s. 74.

483.1. The official representative of an independent candidate who was authorized in the year preceding the year of the general election shall, not later than 1 April of the election year, file with the treasurer a financial report that must contain the same information, with the necessary modifications, as the financial report of a party, except the balance sheet and cash flow statement, and that must be accompanied by a copy of each receipt issued for the contributions collected during the period covered by the report.

2016, c. 17, s. 75.

484. The official representative of an authorized independent candidate must, within 90 days after polling day, file a financial report with the treasurer.

The report must contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the cash flow statement, and be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

The financial report must be filed at the same time as the candidate's return of election expenses and cover the period ending the day before the filing.

1987, c. 57, s. 484; 2009, c. 11, s. 54.

484.1. The financial report of an authorized independent candidate must be signed by the candidate and accompanied by a declaration by the candidate in the form prescribed by the Chief Electoral Officer.

The declaration must state, in particular, that the independent candidate has been informed of the financing rules, that he has reminded the persons authorized to solicit contributions of their obligation to comply with those rules, that he has been informed of his official representative's solicitation practices and considers that they comply with the law, that he has read the report and that he has obtained any clarification he wished to receive regarding its content.

The report must also be accompanied by a declaration by the official representative in the form prescribed by the Chief Electoral Officer.

2016, c. 17, s. 76.

485. If, on the day he files a financial report provided for in section 484, an authorized independent candidate still has debts contracted during the term of his authorization or his official representative is in possession of sums of money or goods obtained by the candidate in his capacity as such, the official representative shall file a financial report with the treasurer not later than 1 April of the year immediately following each fiscal year in which the candidate remained authorized after the filing of the financial report provided for in section 484.

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

The financial report of an authorized independent candidate must contain the same information, adapted as required, as that contained in the financial report of a party, except the balance sheet and the cash flow statement, and be accompanied with a copy of every receipt issued for contributions received during the period covered by the report. The first report following that provided for in section 484 must cover the period beginning on the day the latter is filed and ending on 31 December next. The report, other than that provided for in section 484, establishing that all debts contracted during the term of his authorization have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.

1987, c. 57, s. 485; 2009, c. 11, s. 54; 2016, c. 17, s. 100.

486. The chief electoral officer shall transmit to the treasurer a copy of every financial report submitted to him in connection with an application for withdrawal of authorization or with a joint application for authorization to merge.

1987, c. 57, s. 486.

487. Any official representative who ceases to hold office shall, within the ensuing 60 days, transmit to the leader of the party or independent candidate a financial report covering the period during which he was in office that is not covered by a previous report, accompanied with every receipt issued during that period as well as any invoices, evidences of payment and vouchers he has in his possession.

For the purposes of the first paragraph, “previous report” means any financial report already filed as well as any financial report that must be filed. The official representative is required to file the latter report even if he has resigned.

1987, c. 57, s. 487; 2016, c. 17, s. 100.

§ 2. — *Auditor’s report*

488. The auditor of an authorized party shall audit the financial report of the party if the revenues collected exceed \$5,000. The auditor shall then deliver to the official representative, not later than five days before the expiry of the time prescribed by section 479 for the filing of the financial report, the audit report prepared in accordance with the directive on preparation issued by the chief electoral officer.

1987, c. 57, s. 488; 1999, c. 25, s. 60; 2005, c. 28, s. 98.

489. The auditor shall have access to all the books, accounts and documents pertaining to the financial business of the party.

1987, c. 57, s. 489.

490. The treasurer shall reimburse, out of the general fund of the municipality, the expense incurred by the party for the audit of its financial report, up to the amount of

- (1) \$1,920 in the case of a municipality having a population of less than 50,000;
- (2) \$2,829 in the case of a municipality having a population of more than 50,000 but less than 100,000;
- (3) \$5,658 in the case of a municipality having a population of 100,000 or more.

The amounts prescribed in the first paragraph are adjusted on 1 January each year according to the amendment in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada.

Those amounts are rounded down to the nearest dollar if they include a fraction that is less than \$0.50, or up to the nearest dollar if they include a fraction that is equal to or greater than \$0.50. The Minister of Municipal Affairs, Regions and Land Occupancy shall publish the results of the adjustment in the *Gazette officielle du Québec*.

1987, c. 57, s. 490; 2016, c. 17, s. 77.



See notice of indexation; (2018) 150 G.O. 1, 389. (Effect from 1 January 2018)

491. Where the chief electoral officer requires the audit of a balance sheet submitted with a joint application for authorization to merge or the audit of a financial report submitted after a merger, he shall reimburse the expense incurred for the audit up to the amount prescribed in section 490.

Where the chief electoral officer requires the audit of a closing financial report, he shall appoint the auditor and pay the cost of the audit.

1987, c. 57, s. 491.

§ 3. — *Return of election expenses*

492. The official agent of every authorized party or independent candidate must, within 90 days after polling day, file a return of election expenses with the treasurer in the form prescribed by a directive of the chief electoral officer.

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

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

Where the official agent has appointed a deputy, the return must be accompanied with the deed of appointment and any modification thereto.

In the case of an independent candidate, the return must be filed at the same time as his financial report.

1987, c. 57, s. 492; 2002, c. 37, s. 196; 2009, c. 11, s. 55.

492.1. The return of election expenses must be signed by the leader of the party or the authorized independent candidate, as the case may be, and accompanied by a declaration by the party leader or the independent candidate in the form prescribed by the Chief Electoral Officer.

The declaration must state, in particular, that the party leader or the independent candidate has been informed of the rules regarding election expenses, that he has reminded the persons authorized to incur or authorize expenses of their obligation to comply with those rules, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.

2016, c. 17, s. 78.

493. In addition to election expenses, the official agent shall indicate in the return the source of the sums paid into the election fund put at his disposal.

He shall also mention any claim he is contesting among those he received within 60 days after polling day.

1987, c. 57, s. 493.

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

The statement must be accompanied with a cheque drawn on the election fund and made to the order of the treasurer for the total amount of the claims contemplated in the first paragraph.

The first and second paragraphs do not apply to claims the official agent intends to contest.

1987, c. 57, s. 494.

495. The sums remitted to the treasurer to cover the total amount of the unclaimed debts shall be kept by him in the general fund of the municipality.

1987, c. 57, s. 495; 2009, c. 11, s. 56.

496. Any official agent who ceases to hold office before the filing of the return of election expenses under section 492 shall, within the ensuing 10 days, transmit to the leader of the party or independent candidate a return of election expenses covering the period during which he was in office, accompanied with the relevant invoices, receipts and other vouchers and, where such is the case, the deed of appointment of a deputy and any modification thereto.

The first paragraph does not dispense the official agent from filing his return of election expenses within the prescribed time even if he has resigned, where such is the case, unless a person has been appointed to replace him.

1987, c. 57, s. 496.

497. Every payment of election expenses made after the filing of the return of election expenses in accordance with subdivision 3 of Division V entails an automatic correction of the return of election expenses.

1987, c. 57, s. 497.

498. The official agent of an authorized party shall, as soon as practicable after the filing of his return of election expenses, remit to the official representative the sums remaining in his election fund and the goods in his possession all or part of the cost of which constitutes an election expense.

After the filing of the return of election expenses, the official representative of an authorized independent candidate shall keep, in that capacity, the sums remaining in the election fund and the goods that are in his possession in his capacity as official agent and all or part of the cost of which constitutes an election expense.

He may, in particular, use the sums or the proceeds from the disposition of the goods, provided a fair price was obtained, to pay or cause the treasurer to pay a claim that, pursuant to subdivision 3 of Division V, may be paid after the filing of the return of election expenses.

Any balance of the sums referred to in the second paragraph and of the proceeds from the disposition of the goods referred to therein remaining on 31 December of the calendar year following that of polling day, shall be remitted to the treasurer to be deposited into the general fund of the municipality. The goods referred to in the said paragraph that are in the possession on that date of the official representative belong and shall be remitted to the municipality.

1987, c. 57, s. 498; 2016, c. 17, s. 79.

499. Within 30 days after the expiry of the time prescribed for filing returns of election expenses, the treasurer shall publish a summary of every return received within the prescribed time in a newspaper having general circulation in the municipality.

The summary must be accompanied with a notice of the date of receipt of each return and accompanying documents and stating the fact that the public has access to them.

1987, c. 57, s. 499.

DIVISION VI.1

FINANCING OF A POLITICAL PARTY LEADERSHIP CAMPAIGN

2011, c. 38, s. 42.

§ 1. — *Required information and register*

2011, c. 38, s. 42.

499.1. When an authorized political party decides to call a leadership campaign, the leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall file with the Chief Electoral Officer a declaration stating the name of the person designated to oversee the

leadership vote, the date on which the party leadership campaign is to begin, the final date for entering the race, the date of the leadership vote and the maximum amount of authorized expenses per candidate.

2011, c. 38, s. 42.

499.2. The leader or interim leader of the party, or the person designated in writing by the leader or interim leader, as applicable, shall communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every leadership candidate and the date on which the candidate entered the race.

The leader, the interim leader or the designated person shall also communicate in writing to the Chief Electoral Officer the given name, surname and domiciliary address of every financial representative of a leadership candidate and the name of the candidate on whose behalf the financial representative is acting. A document containing the written consent of each financial representative must also be filed.

For the purposes of this division, a person who has stated his or her intention to run as a leadership candidate and the person's financial representative are presumed to have been, respectively, a candidate and the candidate's financial representative from the time the intention was stated, even if that time was before the date on which the leadership campaign began.

2011, c. 38, s. 42.

499.3. The Chief Electoral Officer shall keep a register of the leadership candidates, their financial representatives, any substitutes for those representatives, the person designated to oversee the leadership vote and the maximum amount of authorized expenses per candidate.

The Chief Electoral Officer shall make this register available to the public on the Chief Electoral Officer's website.

2011, c. 38, s. 42.

§ 2. — Contributions, expenses and payment of claims

2011, c. 38, s. 42.

499.4. Contributions may only be solicited under the responsibility of a leadership candidate's financial representative, who shall choose persons and authorize them in writing to solicit and collect contributions for the exclusive purposes of the candidate's campaign.

Any person authorized to solicit and collect contributions must, on request, produce a certificate of authorization signed by the candidate's financial representative.

2011, c. 38, s. 42.

499.5. A leadership candidate's financial representative shall open an account in a Québec branch of a bank, trust company or financial services cooperative.

Only sums of money collected under this division for the candidate's leadership campaign and the loans contracted in accordance with the first paragraph of section 499.10 may be deposited into that account.

In no case may the financial representative or a deputy financial representative pay a leadership campaign expense of their candidate otherwise than out of that account.

2011, c. 38, s. 42.

499.6. The official representative or a deputy official representative of the party shall, for the purposes of the party leadership campaign, use an account referred to in section 439 that is held by the official representative in the name of the party.

Loans contracted under the third paragraph of section 499.10 are paid into that account.

In no case may the official representative or a deputy official representative of the party pay a leadership campaign expense otherwise than out of that account.

2011, c. 38, s. 42; I.N. 2017-12-01.

499.7. Only an elector of the municipality may make a contribution in support of one or more leadership candidates.

However, an undivided co-owner of an immovable or a co-occupant of a business establishment may only make such a contribution if the co-owner or co-occupant is the person designated in accordance with section 429.1.

Contributions must be paid to the candidate's financial representative or to a person authorized by the financial representative in accordance with section 499.4.

The total amount of an elector's contributions may not exceed \$200 during a given leadership campaign. In addition to those contributions, a candidate may make contributions for the candidate's own benefit, the total of which may not exceed \$800.

In the case of undivided co-owners of an immovable or co-occupants of a business establishment, the maximum amount prescribed in the fourth paragraph applies as if the co-owners or co-occupants were a single elector.

2011, c. 38, s. 42; 2013, c. 7, s. 5; 2016, c. 17, s. 80.

499.8. Section 427, section 428 except paragraph 6 and sections 430, 434, 436, 438 and 440 apply, with the necessary modifications, to the contributions referred to in this division.

A leadership candidate's financial representative who, during political activities or rallies held for the purposes of the candidate's leadership campaign, collected amounts totalling over 3% of the total contributions collected by the representative for the purposes of that campaign shall, within 30 days after the last return the representative must file under subdivision 3 of this division, remit to the Chief Electoral Officer an amount equivalent to the portion of the amounts that exceeds that percentage. The Chief Electoral Officer shall transfer the amount to the treasurer, who shall pay it into the general fund of the municipality.

2011, c. 38, s. 42.

499.9. On the seventh day after the date on which the leadership campaign begins and every seven days after that until the leadership vote, and every 30 days after the leadership vote, a leadership candidate's financial representative must file with the Chief Electoral Officer the receipts relating to the contributions received by the financial representative.

2011, c. 38, s. 42.

499.10. A leadership candidate's financial representative may contract a loan, in accordance with section 447 and, with the necessary modifications, section 447.1, to fund the candidate's leadership campaign expenses.

Any such loan must first be authorized in writing by the candidate concerned. The authorization must include the information listed in section 447.

The official representative of the party may contract a loan, in accordance with section 447 and, with the necessary modifications, section 447.1, to fund the leadership campaign expenses of the party.

2011, c. 38, s. 42.

499.11. For the purposes of this division, leadership campaign expenses are the expenses incurred for the purposes of the campaign by

(1) the financial representative or any deputy or substitute financial representative of a leadership candidate, on behalf of that candidate; or

(2) the official representative, or any deputy or substitute official representative of the party, on behalf of the party.

Sections 381, 383, 385 to 387, 450 to 456, 459 to 461, 463, 464 and 466 apply, with the necessary modifications. For the purposes of those sections, a leadership candidate's financial representative is the candidate's official agent and the official representative of the party is the official agent of the party.

2011, c. 38, s. 42.

499.12. Any person to whom an amount is due for an expense incurred under this division by a leadership candidate's financial representative must present a claim to the financial representative within 60 days after the leadership vote.

If the financial representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the candidate.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

2011, c. 38, s. 42.

499.13. Any person to whom an amount is due for an expense incurred under this division by the official representative of the party must present a claim to the official representative within 60 days after the leadership vote.

If the official representative has died or resigned, or is unable to act, and has not been replaced, the claim must be presented within the same time to the party leader or interim leader.

Failure to present the claim within the time prescribed in the first paragraph entails prescription of the claim.

2011, c. 38, s. 42.

499.14. Subject to section 499.15, a leadership candidate's financial representative must, within 12 months after the leadership vote, pay all claims received in accordance with the first paragraph of section 499.12, except any claim he or she contests, and all loans contracted.

2011, c. 38, s. 42.

499.15. A leadership candidate's financial representative who, because of a lack of funds in the account referred to in section 499.5, is unable to pay all claims received and loans contracted may continue to collect contributions during the 12-month period following the leadership vote for the sole purpose of paying the outstanding claims and loans.

If there remains an unpaid balance on a claim or loan at the expiry of that period, the Chief Electoral Officer may authorize the financial representative to continue collecting contributions during an additional

period of 12 months for the purpose of paying that balance. That 12-month period may be renewed once, with the authorization of the Chief Electoral Officer.

Contributions collected under the first and second paragraphs are deemed to have been collected for the purposes of the leadership campaign of the candidate concerned.

Any unpaid balance on a claim or loan at the expiry of the 36-month period following the leadership vote is deemed to be a contribution for which the candidate alone is accountable. Sections 440 and 645 do not apply to such a contribution.

2011, c. 38, s. 42.

§ 3. — *Returns*

2011, c. 38, s. 42.

499.16. Within 90 days after the leadership vote, the financial representative of each leadership candidate must, whether the candidate remained in the race, withdrew, was excluded or died, file a return of the candidate's leadership campaign income and expenses with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 499.10, and the deeds of appointment of any deputy financial representatives appointed under section 385 and any amendment to those deeds, must be filed with the return. The vouchers must be kept by the official representative of the party for a period of seven years, and be filed with the Chief Electoral Officer at the latter's request.

2011, c. 38, s. 42; 2016, c. 17, s. 81.

499.16.1. The return of the leadership campaign income and expenses must be signed by the candidate and accompanied by a declaration by the candidate in the form prescribed by the Chief Electoral Officer.

The declaration must state, in particular, that the candidate has been informed of the rules regarding financing and campaign expenses, that he has reminded the persons authorized to solicit contributions or to incur or authorize expenses of their obligation to comply with those rules, that he has been informed of the solicitation practices and considers that they comply with the law, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.

The return must also be accompanied by a declaration by the financial representative in the form prescribed by the Chief Electoral Officer.

2016, c. 17, s. 82; I.N. 2017-06-01.

499.17. If a leadership candidate's financial representative has not, as of the filing date of the return referred to in section 499.16, paid all claims received and loans contracted, the financial representative must, every three months after that date and until full payment of the claims and loans or until the expiry of the applicable time limit under sections 499.14 and 499.15, file a complementary return with the official representative of the party in the form prescribed by the Chief Electoral Officer.

All relevant vouchers and, if applicable, the written authorizations referred to in the second paragraph of section 499.10 must be filed with the complementary return. The vouchers must be kept by the official representative of the party for a period of seven years, and be filed with the Chief Electoral Officer at the latter's request.

On receipt of a complementary return, the official representative must forward it to the Chief Electoral Officer.

2011, c. 38, s. 42; 2016, c. 17, s. 83.

499.18. A leadership candidate's financial representative must send to the official representative of the party, along with the return required under section 499.16 or the last complementary return required under section 499.17, any sum of money remaining after the payment of all claims and loans.

The official representative of the party must deposit that sum in an account referred to in section 439 that is held by the official representative of the party in the party's name.

2011, c. 38, s. 42.

499.19. Within 120 days after the leadership vote, the official representative of the party must file a return of the leadership campaign expenses of the party with the Chief Electoral Officer in the form prescribed by the Chief Electoral Officer.

The official representative shall file with the return all the returns received from the financial representatives of leadership candidates under section 499.16.

All relevant vouchers relating to the return and, if applicable, the deeds of appointment of any deputy official representatives appointed under section 385 and any amendment to those deeds must be kept by the official representative of the party for a period of seven years, and be filed with the Chief Electoral Officer at the latter's request.

2011, c. 38, s. 42; 2016, c. 17, s. 84.

499.19.1. The return of leadership campaign expenses of the party must be signed by the person holding the office of leader of the party or interim leader on polling day and accompanied by a declaration by that person in the form prescribed by the Chief Electoral Officer.

The declaration must state, in particular, that the person has been informed of the rules regarding campaign expenses, that he has reminded the persons authorized to incur or authorize expenses of their obligation to comply with those rules, that he has read the return and that he has obtained any clarification he wished to receive regarding its content.

The return must also be accompanied by a declaration by the official representative in the form prescribed by the Chief Electoral Officer.

2016, c. 17, s. 85.

499.20. If an error is found in a return filed under this division, the financial representative or the official representative concerned may correct the error at any time within the period prescribed for filing the return.

After the date prescribed for filing the return, the financial representative or the official representative concerned must obtain leave from the Chief Electoral Officer to correct the error on establishing that it was made through inadvertence.

2011, c. 38, s. 42.

499.21. If a leadership candidate or the party leader or interim leader shows to the Chief Electoral Officer that the absence, death, illness or misconduct of the candidate's financial representative or the official representative of the party or any other reasonable cause has prevented the preparation and filing of a return

required under this division, the Chief Electoral Officer may grant an extension of not more than 30 days for the preparation and filing of the return.

2011, c. 38, s. 42.

DIVISION VII

KEEPING AND TRANSMISSION OF DOCUMENTS BY THE TREASURER

2010, c. 35, s. 23.

500. The treasurer shall, on request, send the Chief Electoral Officer a copy of the reports, returns and documents not already in his possession, except receipts issued for contributions of \$50 or less.

1987, c. 57, s. 500; 2009, c. 11, s. 57; 2010, c. 35, s. 24; 2016, c. 17, s. 100.

501. The treasurer shall keep the reports, returns, invoices, receipts and other vouchers necessary to ascertain compliance with sections 430 and 436 for seven years after they are received.

After the expiry of seven years following the receipt of invoices, receipts and other vouchers, the treasurer may, on request, return them to the party or the independent candidate.

Failing such a request, the treasurer may destroy them.

1987, c. 57, s. 501; 2010, c. 35, s. 25; 2016, c. 17, s. 86.

DIVISION VIII

SANCTIONS

502. The leader of a party whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend the sittings of the council of the municipality as a member thereof from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 505.

Where the leader is not a member of the council, the person who was the candidate of the party for the office of mayor at the last election loses the right to attend sittings pursuant to the first paragraph; where that person, also, is not a member of the council, the person who loses the right to attend sittings is the member of the council who, at the last election, was the candidate of the party that obtained the greatest number of votes.

Where the party no longer exists, the leader referred to in the first paragraph is the last holder of that position.

The first three paragraphs do not apply to a person who resigned from the party if a copy of the person's letter of resignation was transmitted to the treasurer and the chief electoral officer not less than three months before the expiry of the time fixed for transmission of the report.

1987, c. 57, s. 502; 2002, c. 37, s. 197.

503. An independent candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend as a member the sittings of the council of the municipality from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 505.

1987, c. 57, s. 503.

504. The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the municipality;

(2) the council and any committee or commission of the regional county municipality, of the metropolitan community or of an intermunicipal board of management;

(3) any other board, committee, commission or public body of which the person is a member by reason of the fact that he is a member of the council of the municipality, of the regional county municipality, of the metropolitan community or of an intermunicipal board of management.

1987, c. 57, s. 504; 1990, c. 85, s. 122; 2000, c. 56, s. 218.

505. A judge may, by order, on an application made before the person loses the right to attend sittings, allow him to continue to do so for an additional period of not more than 30 days.

1987, c. 57, s. 505; I.N. 2016-01-01 (NCCP).

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

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

1987, c. 57, s. 506.

507. Where an error is found in a report or return that has been filed, the official agent or the official representative may correct it at any time within the period prescribed for filing the report or return.

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

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

1987, c. 57, s. 507; 1999, c. 25, s. 61.

508. The judge having jurisdiction to rule on an application under sections 505 to 507 is a judge of the Court of Québec of the judicial district where all or part of the territory of the municipality is situated.

No application made under sections 505 to 507 may be heard unless a notice of at least three clear days is given by the applicant to the treasurer, to every candidate for the office concerned at the last election and, where the applicant is the leader of a party, to the leader of every other authorized party.

1987, c. 57, s. 508; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

509. An independent candidate who is elected and who, on 31 December of the second calendar year following that of polling day, has not paid all debts contracted during the term of his authorization, loses the right to attend, as a member, the sittings of the council of the municipality from that date and until he has paid all such debts and filed a financial report establishing that he has done so.

The loss of the right to attend the sittings of the council of the municipality entails the loss of the right to attend, as a member, the sittings of the councils, boards, committees, commissions and bodies referred to in section 504.

1987, c. 57, s. 509; 2016, c. 17, s. 100..

510. If at the expiry of the prescribed time the treasurer has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of such failure and of the effects thereof.

If on 31 December of the second calendar year following that of polling day, the treasurer has not received a financial report from an elected independent candidate establishing that all debts contracted during the term of his authorization have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.

1987, c. 57, s. 510; 2016, c. 17, s. 100.

511. As soon as practicable after a person has lost the right to attend the sittings of the council of the municipality, the treasurer shall notify the council, the regional county municipality, the metropolitan community, the intermunicipal board of management and any other body whose sittings he is no longer entitled to attend.

The treasurer shall also notify them as soon as practicable where the person recovers the right to attend sittings.

1987, c. 57, s. 511; 1990, c. 85, s. 122; 2000, c. 56, s. 218.

512. A person who loses the right to attend sittings consequently loses the right to receive the remuneration or allowance provided for each sitting he is not authorized to attend.

Where the remuneration or allowance is not established for each sitting, 1% shall be deducted from the annual amount for each sitting the person is not authorized to attend.

1987, c. 57, s. 512.

DIVISION VIII.1

AUTHORIZATION AND EXPENSES OF PRIVATE INTERVENORS

1998, c. 52, s. 99; 2009, c. 11, s. 58.

512.1. A person may not incur expenses described in paragraph 9 of section 453 unless the person holds an authorization issued in accordance with this division.

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

An authorized political party that does not present candidates at a general election or a by-election and that wishes to intervene as a private intervenor shall notify the returning officer of the municipality accordingly. The party is deemed to hold an authorization as a private intervenor from the returning officer from the date its notice is received; the treasurer assigns the party an authorization number.

Sections 512.7, 512.8 and 512.12 to 512.20 apply to that party, with the necessary modifications. For the purposes of those sections, the party leader is deemed to be the elector representing the private intervenor referred to in the last paragraph of section 512.3.

An authorized political party that took advantage of section 455 during an election period cannot obtain the status of private intervenor during that period.

1998, c. 52, s. 99; 2005, c. 28, s. 99; 2009, c. 11, s. 59.

512.2. An elector who applies for authorization must

- (1) indicate his name, date of birth, domiciliary address and telephone number;
- (2) declare that he is a qualified elector;
- (3) declare that he does not intend to directly promote or oppose any candidate or party;
- (4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;
- (5) declare that he is not a member of any party;
- (6) declare that he is not acting directly or indirectly on behalf of any candidate or party;
- (7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

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

1998, c. 52, s. 99.

512.3. A group that applies for authorization must

- (1) indicate its name, address, telephone number, date of formation and objects;
- (2) indicate the name, domiciliary address and telephone number of its leaders;
- (3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;
- (4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;
- (5) declare that the group does not intend to directly promote or oppose any candidate or party;
- (6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;
- (7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;
- (8) declare that the representative of the group is not a member of any party;
- (9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

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

1998, c. 52, s. 99.

512.4. An application for authorization must be filed with the returning officer of the municipality in which the applicant is an elector.

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

1998, c. 52, s. 99; 2001, c. 25, s. 100; 2009, c. 11, s. 60.

512.4.1. The application for authorization must be accompanied with a document indicating in detail any publicity expense made by the private intervenor in relation to the election for which the private intervenor applies for the authorization, and the name and address of any person who provided \$100 or more and the amount so provided.

For the purposes of the first paragraph, “publicity expense” means any expense meeting the following conditions:

(1) it is made during the period beginning on 1 January of the current year and ending on the day on which the election period begins or, in the case of a by-election, during the period beginning on the day on which the office concerned becomes vacant and ending on the day on which the election period begins;

(2) its object is any publicity relating to the election, whatever the medium used.

In the case of an expense made for property or a service used both before and during the period mentioned in the second paragraph, the portion of its cost that is a publicity expense within the meaning of that paragraph shall be determined according to a formula based on the frequency of use during that period in relation to such frequency before and during that period.

2001, c. 25, s. 101; 2002, c. 37, s. 198; 2010, c. 35, s. 26.

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

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

1998, c. 52, s. 99; 2009, c. 11, s. 60.

512.6. *(Repealed).*

1998, c. 52, s. 99; 1999, c. 25, s. 62.

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

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

1998, c. 52, s. 99; 2009, c. 11, s. 60.

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

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

1998, c. 52, s. 99.

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

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

1998, c. 52, s. 99; 2009, c. 11, s. 60.

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

1998, c. 52, s. 99; 2009, c. 11, s. 60.

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

1998, c. 52, s. 99.

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

1998, c. 52, s. 99.

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

1998, c. 52, s. 99.

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

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

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or 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.

1998, c. 52, s. 99; 2000, c. 29, s. 644.

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

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

1998, c. 52, s. 99.

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

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

1998, c. 52, s. 99.

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

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

1998, c. 52, s. 99; 2009, c. 11, s. 61.

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

1998, c. 52, s. 99.

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

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

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

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

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

1998, c. 52, s. 99.

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

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

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

The decision of the judge is final.

1998, c. 52, s. 99; 2009, c. 11, s. 60; I.N. 2016-01-01 (NCCP).

DIVISION IX

TREASURER'S REPORT

513. The treasurer shall, if applicable, not later than 1 April of each year, table before the council of the municipality a report of his operations under this chapter for the preceding fiscal year.

He shall also transmit the report to the chief electoral officer.

1987, c. 57, s. 513; 2009, c. 11, s. 62.

CHAPTER XIV

DISCLOSURE OF CERTAIN GIFTS AND RETURNS OF ELECTION EXPENSES

1998, c. 31, s. 88; 2016, c. 17, s. 87.

513.0.1. The Chief Electoral Officer shall see to the enforcement of this chapter, and may issue directives respecting such enforcement.

2009, c. 11, s. 63; 2013, c. 7, s. 6.

513.1. Every person who is a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII do not apply shall, within 90 days after the polling day fixed for that election, transmit to the treasurer a list of the persons who, to promote the election of the candidate, contributed a sum of more than \$50, or contributed two or more sums amounting to more than \$50. The list must indicate the amount thus contributed by each person as well as any amount that is more than \$50 that the candidate made to promote his or her own election, if applicable.

The person who is a candidate shall also, within the same period, transmit to the treasurer a return of election expenses relating to that person's election in the form prescribed by the Chief Electoral Officer.

The Chief Electoral Officer prescribes the other information that must be included on the list and the return referred to in the first and second paragraphs.

The treasurer shall send the lists and returns received in accordance with this section to the Chief Electoral Officer, in the manner prescribed by the Chief Electoral Officer.

1998, c. 31, s. 88; 2010, c. 35, s. 27; 2013, c. 7, s. 7; 2016, c. 17, s. 88.

513.1.0.1. Every person described in the first paragraph of section 513.1 who has not received or collected a gift of money or incurred an expense relating to his or her election shall, within 90 days after polling day, transmit to the treasurer a declaration, in the form prescribed by the Chief Electoral Officer, stating that he or she did not receive or collect any gifts or incur any election expenses.

The treasurer shall send the declarations received in accordance with this section to the Chief Electoral Officer, in the manner prescribed by the latter.

2016, c. 17, s. 89.

513.1.1. Only a natural person may make gifts of money, the total of which may not exceed \$200 per candidate. In addition to those gifts, a candidate may contribute sums of money for the candidate's own benefit, the total of which may not exceed \$800.

2009, c. 11, s. 64; 2013, c. 7, s. 8; 2016, c. 17, s. 90.

513.1.2. Every gift of money of more than \$50 must be made by cheque or other order of payment signed by the person who makes the gift and drawn on the person's account in a financial institution having an office in Québec and be made payable to the order of the person described in the first paragraph of section 513.1.

2013, c. 7, s. 9; 2016, c. 17, s. 100.

513.2. The treasurer shall table before the council the list and the return transmitted under section 513.1 or the declaration transmitted under section 513.1.0.1.

1998, c. 31, s. 88; 2016, c. 17, s. 91.

513.3. For the purposes of this chapter, “treasurer” has the meaning given by section 364, and sections 376 and 376.1 apply to the treasurer.

1998, c. 31, s. 88; 1999, c. 25, s. 63.

TITLE II

MUNICIPAL REFERENDUMS

CHAPTER I

DEFINITIONS AND SCOPE

514. For the purposes of this Title,

(1) “**date of reference**” means

(a) the date of passage of the by-law, resolution or ordinance which is the subject of a referendum;

(b) in the case of an annexation, the date on which the municipality whose territory is affected approves or disapproves the by-law of the annexing municipality or, if the former municipality does not vote on the by-law within the time prescribed, the date on which that time expires;

(c) in the case of a constitution or amalgamation, the date of the order of the Minister of Municipal Affairs, Regions and Land Occupancy requiring consultation of the qualified voters;

(d) where a referendum is held as a result of a decision of the Government or of one of its ministers or bodies, the date of the decision;

(2) “**sector concerned**” means

(a) that part of the territory of the municipality which, according to the provision under which the referendum is held, is the only part where qualified voters are entitled to take part in the referendum;

(b) the aggregate of the immovables owned by those who benefit from the works, where they bear 75% or more of the loan made to defray the cost of the works or the related professional fees.

1987, c. 57, s. 514; 1988, c. 19, s. 266; 1993, c. 65, s. 101; 1998, c. 31, s. 89; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

515. This Title applies to all local municipalities except the Northern, Cree or Naskapi villages.

1987, c. 57, s. 515; 1988, c. 19, s. 267; 1996, c. 2, s. 661.

516. This Title governs the consultative referendums contemplated in Chapter II and all referendums held pursuant to a general law or special Act which consist in submitting a municipal by-law, resolution or ordinance to the qualified voters of the municipality or of another municipality for approval where that approval is a prerequisite to the passage or putting into force of the by-law, resolution or ordinance.

This Title also governs every consultation of qualified voters which, under the Act providing therefor, must be conducted in accordance with this Title.

1987, c. 57, s. 516.

516.1. The provisions of Division IV of Chapter V of Title I apply, with the necessary modifications, in respect of this Title.

1999, c. 25, s. 64.

CHAPTER II

CONSULTATIVE REFERENDUMS

517. The council of a municipality may for consultation purposes submit any question within its competence to its qualified voters or to those of that part of its territory concerned by the question.

The question shall be formulated in such a manner as to require “yes” or “no” as an answer; it shall be defined by a resolution which, for the purposes of this Title, is deemed to be the subject of the referendum.

The council may order that a referendum poll be held without it being subject to the provisions of Chapter IV.

1987, c. 57, s. 517; 1993, c. 65, s. 102.

CHAPTER III

QUALIFIED VOTERS

518. A person is a qualified voter of the municipality or, as the case may be, of the sector concerned, if, on the date of reference, the person is not disqualified from voting under section 524 and meets one of the following two requirements :

(1) the person is a natural person who has been domiciled in the territory of the municipality or, as the case may be, in the sector concerned and, for at least six months, in Québec ;

(2) the person has been, for at least 12 months, the owner of an immovable or the occupant of a business establishment, within the meaning of the Act respecting municipal taxation (chapter F-2.1), situated in the territory of the municipality or, as the case may be, in the sector concerned.

A natural person must also be, on the date of reference, of full age and a Canadian citizen, and must not be under curatorship.

1987, c. 57, s. 518; 1989, c. 54, s. 171; 1999, c. 25, s. 65; 1999, c. 40, s. 114; 2000, c. 19, s. 22.

519. The domicile of a person is as provided in the Civil Code for all civil purposes.

Notwithstanding the foregoing, a person who has left his principal establishment in Québec for more than one year is deemed to have changed his domicile except where he carries on duties outside Québec on behalf of the Government of Québec or of Canada.

1987, c. 57, s. 519.

520. A detained person retains his domicile notwithstanding his detention.

1987, c. 57, s. 520.

521. A person who leaves his domicile temporarily to work or study in the territory of another municipality may be considered as being domiciled either in the territory where his actual domicile is situated or in the territory where he resides for the purposes of his work or studies.

A person 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 which operates a hospital centre or a reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be considered as being domiciled either at his actual domicile, or at the said facility or centre.

A person is deemed to choose to be considered domiciled at the place where he resides rather than at his actual domicile where he makes an application to that effect during the revision of the list of electors or referendum list. The person's choice remains valid until it is revoked and as long as the person resides at the same place.

1987, c. 57, s. 521; 1992, c. 21, s. 155; 1994, c. 23, s. 23.

522. The rules provided in the Civil Code concerning the setting up, against third persons, of acts transferring immovable real rights apply in determining whether a person is the owner of an immovable.

1987, c. 57, s. 522.

523. To exercise a right conferred by a provision of this Title, a qualified voter must, on the date of exercising the right, meet the requirements that would, if that date were the date of reference, qualify the person as a voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

In the case of the right to vote, the person's name must also, at the time of voting, be entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

A qualified voter who obtained an authorization to vote under the first paragraph of section 219 and section 567 is, after being admitted to vote under the second paragraph of section 219 and section 567, deemed to have his name entered on the list at the place where it should have been entered.

1987, c. 57, s. 523; 1989, c. 54, s. 172; 1997, c. 34, s. 31; 1999, c. 25, s. 66.

524. Any person who is convicted of an offence that is a corrupt electoral practice within the meaning of section 645, the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3) is disqualified from voting in a municipal referendum.

The disqualification shall continue for five years from the day the judgment convicting the person becomes a *res judicata*.

1987, c. 57, s. 524; 1989, c. 1, s. 602; 1990, c. 4, s. 405; 2005, c. 28, s. 100.

525. Every qualified voter of the municipality or, as the case may be, of the sector concerned, is entitled to have his name entered on the referendum list.

However, in the case of undivided co-owners of an immovable and of co-occupants of a business establishment, only the co-owner or the co-occupant designated for that purpose pursuant to section 526 is entitled to have his name entered on the referendum list as the owner of the immovable or as the occupant of the business establishment.

1987, c. 57, s. 525; 1999, c. 25, s. 67; 1999, c. 40, s. 114; 2000, c. 19, s. 23.

526. Co-owners or co-occupants who are qualified voters of the municipality or, as the case may be, of the sector concerned shall designate, from among themselves, if necessary, by means of a power of attorney signed by a majority of them, a person who is not entitled, under section 531, to have his name entered on the referendum list in a higher ranking capacity.

1987, c. 57, s. 526; 1997, c. 34, s. 32; 1999, c. 25, s. 68.

526.1. In order for a person designated pursuant to section 526 to be able to exercise the right to be entered on the referendum list or any other right related thereto, the municipality must have received the power of attorney.

In order for a person entitled to be entered on the referendum list as the sole owner of an immovable or as the sole occupant of a business establishment to be entitled to exercise that right, the municipality must have received a signed writing in the case of a natural person or a resolution in the case of a legal person, applying for such an entry.

The application for entry or the power of attorney takes effect upon receipt by the municipality and remains valid until it is withdrawn or replaced.

An application for entry made or a power of attorney given for the purposes of the referendum list to be used in a poll must be transmitted to the clerk or the secretary-treasurer not later than 30 days before the day fixed for the referendum poll.

An application for entry or a power of attorney transmitted after the time prescribed in the fourth paragraph but before the end of the work of the board of revisors on the last day fixed for making applications under sections 132 and 561 shall be considered an application to amend the referendum list unless the clerk or the secretary-treasurer has taken it into account before the deposit of the list. The clerk or the secretary-treasurer shall transmit the application for entry or the power of attorney, as the case may be, to the competent board of revisors.

1999, c. 25, s. 69; 2000, c. 19, s. 24.

527. Not later than 40 days before the day fixed for the referendum poll, the clerk or the secretary-treasurer shall give a public notice stating that sole owners or occupants and designated co-owners and co-occupants are entitled to have their names entered on the referendum list and mentioning how they may obtain information on the rules governing the entry of their names on the referendum list.

The notice shall invite sole owners and occupants who wish to make a first application for entry or to withdraw the existing entry to transmit to the clerk or the secretary-treasurer, within the prescribed time, the application, a signed writing or a resolution requesting the withdrawal.

The notice shall also invite co-owners and co-occupants who wish to make a first designation or replace the existing designation to transmit to the clerk or the secretary-treasurer, within the prescribed time, the power of attorney.

1987, c. 57, s. 527; 1997, c. 34, s. 33; 1999, c. 25, s. 70; 2000, c. 19, s. 25.

528. Every legal person qualified to vote shall exercise its rights under this Title through one of its members, directors or employees designated by it for that purpose by resolution.

The person designated must, on the date of reference and upon exercising any of those rights, be of full age and a Canadian citizen, and must be neither under curatorship nor disqualified from voting under section 524.

The name of the designated person shall be placed next to that of the legal person on the referendum list.

The resolution takes effect upon receipt by the municipality and remains valid until it is replaced.

A resolution adopted for the purposes of the referendum list to be used in a poll must be transmitted to the clerk or the secretary-treasurer not later than 30 days before the day fixed for the referendum poll.

A resolution transmitted after the time prescribed in the fifth paragraph but before the end of the work of the board of revisors on the last day fixed for applications to be made under sections 132 and 561 shall be deemed to be an application to amend the referendum list, unless the clerk or the secretary-treasurer has taken it into account before the deposit of the list. The clerk or the secretary-treasurer shall transmit any such resolution to the competent board of revisors.

1987, c. 57, s. 528; 1989, c. 54, s. 173; 1997, c. 34, s. 34; 1999, c. 25, s. 71; 1999, c. 40, s. 114; 2000, c. 19, s. 26.

529. Not later than 40 days before the day fixed for the referendum poll, the clerk or the secretary-treasurer shall give a public notice stating that legal persons are entitled to designate a representative, mentioning how they may obtain information on the rules governing the designation of a representative, and inviting the legal persons wishing to make a first designation or replace the existing designation to send him the resolution within the prescribed time.

1987, c. 57, s. 529; 1997, c. 34, s. 35.

530. In no case may the name of a person appear more than once on the referendum list of the municipality or, as the case may be, of the sector concerned.

The first paragraph does not apply to a qualified voter who is designated to represent a legal person or to a person designated to represent several legal persons.

1987, c. 57, s. 530.

531. In addition to having his name entered on the list following a designation to represent a legal person, where such is the case, a person who is, in several capacities, a qualified voter of the municipality or, as the case may be, of the sector concerned, shall have his name entered on the list in only one capacity according to the following order of preference:

- (1) as a domiciled person;
- (2) as the sole owner of an immovable;
- (3) as the sole occupant of a business establishment;
- (4) as an undivided co-owner of an immovable;
- (5) as a co-occupant of a business establishment.

Where several immovables are contemplated in subparagraph 2 or 4 of the first paragraph, the immovable with the highest property value shall be the immovable considered. Where several business establishments are contemplated in subparagraph 3 or 5 of the said paragraph, the business establishment with the highest rental value shall be the business establishment considered.

1987, c. 57, s. 531; 1999, c. 40, s. 114.

CHAPTER IV

PROCEDURE OF REGISTRATION OF QUALIFIED VOTERS

532. The registration procedure applies to determine whether a referendum poll must be held.

Notwithstanding the first paragraph, the procedure does not apply

- (1) in the case of a consultative referendum if the council has so decided in accordance with the third paragraph of section 517;
- (2) where pursuant to the Act that provides for the referendum, a referendum poll must be held;
- (3) where a majority of the qualified voters entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned waive the holding of a referendum poll by filing with the clerk or the secretary-treasurer a notice to that effect bearing their signatures before the day the register opens for registration.

In the case contemplated in subparagraph 3 of the second paragraph, the by-law, resolution or ordinance being the subject of the referendum is deemed to be approved by the qualified voters. The clerk or the secretary-treasurer shall inform the council thereof at the next sitting. If a list of electors whose names are on the permanent list of electors has been transmitted by the Chief Electoral Officer under section 546, the clerk or the secretary-treasurer shall also inform the Chief Electoral Officer, in writing, of the referendum poll waiver and of the date of the sitting at which the council was informed of it.

1987, c. 57, s. 532; 1993, c. 65, s. 103; 1996, c. 77, s. 49; 2002, c. 37, s. 199; 2009, c. 11, s. 65.

533. Any qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned may demand that a referendum poll be held by entering his name, address and capacity in a register open for that purpose and affixing his signature opposite those entries.

The address of a qualified voter shall be, according to the capacity entitling him to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned, the address of the immovable where he is domiciled, of the immovable of which he is the owner or of the business establishment of which he is the occupant. The address of the immovable shall include the apartment or room number, if any. If the immovable has no number, the cadastral number shall be used.

1987, c. 57, s. 533; 1989, c. 54, s. 174; 1991, c. 32, s. 226; 1999, c. 25, s. 72; 1999, c. 40, s. 114.

533.1. A qualified voter who attests to not being able to enter the personal particulars required or sign the register, may be assisted by the person in charge of the register.

The qualified voter may also be assisted

- (1) by the qualified voter's spouse or relative within the meaning of section 131; or
- (2) by another person, in the presence of the person in charge of the register.

The person referred in subparagraph 2 of the second paragraph shall attest under oath to not having assisted another elector who is not that person's spouse or relative within the meaning of section 131, during the registration procedure.

2005, c. 28, s. 101; 2009, c. 11, s. 66.

534. A qualified voter may make only one application for a referendum poll.

1987, c. 57, s. 534.

535. The clerk or the secretary-treasurer shall fix the days and places where the register will be open for registration to qualified voters. The places must be accessible to handicapped persons.

He shall fix as many consecutive days, up to a maximum of five, as there are multiples of 500 in the number of applications needed under section 553 to require that a referendum poll be held. Where the number is less than 500, he shall fix only one day.

Every day fixed must be comprised in the 45-day period following the date of reference.

1987, c. 57, s. 535; 1996, c. 77, s. 50; 2009, c. 11, s. 67.

536. The register shall be open, from 9 a.m. to 7 p.m. without interruption, on every day fixed by the clerk or the secretary-treasurer, subject to any extension under section 537.

Notwithstanding the first paragraph, where several days have been fixed and where the number of applications needed to require that a referendum poll be held is reached before the last day, the clerk or the

secretary-treasurer shall close the register at 7 p.m. on the day the number is reached if the council of the municipality passed a by-law to that effect before the first day the register is open for registration.

1987, c. 57, s. 536.

537. In the case of a delay or interruption, the clerk or the secretary-treasurer may extend the period during which the register is open for registration, for as long as he determines, in respect of the place affected by the delay or interruption.

The extension shall not exceed the length of the delay or interruption.

1987, c. 57, s. 537.

538. The qualified voters who are present on the premises where the register is open for registration at the time the register is scheduled to be closed and who have not been able to make the entries concerning them may nevertheless exercise their right to do so.

The person in charge of the register within the meaning of section 541 shall declare the period of registration closed after such persons have exercised their right.

For the purposes of the first paragraph, the premises where the register is open for registration extend as far as the end of the waiting line of qualified voters as it stands at the time the register is scheduled to close.

1987, c. 57, s. 538.

539. Not later than five days before the day the register opens for registration, the clerk or the secretary-treasurer shall give a public notice to the qualified voters entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

The heading of the notice shall clearly identify the group of persons for whom the notice is intended. If the notice is intended for the qualified voters entitled to have their names entered on the referendum list of a sector, the heading shall include a summary description of the sector.

The notice shall set out

(1) the number, title, object and date of passage of the by-law, resolution or ordinance that is the subject of the referendum;

(2) the right of every person for whom it is intended to demand that the by-law, resolution or ordinance be submitted to a referendum poll by entering his name, address and capacity, together with his signature, in a register open for that purpose;

(3) the number of applications needed according to section 553 to require that a referendum poll be held;

(4) the fact that if the required number of applications is not reached, the by-law, resolution or ordinance will be deemed approved by the qualified voters;

(5) the place where and the days and hours when the by-law, resolution or ordinance may be examined;

(6) the place or places where and the days and hours when the register will be open for registration;

(7) the place where and the day and time when the results of the registration procedure will be announced.

Where the by-law, resolution or ordinance that is the subject of the referendum is a loan by-law, resolution or ordinance, the notice shall also indicate the amount and intended use of the proposed loan.

Where the notice is intended for the qualified voters entitled to have their names entered on the referendum list of the sector concerned, it shall illustrate the perimeter of the sector by means of a sketch. In addition to or in lieu of the sketch, the notice may describe the perimeter of the sector by using the names of thoroughfares wherever possible.

1987, c. 57, s. 539; 1997, c. 34, s. 36.

540. Where it is necessary to hold a simultaneous registration procedure in respect of several by-laws, resolutions or ordinances, each shall be the subject of a separate notice and have separate registers.

Notwithstanding the foregoing, the clerk or the secretary-treasurer may publish a single notice respecting all the by-laws, resolutions and ordinances which concern the same qualified voters.

1987, c. 57, s. 540; 1996, c. 77, s. 51.

541. The clerk or secretary-treasurer shall be the person in charge of the register unless another person is specially designated by him for that purpose.

Before taking office, the person shall swear that he will perform his duties according to law.

The clerk or the secretary-treasurer shall make designations as provided in the first paragraph if he establishes several places where the register is open for registration.

1987, c. 57, s. 541.

542. While the register is open for registration, the person in charge of it shall keep it under his supervision at all times.

The clerk or the secretary-treasurer may, however, specially designate an assistant to the person in charge of the register to replace him when he is absent and assist him in performing his duties. Before taking office, the assistant shall swear that he will perform his duties according to law.

1987, c. 57, s. 542; 1999, c. 40, s. 114.

543. The text of the by-law, resolution or ordinance and of the notice shall accompany the register and be posted up at the place where the register is open for registration.

1987, c. 57, s. 543.

544. Qualified voters entitled to have their names entered on the referendum list shall make and sign their entries in the register, in the order they present themselves to do so.

1987, c. 57, s. 544.

545. On presenting himself to make his entries in the register, a person shall state his name, address and capacity to the person in charge of the register.

The person must also produce identification in accordance with the third paragraph of section 215 or, failing that, establish his identity in accordance with section 213.2, which applies with the necessary modifications.

After ascertaining that the person has established his identity, is a qualified voter, is entitled to have his name entered on the referendum list, meets the requirements set out in the first paragraph of section 523 and has not already made any entry in the register, the person in charge of the register shall give him access to the register, subject to section 547.

No person may write down or otherwise record information contained in a document produced pursuant to the second paragraph.

1987, c. 57, s. 545; 1999, c. 15, s. 38; 1999, c. 25, s. 73.

545.1. The clerk or the secretary-treasurer may, if he considers it expedient, establish on the premises where the register is open for registration an identity verification panel for persons who present themselves pursuant to section 545 and cannot produce identification in accordance with the third paragraph of section 215. The panel shall be composed of three members, including a chairman, appointed in accordance with section 569. Sections 213.1 to 213.4 and the fourth paragraph of section 215 apply with the necessary modifications.

1999, c. 15, s. 39.

546. The clerk or the secretary-treasurer may draw up a list of the qualified voters entitled to have their names entered on the referendum list from any referendum list, list of electors, property assessment roll, roll of rental values, collection roll or other document he considers appropriate.

For this purpose, the clerk or the secretary-treasurer may request, in writing, that the chief electoral officer transmit to him a list of the electors whose names are entered on the permanent list of electors for the territory of the municipality or for the sector concerned.

The request must be made in the manner determined by the chief electoral officer. It must specify the date of reference, describe the territory concerned and state the date on which and form in which the list must be transmitted.

The chief electoral officer shall transmit the list requested not later than the date indicated in the request.

The costs relating to the production of the list, established under section 549 of the Election Act (chapter E-3.3), shall be charged to the municipality.

A person whose name is not entered on any of the documents contemplated in the first or second paragraph may be allowed to make his entries in the register if he proves to the person in charge of the register that he is a qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned and meets the requirements set out in the first paragraph of section 523.

1987, c. 57, s. 546; 1995, c. 23, s. 67; 1999, c. 25, s. 74; 1999, c. 40, s. 114.

546.1. The chief electoral officer shall transmit to the clerk or the secretary-treasurer the information relating to the electors in respect of whom he is unable to update the entries on the permanent list of electors.

The chief electoral officer shall also transmit a list of the addresses in the territory concerned by the request provided for in section 546 for which no electors' names are entered on the list.

1997, c. 34, s. 37.

547. To be admitted to make his entries in the register, a person shall, at the request of the person in charge of the register, declare under oath that he is a qualified voter entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned and meets the requirements set out in the first paragraph of section 523.

A person under whose name another person has already made entries in the register shall nevertheless be admitted to do so, after declaring under oath that he is really the qualified voter entitled to be entered on the referendum list under that name, that he meets the requirements set out in the first paragraph of section 523 and that he has not made his entries in the register.

No person may be admitted to make entries in the register by the person in charge thereof if he refuses to make the oath required of him.

1987, c. 57, s. 547; 1999, c. 25, s. 75.

548. Each person admitted to make his entries shall do so without undue delay, failing which the person in charge of the register may compel him to leave whether or not he has completed his entries.

1987, c. 57, s. 548.

549. The clerk or the secretary-treasurer has, during each day of registration, the powers of a returning officer in matters of maintaining order.

1987, c. 57, s. 549.

550. No person shall, on the premises where the register is open for registration, use any sign to indicate that he supports or opposes the holding of a referendum poll or that he favours an affirmative or a negative answer to a question that would be submitted to such a poll or engage in any other form of publicity to the same effect.

The person in charge of the register may have any prohibited publicity stopped or removed.

The building in which those premises are situated and any neighbouring place where the sign or publicity may be seen by the qualified voters are deemed to be the premises where the register is open for consultation.

1987, c. 57, s. 550; 1999, c. 40, s. 114; 2005, c. 28, s. 102.

550.1. Section 86 applies, with the necessary modifications, to a person who exercises a function under this chapter.

2005, c. 28, s. 103.

551. Every person who performs duties under this chapter is entitled to receive a remuneration or an expense allowance from the municipality in respect of such duties.

The council of the municipality may establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs, Regions and Land Occupancy if it fixes a lower remuneration or allowance than that established by the Minister pursuant to Title III.

Every person contemplated in the first paragraph is entitled to the remuneration or allowance fixed in the tariff established by the Minister if the municipality has failed to establish its own or has failed to fix the remuneration or allowance of that person.

1987, c. 57, s. 551; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

552. One application for the holding of a referendum poll shall be counted for each qualified voter having made his entries according to law and who is entitled to have his name entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

1987, c. 57, s. 552.

553. Unless the by-law, resolution or ordinance is withdrawn, a referendum poll shall be held where, at the end of the period of registration, the number of applications reaches

(1) 50% of the qualified voters where there are 25 or fewer;

(2) the lesser of 30,000 and the number obtained by adding 13 to the number corresponding to 10% of the qualified voters beyond the first 25, where there are over 25;

(3) *(subparagraph replaced)*;

(4) *(subparagraph replaced)*.

Where the result of the computation under the first paragraph is a number including a fraction, the fraction is counted as a unit.

For the purposes of the first paragraph, qualified voters are persons entitled to have their names entered on the referendum list of the municipality or, as the case may be, of the sector concerned. Unless the clerk or the secretary-treasurer has a list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and business establishments situated in the territory of the municipality or, as the case may be, in the sector concerned.

1987, c. 57, s. 553; 1999, c. 40, s. 114; 2017, c. 13, s. 151.

554. The by-law, resolution or ordinance being the subject of the referendum is deemed to be approved by the qualified voters where, at the end of the period of registration, the number of applications is lower than the number needed to require that a referendum poll be held.

1987, c. 57, s. 554.

555. As soon as practicable after the end of the period of registration, the clerk or the secretary-treasurer shall draw up a certificate showing

(1) the number of qualified voters established pursuant to section 553;

(2) the number of applications needed to require that a referendum poll be held;

(3) the number of applications made;

(4) the fact that the by-law, resolution or ordinance is deemed to be approved by the qualified voters or that a referendum poll must be held, as the case may be.

1987, c. 57, s. 555.

556. As soon as practicable after the certificate is drawn up, the clerk or the secretary-treasurer shall read it publicly to the persons present at the place where the sittings of the council of the municipality are held or at any other place determined by him.

1987, c. 57, s. 556; 2002, c. 37, s. 200; 2009, c. 11, s. 68.

557. The clerk or the secretary-treasurer shall table the certificate before the council at its next sitting.

If a list of electors whose names are on the permanent list of electors has been transmitted by the Chief Electoral Officer under section 546, the clerk or the secretary-treasurer shall send the Chief Electoral Officer a copy of the certificate showing the date on which the certificate was tabled before the council.

1987, c. 57, s. 557; 2009, c. 11, s. 69.

558. Where a referendum poll must be held, the council shall fix, not later than at the sitting following that at which the certificate is tabled, the date of the poll, in accordance with Chapter VI.

The clerk or the secretary-treasurer shall inform the Chief Electoral Officer in writing of the date of the poll.

1987, c. 57, s. 558; 2009, c. 11, s. 70.

559. So long as the notice of the referendum poll has not been published, the council may, by resolution, withdraw the by-law, resolution or ordinance.

Within 15 days of the withdrawal, the clerk or the secretary-treasurer shall inform the persons concerned by a public notice. The clerk or the secretary-treasurer shall send the Chief Electoral Officer a copy of the notice showing the date on which the notice was published.

1987, c. 57, s. 559; 2002, c. 37, s. 201; 2009, c. 11, s. 71.

CHAPTER V

REFERENDUM LIST

560. The clerk or the secretary-treasurer shall prepare the referendum list of the municipality or, as the case may be, of the sector concerned after the day on which the date of the referendum poll is determined and not later than 25 days before that date.

Notwithstanding the foregoing, the clerk or the secretary-treasurer is not required to prepare a new list if a referendum list drawn up in relation to a date of reference that precedes the date of reference applicable to the referendum concerned by less than 90 days is already in force in the municipality or, as the case may be, in the sector concerned or in a territory comprising the sector concerned. The clerk or the secretary-treasurer shall deposit the referendum list already in force or the relevant part thereof in the office of the municipality not later than 25 days before the day of the referendum poll; in such a case, the public notices provided for in sections 527 and 529 need not be given.

1987, c. 57, s. 560; 1999, c. 25, s. 76.

561. Division II of Chapter VI of Title I applies, adapted as required, and so far as it is consistent with this Title, to the preparation, revision and coming into force of the referendum list of the municipality or, as the case may be, of the sector concerned.

However, the clerk or secretary-treasurer is not required to make a request under section 100 if he has made a request under section 546, for the same date of reference, in respect of the territory concerned by the referendum or a territory that includes it.

1987, c. 57, s. 561; 1995, c. 23, s. 68.

562. The clerk or the secretary-treasurer shall appoint as revisor any person he may choose, without recommendation from the authorized parties, if any.

1987, c. 57, s. 562.

563. Before taking office, every member, secretary and revising officer of a board of revisors shall swear that he will perform his duties according to law.

1987, c. 57, s. 563; 1995, c. 23, s. 69; 1997, c. 34, s. 38.

564. The representative of the qualified voters who favour an affirmative answer to the referendum question and the representative of the qualified voters who favour a negative answer to the question are entitled to receive, on request and free of charge, a maximum of five copies of the referendum list and of the abstract of changes.

The clerk or the secretary-treasurer shall, on a written application, designate the representative contemplated in the first paragraph for each of the two groups.

Authorized parties, recognized tickets and candidates are not entitled to free copies of the list or abstract.

1987, c. 57, s. 564.

565. The clerk or the secretary-treasurer and every member, secretary and revising officer of a board of revisors are entitled to receive remuneration or an expense allowance from the municipality in respect of the duties they perform under this chapter.

The council of the municipality may establish a tariff of remuneration or allowances; it may also delegate that power to the executive committee, if any. The tariff requires the approval of the Minister of Municipal Affairs, Regions and Land Occupancy if it fixes a remuneration or allowance lower than that fixed in the tariff established by the Minister pursuant to Title III.

Every person contemplated in the first paragraph is entitled to the remuneration or allowance fixed in the tariff established by the Minister if the municipality has failed to establish its own or if it has failed to fix the remuneration or allowance of that person.

1987, c. 57, s. 565; 1995, c. 23, s. 70; 1997, c. 34, s. 39; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

CHAPTER VI

REFERENDUM POLL

566. This chapter applies to a referendum poll required as a result of a registration procedure carried out in accordance with the provisions of Chapter IV, and to a referendum poll required pursuant to the Act providing for the referendum or as a result of a decision taken in accordance with the third paragraph of section 517.

1987, c. 57, s. 566; 1993, c. 65, s. 104.

567. To the extent that they are consistent with this chapter, the following provisions of Title I, adapted as required, apply to a referendum:

- (1) the provisions of Division III of Chapter V respecting election officers ;
- (2) the provisions of subdivisions 2 to 6 of Division IV of Chapter VI respecting advance polling, polling stations, materials required for voting, formalities prior to the opening of polling stations and the polling process;
- (3) the provisions of Division V of Chapter VI respecting the counting and the addition of the votes;
- (4) the provisions of subdivision 1 of Division VII of Chapter VI respecting a recount or re-addition of the votes;
- (5) the provisions of Chapter VII respecting the electoral code of ethics;
- (6) the provisions of Chapter VII.1 respecting election posters and billboards.

Notwithstanding subparagraph 2 of the first paragraph, subdivision 2 of Division IV of Chapter VI of Title I respecting advance polling does not apply if the referendum is intended for part only of the qualified voters of the municipality, unless the council of the municipality orders that the said subdivision applies to the referendum.

1987, c. 57, s. 567; 1999, c. 25, s. 77; 2005, c. 28, s. 104.

568. The referendum poll shall be held on the date fixed by the council of the municipality; the date must be a Sunday comprised in the 120 days following the date of reference.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on request, allow the council to fix the date of the poll at a later date within the limit he specifies.

1987, c. 57, s. 568; 1996, c. 77, s. 52; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

569. The clerk or the secretary-treasurer shall appoint as deputy returning officer, as poll clerk and as a member of an identity verification panel any person he may choose, without recommendation from the authorized parties, if any.

1987, c. 57, s. 569; 1999, c. 15, s. 40.

570. On a written application, the clerk or the secretary-treasurer shall appoint, for each polling station, a representative of the qualified voters who favour an affirmative answer to the referendum question and a representative of the qualified voters who favour a negative answer. For the purposes of provisions applicable to the referendum by reference, the representatives shall have a status equivalent to that of the representatives of candidates assigned to a polling station.

On a written application, the clerk or the secretary-treasurer shall appoint, for each place where there is a polling station and for each group of qualified voters described in the first paragraph, a poll runner authorized to periodically collect a list of the persons who have already exercised their right to vote.

The appointment of the representative and of the poll runner shall be made by means of a writing signed by the clerk or the secretary-treasurer and presented to the deputy returning officer. The appointment of the representative is valid for the duration of the poll and of the counting of the votes taking place at the polling station; that of the poll runner is valid for the duration of the poll.

The representatives appointed under section 564 are entitled to receive the notices and documents that must be given to candidates under the provisions applicable by reference to the referendum.

1987, c. 57, s. 570; 2002, c. 37, s. 202.

571. The list used shall be the referendum list in force in the municipality or, as the case may be, in the sector concerned.

1987, c. 57, s. 571.

572. Not later than 10 days before the day of the referendum poll, the clerk or the secretary-treasurer shall give public notice of the poll to the persons whose names are entered on the referendum list.

The heading of the notice shall identify the group of persons for whom it is intended. If the notice is intended for the persons whose names are entered on the referendum list of the sector concerned, the heading shall give a summary description of the sector.

The notice shall set out

(1) the number, title, object and date of passage of the by-law, resolution or ordinance that is the subject of the referendum;

(2) the place where and the days and hours during which the by-law, resolution or ordinance may be examined;

(3) the day and hours during which polling stations will be open for the advance poll, where that is the case;

- (4) the day and hours during which polling stations will be open for the referendum poll;
- (5) the text of the referendum question;
- (6) the place where the polling station will be established for the advance poll, where that is the case, and for the referendum poll and, if several polling stations are established, indications to determine in which polling station a person whose name is entered on the referendum list may vote;
- (7) the day and time when the addition of votes will begin and the place where it will take place.

The particulars referred to in subparagraph 6 of the third paragraph are not needed if the clerk or the secretary-treasurer causes reminders containing those particulars to be distributed.

Where the by-law, resolution or ordinance that is the subject of the referendum is a loan by-law, resolution or ordinance, the notice shall indicate the amount and intended use of the proposed loan.

Where the notice is intended for the persons whose names are entered on the referendum list of the sector concerned, the notice shall illustrate the perimeter of the sector by means of a sketch. In addition to or in lieu of the sketch, the notice may describe the perimeter of the sector by using the names of thoroughfares wherever possible.

1987, c. 57, s. 572; 1997, c. 34, s. 40.

573. The clerk or the secretary-treasurer may cause a reminder to be distributed to every person whose name is entered on the referendum list of the municipality or, as the case may be, of the sector concerned.

He shall do so in a municipality having a population of 20,000 or over.

The reminder shall contain all the particulars that must be set out in the notice of referendum poll; however, the particulars relating to polling stations may concern only the polling station where the addressee is entitled to vote.

1987, c. 57, s. 573.

574. *(Repealed).*

1987, c. 57, s. 574; 2009, c. 11, s. 72.

575. The ballot paper shall include, on the obverse,

(1) a question beginning with the words “Do you approve” and then stating the number, title or object of the by-law, resolution or ordinance that is the subject of the referendum or, in the case of a consultative referendum, the question defined by the council of the municipality;

(2) to the right of the question, the words “YES” and “NO” placed in a single column, the former above the latter;

(3) a circle intended for the mark of the voter opposite each of the words “YES” and “NO”.

1987, c. 57, s. 575.

576. The by-law, resolution or ordinance that is the subject of the referendum is deemed to be approved by the qualified voters where the results of the poll show a greater number of affirmative votes than negative votes, unless the provisions governing the referendum establish a different rule.

In the latter case, the clerk or the secretary-treasurer is not required to request a recount of the votes in case of a tie.

1987, c. 57, s. 576.

577. Where the results of the poll certified by the judge following a recount or re-addition of the votes show a tie-vote, the mayor or, as the case may be, the warden may give a voice vote at the next council sitting after the judge's decision.

The vote shall be counted as if it had been cast by a person whose name is entered on the referendum list.

The first two paragraphs do not apply where, according to the provisions governing the referendum, an affirmative vote by the mayor or the warden is not sufficient to cause the by-law, resolution or ordinance to be deemed to be approved by the qualified voters.

1987, c. 57, s. 577.

578. The clerk or the secretary-treasurer shall draw up a statement of the final results of the poll and table it before the council at the next sitting.

The clerk or the secretary-treasurer shall inform the chief electoral officer, in writing, of the date of the tabling of the statement.

1987, c. 57, s. 578; 2002, c. 37, s. 203.

579. In no case may the person in charge of access to documents held by the municipality deliver any copy of any used ballot papers.

He shall allow no one to examine the ballot papers, unless he is required to do so by order of the court or a judge.

1987, c. 57, s. 579.

TITLE III

REGULATORY PROVISIONS

580. The Minister of Municipal Affairs, Regions and Land Occupancy shall establish, by regulation, a tariff of the remuneration or expense allowances which the following persons are entitled to receive in respect of duties performed under this Act:

- (1) an election officer;
- (2) the treasurer within the meaning of Chapter XIII of Title I;
- (3) a person performing duties under Chapter IV of Title II;
- (4) the clerks or secretary-treasurers or the member, secretary or revising officer of a board of revisors performing duties under Chapter V of Title II;
- (5) a referendum officer performing duties under Chapter VI of Title II.

Notwithstanding the foregoing, the Minister is not required to establish the remuneration and allowance of election or referendum officers whose services are temporarily required in accordance with section 84.

1987, c. 57, s. 580; 1995, c. 23, s. 71; 1997, c. 34, s. 41; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

580.1. An amount established in the regulation made under section 580, with regard to the returning officer, clerk or secretary-treasurer or treasurer, is indexed in accordance with sections 580.2 to 580.4.

2008, c. 18, s. 74; 2018, c. 8, s. 177.

580.2. Subject to section 580.3, the amount applicable for a given fiscal year, referred to as “the fiscal year concerned”, is the result obtained by indexing upward the amount applicable for the preceding fiscal year.

Indexation consists in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to Statistics Canada, of the Consumer Price Index for Canada.

That rate is established by

(1) subtracting the index established for the third month of December preceding the fiscal year concerned from the index established for the second month of December preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third month of December preceding the fiscal year concerned.

If indexation results in a mixed number,

(1) for an amount under \$1, only the first three decimal places are considered;

(2) for any other amount, only the integer is used and the number is rounded up if the first decimal is greater than 4.

2008, c. 18, s. 74.

580.3. If an increase is not possible for the fiscal year concerned, the amount applicable for that fiscal year is equal to the amount applicable for the preceding fiscal year.

2008, c. 18, s. 74.

580.4. Before the beginning of the fiscal year concerned, the Minister of Municipal Affairs, Regions and Land Occupancy shall publish a notice in the *Gazette officielle du Québec*

(1) either stating the rate of increase used to establish any amount applicable for that fiscal year or stating that an increase is not possible for that fiscal year; and

(2) stating the amount applicable for that fiscal year.

2008, c. 18, s. 74; 2009, c. 26, s. 109.

581. The Minister may, by regulation, designate any body as a “municipal body” for the purposes of sections 304 to 306.

1987, c. 57, s. 581.

582. The Minister may prescribe, by regulation, the form or minimum content of or a model for any document prescribed by this Act except a document prescribed by Chapter XIII of Title I, or the information that any such document must contain.

The chief electoral officer may prescribe, by regulation, the form or minimum content of or a model for any document prescribed by Chapter XIII of Title I, or the information that any such document must contain.

1987, c. 57, s. 582.

582.1. The Minister may, by regulation, determine the manner in which a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may exercise the right to vote by mail.

The chief electoral officer must be consulted on the draft regulation before it is published in accordance with section 8 of the Regulations Act (chapter R-18.1).

2008, c. 18, s. 75.

583. *(Repealed).*

1987, c. 57, s. 583; 2001, c. 25, s. 102.

584. The Government may establish, by regulation, a tariff of costs for the recount or re-addition of votes by a judge.

1987, c. 57, s. 584.

585. Categories of municipalities or cases, and appropriate rules for each category or combination of categories may be established by regulation.

1987, c. 57, s. 585.

TITLE IV

PENAL PROVISIONS

CHAPTER I

OFFENCES

586. The following persons are guilty of an offence:

(1) every election or referendum officer who while taking part in the preparation or revision of the list of electors or referendum list, knowingly enters the name of a person who should not be entered on the list or omits to enter or strikes off the name of a person who should and wishes to be entered on the list;

(2) every person who makes an application to have his name entered on the list of electors or referendum list with the knowledge that he is not entitled thereto or makes an application to enter a name he knows to be fictitious or to be that of a deceased person or the name of a person he knows is not entitled to be entered;

(3) every person who applies to have the name of a person struck off the list of electors or the referendum list even though he knows that the person is entitled and wishes to be entered on the list;

(4) every person who spreads news of the withdrawal of a candidate for the office of member of the council with the knowledge that it is false;

(5) every person who votes more often than he is entitled to vote;

(5.1) every person who, to be admitted to vote or to allow someone to vote or to make entries in the register pursuant to Chapter IV of Title II or to allow someone to make such entries, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person ;

(6) every deputy returning officer who admits a person to vote whose name is not entered on the list of electors or the referendum list and who has not obtained an authorization to vote under section 219 and, as the case may be, section 567;

(7) every returning officer, clerk or secretary-treasurer who grants an authorization to vote to a person he knows is not entitled thereto;

(8) every person who attempts to vote or votes without being entitled to vote;

(9) every person who falsifies the statement of votes or the certificate of the results of the procedure for the registration of qualified voters provided for in Chapter IV of Title II;

(10) every person who, during the procedure for the registration of qualified voters, makes more than one entry in the register;

(11) every person who, during the procedure for the registration of qualified voters, attempts to make an entry or makes an entry without being entitled thereto;

(12) a person in charge of the register who, during the procedure for the registration of qualified voters, admits to make an entry a person he knows is not entitled to do so or has already done so;

(13) every person who signs a referendum poll waiver notice without being entitled to do so;

(14) every clerk or secretary-treasurer who accepts the signature of a person on a referendum poll waiver notice despite knowing that the person is not entitled to sign the notice.

1987, c. 57, s. 586; 1997, c. 34, s. 42; 1999, c. 15, s. 41; 2002, c. 37, s. 204; 2009, c. 11, s. 73.

587. Every deputy returning officer who admits a person to vote with the knowledge that he has already voted and has no other voting right to exercise is guilty of an offence.

1987, c. 57, s. 587.

588. The following persons are guilty of an offence:

(1) the returning officer who makes an announcement of the results of an addition of votes with the knowledge that it does not correspond to the actual results;

(2) the returning officer who makes a declaration of election with the knowledge that it does not correspond to the final results of the poll;

(3) the clerk or secretary-treasurer who draws up a certificate of the results of the procedure for the registration of qualified voters with the knowledge that it does not correspond to the actual results;

(4) the clerk or secretary-treasurer who draws up a statement of the final results of the referendum poll with the knowledge that it does not correspond to the results.

1987, c. 57, s. 588.

588.1. Every person is guilty of an offence who files the document referred to in section 162.1 or 512.4.1 although it is incomplete or contains a false indication or false information.

2001, c. 25, s. 103; 2009, c. 11, s. 74.

589. 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 election or referendum, is guilty of an offence.

1987, c. 57, s. 589.

590. Every person is guilty of an offence who,

(1) personally or through another person, induces or attempts to induce a person to become a candidate for an office on the council, to abstain from doing so or to withdraw his candidacy by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to become or becomes a candidate for an office on the council, agrees to abstain or abstains from doing so or agrees to withdraw or withdraws his candidacy.

1987, c. 57, s. 590.

591. Every person is guilty of an offence who,

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

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to abstain from voting or to vote for a candidate, abstains from voting or votes for a candidate, or incites a person to abstain from voting or to vote for a candidate.

Every gift made or promised during an election period within the meaning of Chapter XIII of Title I by a candidate or a person who subsequently becomes a candidate, or in his name or in his behalf, is deemed, to have been made in order to influence the vote of an elector.

The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food or beverages at a private assembly of electors held during an election to promote the election of a candidate ;

(2) to a person other than an official agent who, at his own expense, provides food or beverages at such an assembly; or

(3) to a person who accepts any food or beverages provided in accordance with paragraph 1 or 2.

1987, c. 57, s. 591; 1999, c. 25, s. 78; 1999, c. 40, s. 114.

592. Every person is guilty of an offence who,

(1) personally or through another person, in order to influence the opinion of a qualified voter as to the holding of a referendum poll, induces or attempts to induce a qualified voter to sign a referendum poll waiver notice or make an application demanding that a referendum poll be held, or incites him to abstain from doing so, by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to sign a referendum poll waiver notice or make an application demanding that a referendum poll be held, or abstain from doing so, signs such a notice or makes such an application, or abstains from doing so, or incites a person to sign such a notice or make such an application, or abstain from doing so.

Every gift made or promised, from the date of reference within the meaning of Title II to the end of the registration procedure provided for in Chapter IV of the said Title, by a person or in his name or in his behalf is deemed to have been made in order to influence the opinion of a person as to the holding of a referendum poll.

The first paragraph does not apply to a person who,

(1) at his own expense, provides food or beverages at a private assembly of qualified voters held to promote or oppose the holding of a referendum poll; or who,

(2) accepts any food or beverages provided in accordance with paragraph 1.

1987, c. 57, s. 592; 1999, c. 25, s. 79; 1999, c. 40, s. 114; 2009, c. 11, s. 75.

593. Every person is guilty of an offence who,

(1) personally or through another person, in order to influence the vote of a qualified voter at a referendum, obtains or attempts to obtain his vote in favour of an affirmative or negative answer to the referendum question or incites him to abstain from voting by promising or granting him any gift, loan, office, employment or other benefit or by the use of threats; or who,

(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to abstain from voting or to vote in favour of an affirmative or negative answer to the referendum question, abstains from voting or votes in favour of such an answer, or incites a person to abstain from voting or to vote in favour of such an answer.

Every gift made or promised, from the day on which the date of the referendum poll is fixed to the time scheduled for the close of the polling stations on polling day, by a person, or in his name or in his behalf is deemed to have been made in order to influence the vote of a qualified voter.

The first paragraph does not apply to a person who,

(1) at his own expense, provides food or beverages at a private assembly of qualified voters held to promote an affirmative or a negative answer to the referendum question ; or who,

(2) accepts any food or beverages provided in accordance with paragraph 1.

1987, c. 57, s. 593; 1999, c. 25, s. 80; 1999, c. 40, s. 114.

594. The following persons are guilty of an offence:

(1) an election officer who engages in partisan activity on a day on which the officer is to perform his or her duties;

(2) a person who performs duties under Chapter IV of Title II and who engages in partisan activity on a day on which the person is to perform his or her duties;

(3) an officer or employee who engages in partisan activity prohibited by section 284.

1987, c. 57, s. 594; 2005, c. 28, s. 105; 2016, c. 17, s. 92.

595. Every official agent or deputy of an official agent is guilty of an offence who

(1) incurs or authorizes election expenses that exceed the maximum he is permitted;

(2) files a report, return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information; or who

(3) pays a claim when the return of election expenses has already been filed with the treasurer.

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

1987, c. 57, s. 595; 1998, c. 52, s. 100; 2002, c. 37, s. 205.

595.0.1. Every financial representative or deputy financial representative of a party leadership candidate is guilty of an offence who

(1) files a return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information; or

(2) pays a claim otherwise than as permitted by sections 499.14 and 499.15.

2011, c. 38, s. 43.

595.1. Every candidate, party leader or interim leader who allows an election expense or party leadership campaign expense to be incurred or paid for otherwise than as permitted by Divisions V and VI.1 of Chapter XIII of Title I is guilty of an offence.

1998, c. 31, s. 90; 2011, c. 38, s. 44.

596. The following persons are guilty of an offence:

(1) every person, other than the official representative, who pays a claim or part of a claim arising from an election expense with the knowledge that the claim or part of the claim is contested by the official agent;

(2) every official representative who pays, otherwise than as provided for in section 473, a claim or part of a claim arising from an election expense with the knowledge that the claim or part of the claim is contested by the official agent.

1987, c. 57, s. 596.

597. Every official representative or delegate of an official representative who files a report, return, statement, invoice, receipt or other voucher that is incomplete or contains a false indication or false information is guilty of an offence.

1987, c. 57, s. 597; 2002, c. 37, s. 206.

598. Every auditor of an authorized party who produces a report with the knowledge that it is incomplete or contains a false indication or false information is guilty of an offence.

1987, c. 57, s. 598.

599. The following are guilty of an offence:

(1) every unauthorized party or candidate that allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the party or candidate;

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

(3) every party leadership candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted for the purposes of the candidate's leadership campaign without a written authorization from the candidate's financial representative;

(4) every person who solicits or collects contributions, incurs expenses or contracts a loan for a party leadership candidate without a written authorization from the candidate's financial representative.

1987, c. 57, s. 599; 2011, c. 38, s. 45.

600. Every person who accepts an appointment as official representative, delegate of an official representative, official agent, deputy of an official agent or auditor with the knowledge that he is disqualified from holding that position is guilty of an offence.

1987, c. 57, s. 600.

601. Every person is guilty of an offence who

(1) signs the writing accompanying an application for authorization of a party, as a member of the party seeking the authorization, with the knowledge that he is not an elector of the municipality mentioned in the application; or who

(2) affixes to the writing, as a supporting signature, a name other than his own.

1987, c. 57, s. 601; 2005, c. 28, s. 106.

602. Every person responsible for collecting signatures in support of an application for authorization of a party who allows a signature he knows to be that of a person who is not an elector of the municipality mentioned in the application, or of a person other than the person affixing it, to be affixed to the writing accompanying the application, is guilty of an offence.

1987, c. 57, s. 602; 2005, c. 28, s. 107.

603. Every person who makes a contribution to a person with the knowledge that he is not the official representative of an authorized party or independent candidate, or a person designated by the latter in writing to solicit and collect contributions, is guilty of an offence.

1987, c. 57, s. 603.

604. Every official agent who fails to pay, before filing his return of election expenses, every claim received in respect of such expenses within 60 days after polling day, except any claim he contests, is guilty of an offence.

1987, c. 57, s. 604.

605. Every treasurer is guilty of an offence who

(1) reimburses an authorized party or independent candidate for election expenses otherwise than in circumstances described in sections 474.1 or 475 and 476;

(2) reimburses an authorized party or independent candidate for election expenses before the return referred to in section 474.1 or the return of election expenses of the party or candidate has been filed with him;

(3) makes a reimbursement of the election expenses of an authorized party to a person other than the official representative of the party; or who

(4) makes a reimbursement of the election expenses of an authorized independent candidate without making it jointly to the candidate and to his official representative.

1987, c. 57, s. 605; 2016, c. 17, s. 100.

605.1. Every treasurer who pays an allowance to the authorized parties otherwise than in circumstances described in sections 449.1 and 449.2 is guilty of an offence.

2016, c. 17, s. 93.

606. Every official representative of an authorized party who fails to keep, for seven years after the filing of a financial report, the receipts issued for contributions collected as well as the invoices, evidences of payment and vouchers for the period covered by the report or who fails to remit the receipts and vouchers to the treasurer is guilty of an offence.

1987, c. 57, s. 606; 2010, c. 32, s. 20; 2016, c. 17, s. 94.

607. Every official representative of an authorized independent candidate is guilty of an offence who, after polling day, after the candidate withdraws or after the candidate is declared elected before the end of the polling period, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts contracted during the term of the independent candidate's authorization;

(2) disposes or allows a person to dispose, for purposes other than those listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such;

(3) incurs or allows a person to incur an additional expense other than an expense necessary for the payment of debts contracted during the term of the independent candidate's authorization or for the disposal, for purposes listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such; or who

(4) contracts or allows a person to contract a new loan other than a loan necessary for the payment of debts contracted during the term of the independent candidate's authorization or for the disposal, for purposes listed in section 498, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such.

1987, c. 57, s. 607; 1999, c. 25, s. 81; 2016, c. 17, s. 100.

608. Every person holding sums of money or assets of a party or of an independent candidate who fails to remit the money or the assets to the chief electoral officer within 10 days after he is notified of the withdrawal of authorization of the party or candidate is guilty of an offence.

1987, c. 57, s. 608.

609. The following are guilty of an offence :

(1) every party or independent candidate who fails to transmit to the chief electoral officer, within 60 days after the withdrawal of the party's or candidate's authorization, a document that must be transmitted pursuant to section 408 ;

(2) every party that fails to transmit to the chief electoral officer, within 60 days after it merges with another party, the financial report required under section 419.

1987, c. 57, s. 609; 2002, c. 37, s. 207.

610. The following persons are guilty of an offence:

(1) every official representative, delegate of an official representative or person designated by either to solicit and collect contributions, and every financial representative of a party leadership candidate or person authorized by the financial representative to solicit or collect contributions, who collects a contribution with the knowledge that

(a) the person making the contribution is not an elector of the municipality or is not an elector designated by the undivided co-owners of an immovable or the co-occupants of a business establishment, when such a designation is required;

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

- (b.1) the contribution is not being made voluntarily by the elector;
- (b.2) the elector is receiving compensation or consideration, or is being reimbursed;
- (c) the contribution is not being made at the elector's own expense;
- (d) the contribution causes the elector to exceed the maximum prescribed in section 431 or 499.7;
- (e) the goods or services furnished free of charge for political purposes are not being assessed in accordance with the third paragraph of section 427;
- (2) every person who makes a contribution contemplated in paragraph 1;
- (3) every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;
- (4) every elector who falsely declares that a contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way;
- (5) every elector who falsely declares that a loan is being granted or a suretyship contracted out of the elector's own property, voluntarily, without compensation and for no consideration, and that it will not be reimbursed in any way other than as stipulated in the deed of loan.

1987, c. 57, s. 610; 2010, c. 32, s. 21; 2011, c. 38, s. 46; 2016, c. 17, s. 100..

610.1. The following persons are guilty of an offence:

- (1) a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII of Title I do not apply and who collects a gift of money from a legal person, or collects a gift of money from a natural person that causes the maximum amount provided for in section 513.1.1 to be exceeded;
- (2) a person who makes a gift of money to a candidate or person described in paragraph 1;
- (3) a person who collects a gift referred to in paragraph 1 on behalf of a person referred to in that paragraph.

2009, c. 11, s. 76; 2010, c. 32, s. 22; 2013, c. 7, s. 10.

611. Every person who solicits or collects contributions or incurs expenses other than election expenses for an authorized party or independent candidate without being its or his official representative, his delegate or a person designated in writing for that purpose by either, is guilty of an offence.

1987, c. 57, s. 611.

612. Every official representative, delegate of an official representative or person designated by either to solicit and collect contributions is guilty of an offence who

- (1) collects contributions without issuing a receipt to the contributor;
- (2) collects a contribution of money of more than \$50 made otherwise than by credit card, cheque or other order of payment;
- (2.1) collects a contribution made by means of a credit card that is not made in accordance with the directives of the chief electoral officer;
- (2.2) *(paragraph repealed)*;

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

1987, c. 57, s. 612; 2001, c. 25, s. 104; 2010, c. 35, s. 28; 2016, c. 17, s. 100.

612.1. An elector who makes a contribution of more than \$50 that is not made in accordance with section 436 is guilty of an offence.

2013, c. 7, s. 11; 2016, c. 17, s. 100.

613. The following persons are guilty of an offence:

(1) every official representative who fails to deposit, in a Québec branch of a financial institution, the funds of his party or, as the case may be, the funds received by an independent candidate in his capacity as such;

(2) every person designated by the official representative or by his delegate to solicit and collect contributions who fails to remit any contribution he receives to the person who designated him;

(3) every delegate who fails to remit to the official representative any contribution he receives from a contributor or from a person designated by him to solicit and collect contributions.

1987, c. 57, s. 613.

614. Every person holding a contribution made contrary to Chapter XIII of Title I who fails to remit the amount of the contribution or the amount at which the contribution is evaluated to the treasurer immediately on becoming aware of the fact is guilty of an offence.

1987, c. 57, s. 614; 2009, c. 11, s. 77; 2016, c. 18, s. 50.

615. Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized party outside an election period or to the leader of an authorized party or to a candidate during an election period without offering such service equitably as to quality and quantity to the other authorized parties in the municipality, their leaders or the other candidates for the same office, as the case may be, is guilty of an offence.

For the purposes of the first paragraph, a co-candidate and the candidate with whom he is associated shall be counted as one candidate for the office of councillor.

1987, c. 57, s. 615; 1990, c. 20, s. 18.

616. Every official representative of an authorized party or independent candidate who fails to pay the accounts and invoices transmitted to him, within six months of receipt, is guilty of an offence, unless he contests them.

1987, c. 57, s. 616; 2002, c. 37, s. 208.

617. Every person who contracts a loan for an authorized party or independent candidate without being its or his official representative or grants a loan for an authorized party or independent candidate to a person with the knowledge that he is not its or his official representative is guilty of an offence.

1987, c. 57, s. 617.

618. Every official representative is guilty of an offence who

(0.1) contracts a loan with an elector in a manner that is not in accordance with section 446.1;

(1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 447;

(2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 447;

(2.1) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 447.1 in respect of the elector will be exceeded;

(3) fails to pay the yearly interest payable on the loans he has contracted; or who

(4) uses sums of money other than those collected in accordance with Chapter XIII of Title I to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 457 or which has been used by him or his delegate to pay election expenses pursuant to section 455.

Every elector is guilty of an offence who grants a loan in a manner that is not in accordance with section 446.1 or grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 447.1 will be exceeded.

1987, c. 57, s. 618; 1998, c. 31, s. 91; 2016, c. 17, s. 100..

619. The following persons are guilty of an offence:

(1) every official representative who pays into the election fund put at the disposal of the official agent sums of money other than those collected in accordance with Chapter XIII of Title I;

(2) every official representative or delegate of an official representative who uses, to pay an election expense contemplated in section 452, sums of money other than those collected in accordance with Chapter XIII of Title I.

1987, c. 57, s. 619.

620. Every official agent or deputy of an official agent who pays any election expenses otherwise than out of the election fund put at the disposal of the official agent is guilty of an offence.

1987, c. 57, s. 620.

621. The following persons are guilty of an offence:

(1) every official agent who fails to deposit the sums of money paid into the election fund put at his disposal in an account at a Québec branch of a financial institution;

(2) every official agent of an authorized party who fails to deposit the sums of money paid into the election fund put at his disposal in an account separate from the account of the official representative.

1987, c. 57, s. 621.

622. Every person is guilty of an offence who

(1) incurs or authorizes an election expense without being the official agent of an authorized party or independent candidate, his deputy or an advertising agency authorized in writing for that purpose by the official agent or, in the case of an election expense contemplated in section 452, without being the official representative of an authorized party or his delegate; or who

(2) uses, during the election period, goods or services all or part of the cost of which constitutes an election expense contemplated in section 452, without being the official agent of an authorized party, his deputy or a person authorized for that purpose by the official agent.

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

1987, c. 57, s. 622; 1998, c. 52, s. 101.

623. Every person is guilty of an offence who

(1) accepts or executes an order for election expenses that is not given or authorized by the official agent of an authorized party or independent candidate, or in his name by his deputy or the advertising agency authorized by him, where such is the case, or in the case of an election expense contemplated in section 452, by the official representative of an authorized party or his delegate;

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price that is different from the regular price for similar goods or services outside the election period; or who

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work contemplated in paragraph 1 of section 428.

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

1987, c. 57, s. 623; 1998, c. 52, s. 102; 2010, c. 32, s. 23.

624. The following persons are guilty of an offence:

(1) every printer, manufacturer, owner of a newspaper or other publication, radio or television broadcaster or other person using another medium or information technology who manufactures, prints or disseminates any advertising copy, object or material, advertisement or publicity relating to an election that does not contain the information required under section 463 or 463.1;

(2) every official agent, deputy official agent, private intervenor or representative of a private intervenor who allows the information required under section 463 or 463.1 to be omitted from any advertising copy, object or material, advertisement or publicity relating to an election.

1987, c. 57, s. 624; 1998, c. 52, s. 103; 2002, c. 37, s. 209; 2009, c. 11, s. 78.

624.1. Every person who contravenes any of sections 463.1, 512.1, 512.8 and 512.10 to 512.16 is guilty of an offence.

1998, c. 52, s. 104; 2009, c. 11, s. 79.

625. Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars contemplated in section 466 is guilty of an offence.

1987, c. 57, s. 625.

625.1. Every person is guilty of an offence who contravenes

(1) any of sections 499.1, 499.2 and 499.4, the third paragraph of section 499.7, section 499.10, either of sections 434 and 436 referred to in section 499.8 or any of sections 381, 387, 460, 461, 464 and 466 referred to in section 499.11; or

(2) any of sections 499.5, 499.6, 427 except the third paragraph, 428 except paragraph 6 and 440 referred to in section 499.8, or either of the first paragraph of section 455 and section 459 referred to in section 499.11.

2011, c. 38, s. 47; 2016, c. 17, s. 100.

626. Every official representative, official agent or financial representative of a leadership candidate, including one who has ceased prematurely to exercise such functions, who fails to file a report or return required under section 420, 479, 483.1, 484, 485, 487, 492, 496, 499.16, 499.17 or 499.19 or the documents required to be filed with such a report or return within the time prescribed in those sections, or who fails to file the receipts required under section 499.9 within the time prescribed in that section, is guilty of an offence.

1987, c. 57, s. 626; 2011, c. 38, s. 48; 2016, c. 17, s. 100.

626.0.1. Every official representative who fails to pay a claim made by the treasurer under section 474.2 within the time prescribed is guilty of an offence.

2016, c. 17, s. 100.

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

1998, c. 52, s. 105.

627. Every auditor who fails to transmit the report provided for in section 488 within the prescribed time is guilty of an offence.

1987, c. 57, s. 627.

628. Every deputy of an official agent, official representative of a party or financial representative of a party leadership candidate who fails to transmit a detailed account of the election expenses or party leadership campaign expenses he has incurred or authorized and the documents that must accompany it, within the time prescribed in section 455, is guilty of an offence.

1987, c. 57, s. 628; 2011, c. 38, s. 49.

628.1. Every person is guilty of an offence who does not transmit within the prescribed time

- (1) the list or return required under section 513.1; or
- (2) the declaration required under section 513.1.0.1.

1998, c. 31, s. 92; 2016, c. 17, s. 95.

629. Every advertising agency who fails to transmit a detailed account of the election expenses it has incurred or ordered and the documents that must accompany it, within the time prescribed by section 456, is guilty of an offence.

1987, c. 57, s. 629.

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

1987, c. 57, s. 630.

631. The following persons are guilty of an offence:

(1) every person who, illegally and without right, manufactures, counterfeits, removes, uses, destroys, gives, sells or issues any badge to be used by an election or referendum officer;

(2) *(paragraph repealed)*;

(3) every owner, administrator, operator, caretaker, custodian or person in charge of an immovable or a private seniors' residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) and every executive director of an institution referred to in the second paragraph of section 50 who limits, restricts or does not facilitate access to the immovable, residence or facilities of the institution by a mobile polling station or a person in charge of distributing a notice or document issued by the Chief Electoral Officer or the returning officer;

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

(5) *(paragraph repealed)*;

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

(7) every member of a board of revisors of the list of electors or referendum list who takes part in a decision to strike off the name of a person from the list or to refuse to enter a name on the list with the knowledge that one clear day's notice as prescribed in section 137 has not been given to him;

(7.1) every person who writes down or otherwise records information contained in a document produced by an elector pursuant to section 213.2, the third paragraph of section 215, the second paragraph of section 545 or section 545.1 or uses such information for commercial purposes or for profit;

(8) every person who, in contravention of section 659.1, 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 contained in a list of electors or referendum list or in a list of qualified voters entitled to have their names entered on a referendum list.

1987, c. 57, s. 631; 1995, c. 23, s. 72; 1997, c. 34, s. 43; 1999, c. 15, s. 42; 2009, c. 11, s. 80; 2011, c. 27, s. 38.

632. Every person is guilty of an offence who

(1) offers himself as a candidate for an office on the council with the knowledge that he is ineligible;

(1.1) offers himself as a candidate under a name that is not his own name, unless it is the name by which he is commonly known and the conditions described in section 155 are met;

(2) supports a nomination paper with the knowledge that he is not an elector of the municipality;

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

(4) while collecting signatures in support of a candidate, falsely declares that he knows the signatories, that they have signed in his presence or that they are electors of the municipality;

(5) collects supporting signatures without being the person who intends to become a candidate or the person designated by the latter for that purpose on the nomination paper;

(6) offers himself as a candidate for more than one office on the council at the same time, unless he does so in accordance with the second paragraph of section 146;

(7) presents himself as a candidate of an authorized party or recognized ticket with the knowledge that the document accompanying his nomination paper as a letter from the leader of the party or ticket is a forgery; or who

(8) being a returning officer, accepts a nomination paper which is incomplete or not accompanied with all the required documents;

(9) withdraws his candidacy and fails to return the copies of the list of electors obtained by him to the returning officer;

(10) being a party or ticket whose authorization or recognition is withdrawn, fails to return the copies of the list of electors obtained by it to the returning officer.

1987, c. 57, s. 632; 1990, c. 20, s. 19; 1995, c. 23, s. 73; 2002, c. 37, s. 210.

633. Every person is guilty of an offence who

(1) prints a false ballot paper, uses a ballot paper he knows to be false or purposely alters a ballot paper;

(2) alters or imitates the initials of the deputy returning officer;

(3) acts as the representative of a candidate or of the supporters of an affirmative or negative answer to the referendum question or as a poll runner with the knowledge that his power of attorney is false;

(4) purposely destroys a ballot paper used in the poll before the end of the period prescribed for contesting the election or quashing the by-law, resolution or ordinance that is the subject of the referendum;

(5) knowingly performs functions reserved to the election or referendum officers without being such an officer or functions reserved to the person in charge of the register or his assistant without being such person or assistant; or who

(6) purposely hinders the work of an election or referendum officer or of the person in charge of the register or his assistant.

1987, c. 57, s. 633.

634. The following persons are guilty of an offence:

(1) every deputy returning officer or the person in charge of the register or his assistant who admits a person to vote or to make his entries in the register, as the case may be, who refuses to make the oath required of him in accordance with this Act;

(2) every election or referendum officer or the person in charge of the register or his assistant who arrives late at the place where the polling station is situated or the register is kept in order to delay the opening of the poll or the registration procedure;

(3) every returning officer, clerk or secretary-treasurer who allows an election or referendum officer or the person in charge of the register or his assistant to perform his duties without having made the oath required of him in accordance with this Act;

(4) every former election or referendum officer who, after having ceased to hold office, fails to return, on request, the documents and the material related to those duties he has in his possession to the returning officer or, as the case may be, to the clerk or the secretary-treasurer.

1987, c. 57, s. 634.

635. The following persons are guilty of an offence:

(1) every employer or educational institution contravening any of the provisions of section 213 ;

(2) every employer who refuses to grant any employee the leave to which he is entitled under any of sections 347 to 349, refuses to allow him to have, during the leave, the benefits to which he is entitled under

section 352 or 353 or refuses to reinstate him at the expiry of the leave under the conditions to which he is entitled under section 354;

(3) every employer who, because of the leave, imposes on an employee any sanction prohibited by section 355;

(4) every person who uses his authority or his influence to incite a person to refuse to become an election or referendum officer or the person in charge of the register or his assistant or to abandon that position after having accepted it.

1987, c. 57, s. 635; 2002, c. 37, s. 211.

636. Every person who uses intimidation, threats or sanctions to incite an officer or employee to commit the offence contemplated in section 594 or to punish the officer or employee for refusing to commit it is guilty of an offence.

1987, c. 57, s. 636; 2002, c. 37, s. 212; 2016, c. 17, s. 96.

636.1. The following persons are guilty of an offence:

(1) every person who erects an election or referendum poster or billboard in contravention of any of the provisions of sections 285.2 to 285.5 or without complying with the conditions set out in the first paragraph of section 285.7 ;

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

1999, c. 25, s. 82; 2005, c. 28, s. 108.

636.2. Every person who contravenes a provision of this Act or of a regulation made under this Act is guilty of an offence, even if the contravention does not constitute an offence under any other provision of this chapter.

2002, c. 37, s. 213.

636.3. Every person who attempts to commit an act described in section 599, to the extent that it pertains to a contribution, or any of sections 603, 610, 614 and 619 to 622 or paragraph 2 of section 625.1 is guilty of an offence.

2010, c. 32, s. 24; 2011, c. 38, s. 50.

637. Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

Every person who incites or leads another person to commit an offence is guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offences.

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.

1987, c. 57, s. 637.

638. If the leader of a political party, another of its officers, its official representative, a delegate of its official representative, its official agent or a deputy of its official agent commits, allows or tolerates an offence under this Act, the political party is presumed to have committed the same offence.

The first paragraph applies, with the necessary modifications, to a ticket.

1987, c. 57, s. 638; 1990, c. 4, s. 409; 1995, c. 23, s. 74; 2010, c. 36, s. 8.

CHAPTER II

PENALTIES

639. Every person who is guilty of an offence described in any of sections 586 to 588, 631 to 634 and 636.1 is liable,

(1) for a first offence, to a fine of not less than \$500 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$6,000;

(2) for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$4,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$12,000.

1987, c. 57, s. 639; 1990, c. 4, s. 410; 1998, c. 31, s. 93; 1999, c. 25, s. 83; 2002, c. 37, s. 214.

639.1. Every person who is guilty of an offence described in section 588.1 is liable to a fine of not less than \$1,000 nor more than \$10,000.

2001, c. 25, s. 105.

640. Every person who is guilty of an offence described in section 594, paragraph 1 of section 596 or section 598 is liable to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$25,000.

1987, c. 57, s. 640; 1990, c. 4, s. 411; 2010, c. 32, s. 25; 2011, c. 38, s. 51.

640.0.1. Every person who is guilty of an offence described in any of sections 595 to 595.1, paragraph 2 of section 596 or section 597 is liable to a fine of not less than \$5,000 nor more than \$20,000.

2011, c. 38, s. 52.

640.1. Every person who is guilty of an offence described in any of sections 600 to 602 and 604 to 606 is liable,

(1) for a first offence, to a fine of not less than \$500 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$6,000;

(2) for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$4,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$12,000.

1998, c. 31, s. 94; 2010, c. 32, s. 26.

641. Every person who commits an offence under section 599, to the extent that it pertains to an expense or a loan, or any of sections 603, 607 to 609, 611 to 613, 615 to 618 and 623 to 625 and paragraph 1 of section 625.1 is liable to a fine of not less than \$500 nor more than \$10,000.

1987, c. 57, s. 641; 1990, c. 4, s. 411; 1998, c. 31, s. 95; 2002, c. 37, s. 215; 2009, c. 11, s. 81; 2010, c. 32, s. 27; 2011, c. 38, s. 53; 2013, c. 7, s. 12.

641.1. Every person who commits an offence under any of sections 589 to 593, 599 to the extent that it pertains to a contribution, 610, 610.1, 614, 619 to 622, paragraph 2 of section 625.1 and section 636.3 is liable,

(1) for a first offence, to a fine of not less than \$5,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$50,000;

(2) for any subsequent conviction within 10 years, to a fine of not less than \$10,000 nor more than \$30,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$50,000 nor more than \$200,000.

If a person is convicted of an offence for contravening or attempting to contravene any of paragraphs 2, 3 and 4 of section 610 or paragraph 2 of section 610.1, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

2010, c. 32, s. 28; 2011, c. 38, s. 54.

641.2. *(Repealed).*

2010, c. 32, s. 28; 2013, c. 7, s. 13; 2013, c. 16, s. 99; 2015, c. 6, s. 35.

641.3. *(Repealed).*

2010, c. 32, s. 28; 2015, c. 6, s. 35.

641.4. *(Repealed).*

2010, c. 32, s. 28; 2015, c. 6, s. 35.

641.5. *(Repealed).*

2010, c. 32, s. 28; 2015, c. 6, s. 35.

642. Every person who is guilty of an offence described in any of sections 626 to 629 is liable to a fine of not more than \$50 for each day of delay.

1987, c. 57, s. 642; 1990, c. 4, s. 411; 1998, c. 31, s. 96; 2016, c. 17, s. 100.

643. Every person who is guilty of an offence described in section 630 is liable to a fine of not less than \$50 nor more than \$500 for each sitting which he attends without right.

1987, c. 57, s. 643; 1990, c. 4, s. 411.

643.1. Every person who is guilty of an offence described in section 635 is liable,

(1) for a first offence, to a fine of not less than \$100 nor more than \$1,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3,000 ;

(2) for any subsequent conviction, to a fine of not less than \$200 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6,000.

2002, c. 37, s. 216.

644. Every person who is guilty of an offence described in section 636 is liable to a fine of not less than \$50 nor more than \$5,000.

1987, c. 57, s. 644; 1990, c. 4, s. 411.

644.1. Every person who is guilty of an offence described in section 636.2 is liable to a fine of not more than \$500.

2002, c. 37, s. 217.

CHAPTER III

CORRUPT ELECTORAL PRACTICES

645. An offence under any of sections 586 to 588, 589 to 593, paragraphs 1 and 2 of section 594, sections 595 to 598, paragraphs 2, 3, 4 and 5 of section 610, paragraph 2 of section 610.1, and section 636.3 to the extent that it is an offence described in any of paragraphs 2, 3, 4 and 5 of section 610, is a corrupt electoral practice.

Notwithstanding the foregoing, in the case of an offence described in subparagraph 1 of the first paragraph of section 595, the judge may rule that the alleged offence is not a corrupt electoral practice if

(1) the election expenses exceed the maximum amount allowed either with the permission of the treasurer granted pursuant to section 473 or following a court decision on the contestation of a claim;

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

1987, c. 57, s. 645; 1998, c. 52, s. 106; 2009, c. 11, s. 82; 2010, c. 32, s. 29; 2016, c. 17, s. 97.

645.1. A person found guilty of an offence that is a corrupt electoral practice loses the right to engage in partisan work for a period of five years from the judgment.

2016, c. 17, s. 98.

CHAPTER IV

PROCEEDINGS

646. *(Repealed).*

1987, c. 57, s. 646; 1990, c. 4, s. 412.

647. The chief electoral officer may institute proceedings for any offence described in this Title. However, proceedings may not be instituted for an offence described in section 630 unless the loss of the right to attend a sitting mentioned in that section results from the application of Chapter XIII of Title I.

Section 18 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D 9.1.1) does not apply to the Chief Electoral Officer.

1987, c. 57, s. 647; 1992, c. 61, s. 279; 1999, c. 25, s. 84; 2010, c. 36, s. 9.

648. Penal proceedings for an offence referred to in section 647 are prescribed seven years after the date the offence was committed. However, proceedings relating to an offence under any of sections 586 to 588 and 589 to 594 are prescribed 10 years after the date the offence was committed.

1987, c. 57, s. 648; 1992, c. 61, s. 280; 2010, c. 35, s. 29; 2016, c. 17, s. 99.

648.1. The Chief Electoral Officer shall transmit to the Associate Commissioners for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1) who exercise the function described in paragraph 1.1 of section 10 of that Act the information relating to any penal proceeding brought under this Title and any resulting finding of guilty for an offence listed in Schedule I to the Act respecting contracting by public bodies (chapter C-65.1).

The Chief Electoral Officer shall also transmit to the Autorité des marchés publics, in the manner determined in an agreement, the information required under subparagraphs 1 to 3 and 5 of the first paragraph

of section 21.7 of the Act respecting contracting by public bodies concerning findings of guilty for offences described in this Title and listed in Schedule I to that Act.

2015, c. 6, s. 36; 2017, c. 27, s. 195.

TITLE V

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROVISIONS

649. The clerk or the secretary-treasurer shall, after an election, transmit to the Minister of Municipal Affairs, Regions and Land Occupancy and to the chief electoral officer a statement naming the persons who form the council of the municipality and, if any are available, giving the statistics relating to the election.

The clerk or the secretary-treasurer shall notify the same persons of any change occurring in the composition of the council after the election of the mayor by the councillors or after the decision of the council not to fill a vacancy in the office of a councillor.

1987, c. 57, s. 649; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

650. No warrant of arrest may be executed against an election or referendum officer on polling day.

1987, c. 57, s. 650.

651. Disqualification from office or from voting resulting from a judgment of guilty or from such a judgment and a sentence of imprisonment is lifted where the person contemplated in the judgment obtains a pardon.

1987, c. 57, s. 651.

652. No act performed by a council, committee, commission or body during a sitting attended by a member while he is disqualified from holding office or not entitled to attend the sitting is invalidated by reason only that the member attends the sitting.

1987, c. 57, s. 652.

653. An oath required by this Act may be made before the mayor or the clerk or the secretary-treasurer of the municipality, an election or referendum officer, a person responsible for the register contemplated in Chapter IV of Title II or any other person authorized by law to administer oaths.

A person referred to in the preceding paragraph shall, upon request and free of charge, administer the oath and issue a certificate attesting that the oath was made.

1987, c. 57, s. 653.

654. *(Repealed).*

1987, c. 57, s. 654; 1988, c. 19, s. 268.

655. Every person who is required to sign his name on a document and who is unable to do so shall affix his mark in the presence of a witness who shall affix his signature.

1987, c. 57, s. 655.

656. The inobservance of a formality prescribed in this Act does not invalidate an act, unless the inobservance causes a serious prejudice or unless the effect of the inobservance is provided by law, and particularly, if it is prescribed that the formality must be complied with under penalty of absolute nullity or rejection of the act.

1987, c. 57, s. 656; 1999, c. 40, s. 114.

657. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor may any injunction be granted against the chief electoral officer, any of his officers or a person mentioned in section 580, acting in the performance of his duties.

A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to the first paragraph.

1987, c. 57, s. 657; 2014, c. 1, s. 781; I.N. 2016-01-01 (NCCP).

658. No person who is required or authorized under this Act to perform an act is liable for any damage caused by his act or omission in accordance with this Act or resulting from an error made in good faith and due to reasonable cause.

1987, c. 57, s. 658.

658.1. The clerk or the secretary-treasurer shall keep every document referred to in Chapter VI of Title I or in any of Chapters III to VI of Title II that relates to election or referendum proceedings for a period of one year following the end of the proceedings.

2002, c. 37, s. 218.

659. Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). Despite section 9 of that Act, there is no right of access to the documents required to be filed under Division VI of Chapter XIII of Title I before the date on which the time or period prescribed for their filing expires. Documents filed after that date may be accessed from the date they are filed.

Notwithstanding the first paragraph, the list of the members of an authorized party and any personal information appearing on a list of electors or referendum list, a list of the qualified voters entitled to have their names entered on a referendum list, on an application made before a board of revisors, or on receipts for contributions of \$50 or less to an authorized party, an authorized independent candidate or a leadership candidate of an authorized party and not required to appear in a financial report, return of leadership campaign income and expenses or complementary return, as applicable, is not public information.

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

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

1987, c. 57, s. 659; 1995, c. 23, s. 75; 1997, c. 34, s. 44; 2009, c. 11, s. 83; 2010, c. 35, s. 30; 2011, c. 5, s. 33; 2011, c. 38, s. 55; 2016, c. 17, s. 100.

659.1. No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act, or communicate or allow to be communicated to a person not legally entitled thereto, any information contained in a list of electors or referendum list or in a list of qualified voters entitled to have their names entered on a referendum list.

However, a municipality may, in the exercise of its powers, use information contained in a list referred to in the first paragraph provided that it takes adequate steps to ensure the confidentiality of personal information.

1995, c. 23, s. 76; 2006, c. 22, s. 177.

659.2. A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must

- (1) describe the new methods of voting;
- (2) mention the provisions of this Act it amends or replaces; and

(3) specify that it applies to a poll held to elect a warden in the territory of the municipality if the territory is comprised in that of the regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).

The agreement has the effect of law.

1996, c. 77, s. 53; 1997, c. 93, s. 113; 1999, c. 43, s. 13; 2001, c. 25, s. 106; 2003, c. 19, s. 250; 2005, c. 28, s. 109; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Regions and Land Occupancy and the Chief Electoral Officer.

1996, c. 77, s. 53; 1997, c. 93, s. 114; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

659.4. If a regulation made under section 582.1 is in force, a municipality may provide that a person entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may, on request, exercise the right to vote by mail in accordance with the regulation.

The resolution of the municipality must be passed not later than 1 July of the calendar year in which a general election is to be held or, in the case of a by-election, not later than the fifteenth day after the day on which the council is informed of the polling date. In the case of a referendum poll, the resolution must be made during the sitting of the council during which the polling date is to be set. The same rules apply to a resolution passed to annul a previous resolution.

The clerk or secretary-treasurer shall send an authenticated copy of a resolution referred to in the second paragraph to the Minister of Municipal Affairs, Regions and Land Occupancy and to the chief electoral officer as soon as possible after the resolution is passed.

Until the resolution of the municipality is rescinded, it is valid for the purposes of any subsequent poll.

Voting by mail applies for the purposes of a poll to elect a warden in the territory of the municipality if the territory is comprised in that of the regional county municipality whose warden is elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).

Section 659.2 does not apply to voting by mail.

2008, c. 18, s. 76; 2009, c. 26, s. 109.

CHAPTER II

LEGISLATIVE AMENDMENTS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

660. *(Amendment integrated into c. A-2.1, Schedule A).*

1987, c. 57, s. 660.

ACT RESPECTING MUNICIPAL CONTRIBUTION TO RAILWAY CROSSING PROTECTION

661. *(Amendment integrated into c. A-15, s. 2).*

1987, c. 57, s. 661.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

662. *(Inoperative, 1987, c. 102, s. 6).*

1987, c. 57, s. 662.

663. *(Amendment integrated into c. A-19.1, s. 51).*

1987, c. 57, s. 663.

664. *(Amendment integrated into c. A-19.1, s. 53).*

1987, c. 57, s. 664.

665. *(Amendment integrated into c. A-19.1, s. 57).*

1987, c. 57, s. 665.

666. *(Amendment integrated into c. A-19.1, s. 79).*

1987, c. 57, s. 666.

667. *(Amendment integrated into c. A-19.1, s. 80).*

1987, c. 57, s. 667.

668. *(Amendment integrated into c. A-19.1, s. 102).*

1987, c. 57, s. 668.

669. *(Amendment integrated into c. A-19.1, s. 103).*

1987, c. 57, s. 669.

670. *(Amendment integrated into c. A-19.1, s. 106).*

1987, c. 57, s. 670.

671. *(Amendment integrated into c. A-19.1, s. 108).*

1987, c. 57, s. 671.

672. *(Amendment integrated into c. A-19.1, s. 113).*

1987, c. 57, s. 672.

673. *(Amendment integrated into c. A-19.1, s. 123).*

1987, c. 57, s. 673.

674. *(Amendment integrated into c. A-19.1, ss. 131-145).*

1987, c. 57, s. 674.

675. *(Amendment integrated into c. A-19.1, ss. 179, 180).*

1987, c. 57, s. 675.

676. *(Amendment integrated into c. A-19.1, s. 182).*

1987, c. 57, s. 676.

677. *(Amendment integrated into c. A-19.1, s. 235).*

1987, c. 57, s. 677.

678. *(Amendment integrated into c. A-19.1, s. 240).*

1987, c. 57, s. 678.

679. *(Amendment integrated into c. A-19.1, s. 264).*

1987, c. 57, s. 679.

680. *(Amendment integrated into c. A-19.1, s. 264.0.1).*

1987, c. 57, s. 680.

681. *(Amendment integrated into c. A-19.1, s. 264.1).*

1987, c. 57, s. 681.

682. *(Amendment integrated into c. A-19.1, s. 264.2).*

1987, c. 57, s. 682.

CITIES AND TOWNS ACT

683. *(Amendment integrated into c. C-19, s. 1).*

1987, c. 57, s. 683.

684. *(Amendment integrated into c. C-19, s. 2).*

1987, c. 57, s. 684.

685. *(Amendment integrated into c. C-19, s. 6).*

1987, c. 57, s. 685.

686. *(Amendment integrated into c. C-19, s. 8).*

1987, c. 57, s. 686.

687. *(Amendment integrated into c. C-19, s. 16).*

1987, c. 57, s. 687.

688. *(Amendment integrated into c. C-19, s. 17).*

1987, c. 57, s. 688.

689. *(Amendment integrated into c. C-19, s. 18).*

1987, c. 57, s. 689.

690. *(Amendment integrated into c. C-19, s. 20).*

1987, c. 57, s. 690.

691. *(Amendment integrated into c. C-19, s. 21).*

1987, c. 57, s. 691.

692. *(Omitted).*

1987, c. 57, s. 692.

693. *(Amendment integrated into c. C-19, s. 36).*

1987, c. 57, s. 693.

694. *(Amendment integrated into c. C-19, ss. 38, 39).*

1987, c. 57, s. 694.

695. *(Amendment integrated into c. C-19, s. 40).*

1987, c. 57, s. 695.

696. *(Omitted).*

1987, c. 57, s. 696.

697. *(Amendment integrated into c. C-19, s. 42).*

1987, c. 57, s. 697.

698. *(Amendment integrated into c. C-19, s. 42.1).*

1987, c. 57, s. 698.

699. *(Amendment integrated into c. C-19, s. 43).*

1987, c. 57, s. 699.

700. *(Amendment integrated into c. C-19, s. 44).*

1987, c. 57, s. 700.

701. *(Omitted).*

1987, c. 57, s. 701.

702. *(Omitted).*

1987, c. 57, s. 702.

703. *(Omitted).*

1987, c. 57, s. 703.

704. *(Amendment integrated into c. C-19, heading of Division V).*

1987, c. 57, s. 704.

705. *(Omitted).*

1987, c. 57, s. 705.

706. *(Amendment integrated into c. C-19, s. 116).*

1987, c. 57, s. 706.

707. *(Omitted).*

1987, c. 57, s. 707.

708. *(Omitted).*

1987, c. 57, s. 708.

709. *(Amendment integrated into c. C-19, s. 328).*

1987, c. 57, s. 709.

710. *(Omitted).*

1987, c. 57, s. 710.

711. *(Omitted).*

1987, c. 57, s. 711.

712. *(Omitted).*

1987, c. 57, s. 712.

713. *(Amendment integrated into c. C-19, s. 397).*

1987, c. 57, s. 713.

714. *(Omitted).*

1987, c. 57, s. 714.

715. *(Amendment integrated into c. C-19, s. 408).*

1987, c. 57, s. 715.

716. *(Amendment integrated into c. C-19, s. 444).*

1987, c. 57, s. 716.

717. *(Amendment integrated into c. C-19, s. 458.7).*

1987, c. 57, s. 717.

718. *(Amendment integrated into c. C-19, s. 466).*

1987, c. 57, s. 718.

719. *(Amendment integrated into c. C-19, s. 468.21).*

1987, c. 57, s. 719.

720. *(Omitted).*

1987, c. 57, s. 720.

721. *(Amendment integrated into c. C-19, s. 468.23).*

1987, c. 57, s. 721.

722. *(Amendment integrated into c. C-19, s. 468.39).*

1987, c. 57, s. 722.

723. *(Amendment integrated into c. C-19, ss. 556, 557).*

1987, c. 57, s. 723.

724. *(Amendment integrated into c. C-19, ss. 561-561.3).*

1987, c. 57, s. 724.

725. *(Amendment integrated into c. C-19, s. 562).*

1987, c. 57, s. 725.

726. *(Amendment integrated into c. C-19, s. 568).*

1987, c. 57, s. 726.

727. *(Amendment integrated into c. C-19, s. 569).*

1987, c. 57, s. 727.

728. *(Amendment integrated into c. C-19, s. 573).*

1987, c. 57, s. 728.

729. *(Omitted).*

1987, c. 57, s. 729.

CODE OF CIVIL PROCEDURE

730. *(Amendment integrated into c. C-25, a. 841).*

1987, c. 57, s. 730.

MUNICIPAL CODE OF QUÉBEC

731. *(Amendment integrated into c. C-27.1, a. 34).*

1987, c. 57, s. 731.

732. *(Amendment integrated into c. C-27.1, a. 47).*

1987, c. 57, s. 732.

733. *(Amendment integrated into c. C-27.1, aa. 56, 57).*

1987, c. 57, s. 733.

734. *(Amendment integrated into c. C-27.1, a. 58).*

1987, c. 57, s. 734.

735. *(Omitted).*

1987, c. 57, s. 735.

736. *(Amendment integrated into c. C-27.1, a. 60).*

1987, c. 57, s. 736.

737. *(Amendment integrated into c. C-27.1, a. 60.1).*

1987, c. 57, s. 737.

738. *(Amendment integrated into c. C-27.1, a. 61).*

1987, c. 57, s. 738.

739. *(Omitted).*

1987, c. 57, s. 739.

740. *(Amendment integrated into c. C-27.1, a. 143).*

1987, c. 57, s. 740.

741. *(Amendment integrated into c. C-27.1, a. 159).*

1987, c. 57, s. 741.

742. *(Omitted).*

1987, c. 57, s. 742.

743. *(Amendment integrated into c. C-27.1, a. 164).*

1987, c. 57, s. 743.

744. *(Amendment integrated into c. C-27.1, a. 167).*

1987, c. 57, s. 744.

745. *(Amendment integrated into c. C-27.1, Title VI).*

1987, c. 57, s. 745.

746. *(Omitted).*

1987, c. 57, s. 746.

747. *(Amendment integrated into c. C-27.1, a. 269).*

1987, c. 57, s. 747.

748. *(Omitted).*

1987, c. 57, s. 748.

749. *(Omitted).*

1987, c. 57, s. 749.

750. *(Omitted).*

1987, c. 57, s. 750.

751. *(Omitted).*

1987, c. 57, s. 751.

752. *(Omitted).*

1987, c. 57, s. 752.

753. *(Amendment integrated into c. C-27.1, heading of Section V of Chapter I of Title XIV).*

1987, c. 57, s. 753.

754. *(Amendment integrated into c. C-27.1, a. 486).*

1987, c. 57, s. 754.

755. *(Amendment integrated into c. C-27.1, a. 557).*

1987, c. 57, s. 755.

756. *(Amendment integrated into c. C-27.1, a. 590).*

1987, c. 57, s. 756.

757. *(Omitted).*

1987, c. 57, s. 757.

758. *(Amendment integrated into c. C-27.1, a. 592).*

1987, c. 57, s. 758.

759. *(Amendment integrated into c. C-27.1, a. 608).*

1987, c. 57, s. 759.

760. *(Amendment integrated into c. C-27.1, a. 627).*

1987, c. 57, s. 760.

761. *(Amendment integrated into c. C-27.1, a. 640).*

1987, c. 57, s. 761.

762. *(Amendment integrated into c. C-27.1, a. 690).*

1987, c. 57, s. 762.

763. *(Amendment integrated into c. C-27.1, a. 935).*

1987, c. 57, s. 763.

764. *(Amendment integrated into c. C-27.1, aa. 1061, 1062).*

1987, c. 57, s. 764.

765. *(Amendment integrated into c. C-27.1, a. 1071.1).*

1987, c. 57, s. 765.

766. *(Omitted).*

1987, c. 57, s. 766.

767. *(Amendment integrated into c. C-27.1, a. 1075).*

1987, c. 57, s. 767.

768. *(Amendment integrated into c. C-27.1, a. 1082).*

1987, c. 57, s. 768.

769. *(Amendment integrated into c. C-27.1, aa. 1084-1084.3).*

1987, c. 57, s. 769.

770. *(Amendment integrated into c. C-27.1, a. 1094).*

1987, c. 57, s. 770.

771. *(Amendment integrated into c. C-27.1, form 4.1).*

1987, c. 57, s. 771.

772. *(Omitted).*

1987, c. 57, s. 772.

ACT RESPECTING THE COMMISSION MUNICIPALE

773. *(Amendment integrated into c. C-35, s. 22).*

1987, c. 57, s. 773.

774. *(Amendment integrated into c. C-35, s. 54).*

1987, c. 57, s. 774.

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

775. *(Amendment integrated into c. C-37.1, s. 11).*

1987, c. 57, s. 775.

776. *(Amendment integrated into c. C-37.1, s. 35).*

1987, c. 57, s. 776.

777. *(Amendment integrated into c. C-37.1, s. 63.3).*

1987, c. 57, s. 777.

778. *(Omitted).*

1987, c. 57, s. 778.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

779. *(Amendment integrated into c. C-37.2, ss. 12.1-12.11).*

1987, c. 57, s. 779.

780. *(Amendment integrated into c. C-37.2, s. 54).*

1987, c. 57, s. 780.

781. *(Amendment integrated into c. C-37.2, s. 82.4).*

1987, c. 57, s. 781.

782. *(Amendment integrated into c. C-37.2, s. 101.1).*

1987, c. 57, s. 782.

783. *(Amendment integrated into c. C-37.2, s. 255).*

1987, c. 57, s. 783.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

784. *(Amendment integrated into c. C-37.3, ss. 6.3.1-6.3.11).*

1987, c. 57, s. 784.

785. *(Amendment integrated into c. C-37.3, s. 40).*

1987, c. 57, s. 785.

786. *(Amendment integrated into c. C-37.3, s. 69.3).*

1987, c. 57, s. 786.

787. *(Amendment integrated into c. C-37.3, s. 182).*

1987, c. 57, s. 787.

788. *(Amendment integrated into c. C-37.3, s. 234).*

1987, c. 57, s. 788.

MUNICIPAL FRANCHISES ACT

789. *(Amendment integrated into c. C-49, s. 1).*

1987, c. 57, s. 789.

790. *(Amendment integrated into c. C-49, s. 2).*

1987, c. 57, s. 790.

791. *(Omitted).*

1987, c. 57, s. 791.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

792. *(Amendment integrated into c. C-70, s. 14).*

1987, c. 57, s. 792.

793. *(Omitted).*

1987, c. 57, s. 793.

ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

794. *(Amendment integrated into c. D-7, s. 45).*

1987, c. 57, s. 794.

ACT RESPECTING ELECTIONS IN CERTAIN MUNICIPALITIES

795. *(Omitted).*

1987, c. 57, s. 795.

ELECTION ACT

796. *(Amendment integrated into c. E-3.2, s. 483).*

1987, c. 57, s. 796.

PUBLIC OFFICERS ACT

797. *(Amendment integrated into c. E-6, s. 9).*

1987, c. 57, s. 797.

798. *(Inoperative, 1988, c. 84, s. 592).*

1987, c. 57, s. 798.

ACT RESPECTING MUNICIPAL TAXATION

799. *(Omitted).*

1987, c. 57, s. 799.

ACT RESPECTING MUNICIPAL BRIBERY AND CORRUPTION

800. *(Omitted).*

1987, c. 57, s. 800.

EDUCATION ACT

801. *(Amendment integrated into c. I-14, s. 80).*

1987, c. 57, s. 801.

802. *(Amendment integrated into c. I-14, s. 194).*

1987, c. 57, s. 802.

803. *(Amendment integrated into c. I-14, s. 500).*

1987, c. 57, s. 803.

ELECTRICITY MUNICIPALIZATION ACT

804. *(Amendment integrated into c. M-38, s. 4).*

1987, c. 57, s. 804.

805. *(Amendment integrated into c. M-38, s. 14).*

1987, c. 57, s. 805.

ACT TO PROMOTE THE REGROUPING OF MUNICIPALITIES

806. *(Amendment integrated into c. R-19, s. 5).*

1987, c. 57, s. 806.

807. *(Amendment integrated into c. R-19, s. 6).*

1987, c. 57, s. 807.

808. *(Amendment integrated into c. R-19, s. 7).*

1987, c. 57, s. 808.

809. *(Amendment integrated into c. R-19, s. 9).*

1987, c. 57, s. 809.

810. *(Amendment integrated into c. R-19, s. 12).*

1987, c. 57, s. 810.

811. *(Amendment integrated into c. R-19, s. 13).*

1987, c. 57, s. 811.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

812. *(Amendment integrated into c. S-18.2.1, s. 44).*

1987, c. 57, s. 812.

MUNICIPAL WORKS ACT

813. *(Amendment integrated into c. T-14, s. 6).*

1987, c. 57, s. 813.

ACT RESPECTING SALES OF MUNICIPAL PUBLIC UTILITIES

814. *(Amendment integrated into c. V-4, s. 1).*

1987, c. 57, s. 814.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

815. *(Amendment integrated into c. V-6.1, s. 22.1).*

1987, c. 57, s. 815.

816. *(Amendment integrated into c. V-6.1, s. 204).*

1987, c. 57, s. 816.

817. *(Amendment integrated into c. V-6.1, s. 246.1).*

1987, c. 57, s. 817.

818. *(Amendment integrated into c. V-6.1, s. 358).*

1987, c. 57, s. 818.

819. *(Amendment integrated into c. V-6.1, s. 408).*

1987, c. 57, s. 819.

MINING TOWNS ACT

820. *(Omitted).*

1987, c. 57, s. 820.

821. *(Amendment integrated into c. V-7, s. 10).*

1987, c. 57, s. 821.

822. *(Omitted).*

1987, c. 57, s. 822.

823. *(Omitted).*

1987, c. 57, s. 823.

824. *(Omitted).*

1987, c. 57, s. 824.

825. *(Omitted).*

1987, c. 57, s. 825.

826. *(Omitted).*

1987, c. 57, s. 826.

827. *(Omitted).*

1987, c. 57, s. 827.

828. *(Omitted).*

1987, c. 57, s. 828.

829. *(Omitted).*

1987, c. 57, s. 829.

830. *(Omitted).*

1987, c. 57, s. 830.

831. *(Omitted).*

1987, c. 57, s. 831.

832. *(Omitted).*

1987, c. 57, s. 832.

833. *(Omitted).*

1987, c. 57, s. 833.

834. *(Omitted).*

1987, c. 57, s. 834.

835. *(Omitted).*

1987, c. 57, s. 835.

836. *(Omitted).*

1987, c. 57, s. 836.

837. *(Omitted).*

1987, c. 57, s. 837.

838. *(Omitted).*

1987, c. 57, s. 838.

839. *(Omitted).*

1987, c. 57, s. 839.

840. *(Omitted).*

1987, c. 57, s. 840.

841. *(Omitted).*

1987, c. 57, s. 841.

842. *(Omitted).*

1987, c. 57, s. 842.

843. *(Omitted).*

1987, c. 57, s. 843.

844. *(Omitted).*

1987, c. 57, s. 844.

845. *(Omitted).*

1987, c. 57, s. 845.

846. *(Omitted).*

1987, c. 57, s. 846.

847. *(Omitted).*

1987, c. 57, s. 847.

848. *(Omitted).*

1987, c. 57, s. 848.

849. *(Omitted).*

1987, c. 57, s. 849.

850. *(Omitted).*

1987, c. 57, s. 850.

851. *(Omitted).*

1987, c. 57, s. 851.

852. *(Omitted).*

1987, c. 57, s. 852.

853. *(Omitted).*

1987, c. 57, s. 853.

854. *(Omitted).*

1987, c. 57, s. 854.

855. *(Omitted).*

1987, c. 57, s. 855.

856. *(Omitted).*

1987, c. 57, s. 856.

857. *(Omitted).*

1987, c. 57, s. 857.

858. *(Omitted).*

1987, c. 57, s. 858.

859. *(Omitted).*

1987, c. 57, s. 859.

AMENDMENTS TO PARTICULAR CHARTERS

860. The legislative provisions listed in the Schedule I are repealed to the extent indicated therein.

1987, c. 57, s. 860; 2010, c. 27, s. 41.

IMPLIED AMENDMENTS

861. Every provision, in force on 31 December 1987, of a general law, special Act, letters patent, proclamation, order, order in council, ordinance, regulation, by-law or resolution shall be inoperative to the extent that it is inconsistent with this Act.

1987, c. 57, s. 861.

862. Any provision of the charter of a municipality which on 31 December 1987 is inoperative pursuant to the second or fourth paragraph of section 2 of the Cities and Towns Act (chapter C-19) remains inoperative notwithstanding the replacement or striking out of that paragraph by section 684 of this Act, even if the provision is not inconsistent with this Act.

1987, c. 57, s. 862.

863. Any provision of a general law or special Act providing that a by-law, resolution or order of a municipality must be submitted for approval to the qualified voters of that municipality or of another municipality is considered to refer to Title II of this Act.

The qualified voters at the referendum are those determined under Title II of this Act, even if the provision contemplated in the first paragraph refers to them as “electors”, “municipal electors”, “elector-proprietors” or “proprietors” or other similar expressions.

1987, c. 57, s. 863; 1999, c. 40, s. 114.

864. If the provision contemplated in the first paragraph of section 863 provides that the consultation of the qualified voters may or must be preceded by an application from a certain number of them, only those entitled to have their names entered on the referendum list shall be considered and the provisions of this Act which concern the manner in which the rights of a legal person may be exercised, the manner in which qualified voters entitled to have their names entered on the referendum list and the applications demanding that a referendum poll be held are counted, apply, adapted as required, to an application contemplated in this paragraph.

If the required number of such applications is reached, a referendum poll shall be held without registration procedure.

For the purposes of this section, the date of reference used to determine who are the qualified voters is the date on which the person for whom they are intended receives the required number of applications.

1987, c. 57, s. 864.

865. Every reference in any general law or special Act to a provision replaced or repealed by this Act is a reference to the corresponding provision of this Act, if any.

1987, c. 57, s. 865.

CHAPTER III

TRANSITIONAL PROVISIONS

866. Every member of the council of a municipality in office on 31 December 1987 shall remain in office until his term ends in accordance with this Act.

1987, c. 57, s. 866.

867. Every municipality governed by the Municipal Code of Québec (chapter C-27.1) in which all the offices held by council members are not, according to the provisions applicable on 23 June 1987 simultaneously open for nomination at fixed-date elections and in which the council has not passed, to that date, a by-law provided for in articles 289 and 291 of the said Code or, as the case may be, in which such a by-law has not, to that date, received the approval of the Minister of Municipal Affairs, Regions and Land Occupancy may, by a by-law of its council requiring the approval of the Minister, order that an election be held every second year for one half of the offices held by councillors and every four years for the office of mayor, so as to allow each office to be open for nominations every four years.

The by-law shall be passed and transmitted to the Minister not later than 30 September 1987. If approved by the Minister, it must, in order to have effect, come into force not later than on 31 December 1987.

The secretary-treasurer shall transmit to the Minister, as soon as practicable, a certified copy of the public notice by which the by-law is published and, where it is not included in the notice, a certified copy of the certificate of publication of the notice.

1987, c. 57, s. 867; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

868. All the offices of member of the council of the municipality in which the by-law passed under section 867 is in force on 31 December 1987 shall be open for nominations at the regular election contemplated in section 869.

One half of the offices held by councillors shall again be open for nominations at a regular election to be held two years later. Those offices shall be determined by means of a drawing of lots carried out by the secretary-treasurer at a sitting of the council held during the six-month period preceding the publication of the notice of election.

The other half of the offices held by councillors and the office of mayor shall be open for nominations at a regular election to be held two years after the election provided for in the second paragraph.

Subsequently, a regular election shall be held every second year. The alternation of offices open for nominations, introduced by the second and third paragraphs, shall continue for such regular elections until the first general election held after the repeal of the by-law passed under section 867.

1987, c. 57, s. 868.

869. The day fixed as polling day for the first regular election which must be held in accordance with this Act in a municipality is the first Sunday of November of the calendar year in which the next fixed-date election for all the offices of member of the council or, as the case may be, for the office of mayor is to be held under the Act governing the municipality in that respect on 31 December 1987.

If necessary, the term of any member of the council in office on 31 December 1987 shall be extended or reduced to comply with the first paragraph, subject to a premature ending of his term under this Act and subject to section 869.1.

If the periodicity of elections observed by the municipality on 31 December 1987 and that provided for by the Act governing the municipality in that respect at that date do not coincide, the calendar year referred to in the first paragraph is the year in which, according to the periodicity observed by the municipality, the next fixed-date election for all the offices of member of the council or, as the case may be, for the office of mayor is to be held.

1987, c. 57, s. 869; 1987, c. 100, s. 1.

869.1. If, in a municipality in which an office of councillor must, pursuant to the Act governing it in that respect on 31 December 1987, be open for nominations after that date at a fixed-date election in a calendar year prior to that contemplated in section 869, an election for that office shall be held in that prior year.

The election is a regular election within the meaning of this Act and, except for sections 2 and 3, it applies to it. The date of the poll is that prescribed by the legislative or regulatory provision applicable to the municipality on 31 December 1987; if that date is not the first Sunday or Monday of November, sections 341 and 344 apply as if it were a by-election.

If the periodicity of elections observed by the municipality on 31 December 1987 and that provided for by the Act governing the municipality in that respect at that date do not coincide, the calendar year in which the

election for the office of councillor is to be held is the year determined according to the periodicity observed by the municipality.

1987, c. 100, s. 2.

870. The division of the territory of a municipality for election purposes and the composition of its council, as they stand on 31 December 1987, remain unchanged until they are changed in accordance with this Act.

1987, c. 57, s. 870.

871. Section 44 applies only from the election referred to in section 869 to a municipality whose territory, on 31 December 1987, is not divided for election purposes and whose council consists, on that date, of less than six offices of councillor.

1987, c. 57, s. 871.

872. Sections 62 and 63 and paragraph 3 of section 300 do not apply to any person who, on 31 December 1987 legally holds, at the same time, the office of member of the council of a municipality and an office referred to in the said provisions, until that plurality ceases.

Plurality does not cease at the expiry of the person's term in one office if that term is renewed.

1987, c. 57, s. 872.

873. Paragraphs 1 and 2 of section 300 do not apply during the current term of a member of the council of a municipality in office on 31 December 1987 unless, pursuant to the legislative provisions then applicable he was not eligible when he was elected or he subsequently ceased to be eligible under those provisions.

1987, c. 57, s. 873.

874. The second and third paragraphs of section 318 do not apply to a member of the council in office on 31 December 1987 whose term of office, pursuant to those paragraphs, should have ended before 1 January 1988.

His term of office shall end on the day on which the judgment declaring him disqualified becomes a *res judicata*, unless his term ended at an earlier date for another reason.

1987, c. 57, s. 874.

875. No ground for disqualification which ceases to exist by reason of the coming into force of this Act may be invoked to have a person declared disqualified for office as a member of the council of the municipality, unless the judicial proceedings for that purpose are brought before 1 January 1988.

1987, c. 57, s. 875.

876. Until the list of electors of a municipality governed by the Municipal Code of Québec (chapter C-27.1) is prepared, the schedule to its valuation roll shall be in lieu of that list.

1987, c. 57, s. 876.

877. Until the list of electors prepared under this Act comes into force, the list of electors or the schedule to the valuation roll used at the last election is deemed to be the list in force of the municipality or, as the case may be, of the electoral district or ward.

1987, c. 57, s. 877.

878. Until a tariff established under section 580 comes into force, the tariff established by the Minister of Municipal Affairs, Regions and Land Occupancy under section 303 of the Cities and Towns Act (chapter C-

19) and in force on 31 December 1987, adapted as required, applies to the elections and referendums held under this Act.

1987, c. 57, s. 878; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

879. *(Repealed).*

1987, c. 57, s. 879; 2001, c. 25, s. 107.

880. Until a tariff established under section 584 comes into force, the tariff established by the Government under section 482 of the Election Act (chapter E-3.2), or the section replaced by it, and in force on 31 December 1987 applies to a recount of votes carried out in accordance with this Act, except where inconsistent therewith.

1987, c. 57, s. 880.

881. The Government, the Minister of Municipal Affairs, Regions and Land Occupancy, the chief electoral officer, any municipality or any person may perform any act contemplated in this Act after 23 June 1987 but before 1 January 1988, including making or publishing an order, regulation, by-law, resolution or ordinance, in order to give effect to the provisions of this Act as soon as practicable after the latter date.

No act referred to in the first paragraph may become binding before 1 January 1988.

1987, c. 57, s. 881; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

882. Proceedings brought before 31 December 1987 in accordance with any provision amended, replaced or repealed by this Act may be continued in accordance with that provision as it stood on that date where it cannot be continued in accordance with this Act, in particular by reason of the time limits fixed by this Act or any other Act.

The first paragraph does not apply to proceedings referred to in section 12 or 13 of the Interpretation Act (chapter I-16).

Any vacancy in the office of a member of the council occurring before 1 January 1988 shall be filled in accordance with the provisions in force on 31 December 1987.

1987, c. 57, s. 882.

883. All the orders, orders in council, letters patent, proclamations, regulations, by-laws, resolutions and ordinances in force on 31 December 1987 and issued or made under a provision replaced or repealed by this Act remain in force until the date fixed for the cessation of their effect, until their object is achieved or until they are replaced or repealed by this Act. Where such is the case, they are deemed to have been issued or made under the corresponding provision of this Act.

Notwithstanding the foregoing, they are without effect if their object is to fix the hours of the poll, fix the term of the members of the council, order that the poll be held at several places or that the vote be taken by voice vote or, except for the purposes of section 869.1, fix the first Monday of November as the date of the poll at a regular election.

1987, c. 57, s. 883; 1987, c. 100, s. 3.

884. Every act performed before 1 January 1988 under any provision replaced or repealed by this Act retains its effects if it is still relevant. Where such is the case, it is deemed to have been performed under the corresponding provision of this Act.

1987, c. 57, s. 884.

885. Every person in office on 31 December 1987 and appointed under a provision replaced or repealed by this Act shall remain in office until the expiry of the period for which he was appointed or until he is replaced or otherwise ceases to hold office according to law. Where such is the case, the person is deemed to have been appointed under the corresponding provision of this Act.

Nothing in the first paragraph shall prevent a person from continuing to hold office notwithstanding the expiry of the period for which he was appointed, until he is replaced or re-appointed, if the law so provides.

1987, c. 57, s. 885.

CHAPTER IV

FINAL PROVISIONS

886. Not later than 30 September each calendar year, the chief electoral officer and the Commission de la représentation shall make a report on their respective activities under this Act for their preceding fiscal year to the President of the National Assembly.

The report shall be tabled in the National Assembly within 30 days of its receipt if the Assembly is in session or, if it is not sitting, within 30 days of the opening of the next session or of resumption.

1987, c. 57, s. 886; 2002, c. 37, s. 219.

887. The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act.

1987, c. 57, s. 887; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

888. Sections 38, 106 to 109, 139 and 166 and the first paragraph of section 564 apply notwithstanding the second paragraph of section 11 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Sections 261 and 579 apply notwithstanding section 9 of the said Act.

The third and fourth paragraphs of section 659 apply notwithstanding the provisions of the said Act to which those paragraphs refer and notwithstanding section 71 of the said Act.

1987, c. 57, s. 888; 1997, c. 34, s. 45.

889. *(Omitted).*

1987, c. 57, s. 889.

SCHEDULE I**LEGISLATIVE PROVISIONS REPEALED UNDER SECTION 860**

Municipality	Title of the Act	Provisions repealed
<hr/>		
1. Acton-Vale	An Act to incorporate the town of Acton Vale (1908, chapter 102)	Sections 6 to 13
2. Arthabaska	An Act to incorporate the town of Arthabaska (1903, chapter 70)	Sections 6, 7, 14 to 16, 18 and 20
3. Asbestos	An Act to amend the charter of the town of Asbestos (1941, chapter 79)	Section 1
	An Act to amend the charter of the town of Asbestos and respecting certain municipal and school corporations of the county of Richmond (1953-54, chapter 91)	Section 1
	An Act to amend the charter of the town of Asbestos (1959-60, chapter 132)	Sections 1 and 2
4. Aylmer	Charter of the city of Lucerne (1974, chapter 88, section 23)	Section 8
5. Baie-d'Urfé	An Act to consolidate the charter of the town of Baie d'Urfée (1953-54, chapter 111)	Sections 7 to 24, 33 and 34
6. Barkmere	An Act to incorporate the Town of Barkmere (1926, chapter 80)	Sections 5 to 16
7. Beaconsfield	An Act to consolidate the charter of the town of Beaconsfield (1953-54, chapter 109)	Sections 7 to 16, 18 to 25 and 37
	An Act to amend the	Sections 4 to 10

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

	charter of the town of Beaconsfield (1957-58, chapter 89)	
8. Beauharnois	An Act to revise the charter of the town of Beauharnois and to incorporate its territory into a city municipality (1948, chapter 69)	The second paragraph of section 9 replaced by section 5 of chapter 90 of the statutes of 1956-57
9. Beauport	Charter of the city of Beauport (1975, chapter 91, section 1)	Section 8
10. Bedford	An Act to incorporate the town of Bedford (1890, 1st session, chapter 77)	Section 5 replaced by section 4 of chapter 106 of the statutes of 1919 Section 7 replaced by section 5 of chapter 106 of the statutes of 1919 and by section 3 of chapter 100 of the statutes of 1952-53
11. Belleterre	An Act to incorporate the town of Belleterre (1942, chapter 89)	Sections 5, 6, 9 to 15 and 23 to 25
12. Beloeil	An Act to incorporate the town of Beloeil (1913-14, chapter 92)	Section 6 amended by section 1 of chapter 141 of the statutes of 1959-60 Sections 7 to 12 An Act to amend the charter of the town of Beloeil (1950-51, chapter 98)
13. Berthierville	An Act respecting the town of Berthier and to ratify an agreement between the school commissioners for the municipality of Berthierville and for that of Berthier parish (1942, chapter 88)	Section 3

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

14. Black-Lake	An Act to incorporate the town of Black Lake (1908, chapter 101)	Sections 8, 9, 11 and 12
15. Bromptonville	An Act to incorporate the town of Bromptonville (1903, chapter 72)	Sections 9 and 10 replaced by sections 1 and 2 of chapter 148 of the statutes of 1959-60 Section 11 amended by section 4 of chapter 148 of the statutes of 1959-60
	An Act to amend the charter of the town of Bromptonville (1959-60, chapter 148)	Sections 3 and 5
16. Cadillac	An Act respecting the incorporation of the town of Cadillac (1948, chapter 78)	Sections 10 to 13, 15 and 16
17. Candiac	An Act to incorporate the town of Candiac (1956-57, chapter 124)	Sections 5, 6 and 8 to 19
18. Cap-de-la-Madeleine	An Act to incorporate the town of Cap de la Madeleine (1917-18, chapter 97)	Section 8 replaced by section 5 of chapter 100 of the statutes of 1922 (2nd session)
	An Act to amend the charter of the town of Cap de la Madeleine (1922, 2nd session, chapter 100)	Section 4 Section 7 replaced by section 5 of chapter 58 of the statutes of 1948
		Sections 11 and 13 to 15
	An Act respecting the city of Cap de la Madeleine (1944, chapter 57)	Section 1
	An Act respecting the city of Cap-de-la-	Sections 7 to 10

	Madeleine (1948, chapter 58)	
19. Chandler	An Act to incorporate the town of Chandler and to grant to the school commissioners for the municipality of Chandler the right to impose an education tax (1957-58, chapter 105)	Section 12
20. Charlesbourg	Charter of the city of Charlesbourg (1975, chapter 91, section 2)	Section 9
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	The words "composed of the mayor and ten councillors" in paragraph a of section 46 replaced for the city of Charlesbourg by section 2 of chapter 87 of the statutes of 1977
21. Châteauguay	An Act respecting the town of Châteauguay-Centre and the town of Châteauguay (1975, chapter 98)	Section 7
22. Chicoutimi	An Act respecting certain municipalities of the Outaouais and Haut-Saguenay (1974, chapter 88)	Section 6a enacted by section 1 of chapter 81 of the statutes of 1977
23. Coaticook	An Act respecting the town of Coaticook (1940, chapter 99)	Sections 4 to 11 and 15 to 29
	An Act respecting the town of Coaticook (1946, chapter 70)	Sections 5 and 6
	An Act respecting the town of Coaticook (1950-51, chapter 90)	Sections 5 to 16 and 30
	An Act respecting the town of Coaticook	Sections 3, 4 and 6 to 11

	(1957-58, chapter 86)	
24. Cookshire	An Act to amend the charter of The corporation of the town of Cookshire (1958-59, chapter 104)	Sections 3 and 4
25. Côte-Saint-Luc	An Act to incorporate the town of Côte St. Luc (1951-52, chapter 98)	Sections 8 and 11 to 21
	An Act to amend the charter of the town of Côte Saint-Luc (1955-56, chapter 109)	Section 4
26. Cowansville	An Act to grant a charter and certain special powers to the town of Cowansville (1959-60, chapter 139)	Sections 8 to 12
27. Danville	An Act to amend the charter of the town of Danville (1959-60, chapter 155)	Sections 3 to 5
28. Deauville	An Act to erect the village of "Petit Lac Magog" into a municipality (1916, 2nd session, chapter 86)	Sections 7 and 8
	An Act to amend the charter of The Municipality of the Village of Petit Lac Magog (1945, chapter 96)	Sections 3 to 7
	An Act to amend various legislative provisions respecting municipalities (1982, chapter 2)	Section 120
29. Delson	An Act to incorporate as a town the municipality of the village of Delson and to annex thereto certain portions of territory and also to annex a certain portion	Sections 12 and 13

	of territory to The school board of Delson (1956-57, chapter 121)	
	Cities and Towns Act (Revised Statutes, 1941, chapter 233)	The second paragraph of section 30 replaced for the town of Delson by section 15 of chapter 121 of the statutes of 1956-57
30. Dolbeau	An Act to incorporate the town of Dolbeau (1927, chapter 87)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Dolbeau (1956-57, chapter 108)	Sections 1 to 3
31. Dorion	An Act respecting Dorion Village and to erect it as a town under the name of "The Town of Dorion" (1916, 1st session, chapter 59)	Sections 8 and 11
32. Dorval	An Act to consolidate the charter of the town of Dorval (1950, chapter 120)	Sections 8 to 21
	An Act to amend the charter of the town of Dorval (1953-54, chapter 97)	Section 2
33. Duparquet	An Act to incorporate the town of Duparquet (1933, chapter 136)	Sections 5 to 7, 9 to 11 and 14
34. East-Angus	An Act to incorporate the town of East-Angus (1912, 1st session, chapter 72)	Section 8 Section 9 replaced by section 1 of chapter 102 of the statutes of 1919-20
	An Act to amend the charter of the town of East-Angus (1952-53,	Section 4

	chapter 95)	
35. Estérel	An Act to incorporate the town of Estérel (1958-59, chapter 107)	Sections 6 and 9
36. Farnham	An Act to consolidate and amend the charter of Farnham (1956-57, chapter 93)	Sections 10 to 12 and 18
37. Fossambault-sur-le-Lac	An Act respecting the town of Fossambault-sur-le-Lac (1975, chapter 102)	Sections 1 to 4
38. Gagnon	An Act to incorporate the town of Gagnon, The Catholic school commission of the town of Gagnon and the Protestant board of school trustees of the town of Gagnon (1959-60, chapter 161)	Sections 5 and 8 to 10 Section 11 replaced by section 1 of chapter 96 of the statutes of 1964 Sections 18a and 18b enacted by section 2 of chapter 96 of the statutes of 1964 Section 19
39. Gatineau	Charter of the city of Gatineau (1974, chapter 88, section 18)	Section 9
40. Granby	An Act respecting the village of Granby and to erect it as a city under the name of the City of Granby (1916, 2nd session, chapter 70)	Section 10 replaced by section 8 of chapter 98 of the statutes of 1925 and by section 1 of chapter 75 of the statutes of 1951-52 Section 15 replaced by section 2 of chapter 75 of the statutes of 1951-52

		Sections 16 to 22
		Sections 29, 30 and 32
		Section 33 replaced by section 9 of chapter 98 of the statutes of 1925
	An Act to amend The Granby City Charter (1925, chapter 98)	Section 10
	An Act to amend the charter of the city of Granby (1951-52, chapter 75)	Section 5
	An Act to amend the charter of the city of Granby (1955-56, chapter 79)	Sections 7 to 9 and 17
41. Grand-Mère	An Act to amend the charter of the city of Grand'Mère (1955-56, chapter 87)	Section 2
42. Greenfield- Park	An Act to incorporate the town of Greenfield Park (1911, chapter 68)	Section 6 replaced by section 2 of chapter 104 of the statutes of 1953-54
		Sections 8 and 12
	An Act to amend the charter of the town of Greenfield Park (1953-54, chapter 104)	Sections 4, 5 and 7 to 14
	An Act to amend the charter of the town of Greenfield Park (1958-59, chapter 87)	Sections 6 to 9
43. Hampstead	An Act to amend the charter of the town of Hampstead (1958-59, chapter 88)	Sections 3 and 6 to 9
44. Hull	Cities and Towns Act (Revised Statutes,	The words "composed of the

	1964, chapter 193)	<p>mayor and eight councillors, one for each ward described in subsection 2" in paragraph a of subsection 1 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975</p> <p>Subsection 2 of section 46 replaced for the city of Hull by section 4 of chapter 94 of the statutes of 1975</p>
45. Huntingdon	<p>An Act to amend the Cities and Towns Act respecting the town of Huntingdon (1957-58, chapter 98)</p> <p>Cities and Towns Act (Revised Statutes, 1964, chapter 193)</p>	<p>Sections 2, 5 and 6</p> <p>Last paragraph of section 30 replaced for the town of Huntingdon by section 1 of chapter 98 of the statutes of 1957-58</p>
46. Iberville	<p>An Act to consolidate the charter of the town of Iberville (1907, chapter 72)</p>	<p>Sections 13, 16 and 17</p> <p>Sections 17a and 17b enacted by section 1 of chapter 63 of the statutes of 1943</p> <p>Section 18 replaced by section 2 of chapter 63 of the statutes of 1943</p> <p>Sections 18a to 18d enacted</p>

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

		by section 3 of chapter 63 of the statutes of 1943
		Sections 19 to 21
47. Île-Cadieux	An Act to incorporate the Town of Ile Cadieux (1922, 1st session, chapter 115)	Sections 5 to 12 and 14 to 19
48. Île-Dorval	An Act to incorporate the town of Dorval Island (1915, chapter 106)	Sections 3, 4 and 8 to 16
49. Île-Perrot	An Act to erect as a town corporation the municipality of Ile Perrot (1954-55, chapter 96)	Sections 9 and 12 to 24
50. Joliette	An Act to amend the charter of the city of Joliette and to annex new territories to the school municipality of the town of Joliette (1946, chapter 63)	Section 8
51. Jonquière	Charter of the city of Jonquière (1974, chapter 88, section 1)	Section 7
52. Kirkland	An Act to incorporate as a town under the name of Kirkland the municipality of the parish of Saint-Joachim de la Pointe-Claire (1960-61, chapter 131)	Sections 12 to 16
53. Lac Delage	An Act to incorporate the town of Lac Delage (1958-59, chapter 109)	Section 8
54. Lac-des- Seize-Îles	An Act to incorporate the municipality of Sixteen-Island Lake (1913-14, chapter 98)	Sections 3, 8 and 9
55. Lachine	An Act to consolidate and amend the charter of the town of Lachine and to incorporate it	Section 11 replaced by section 11 of chapter 57

as a city (1909,
chapter 86)

of the statutes
of 1912 (2nd
session), by
section 1 of
chapter 79 of
the statutes of
1913-14, by
section 2 of
chapter 126 of
the statutes of
1930-31, by
section 3 of
chapter 120 of
the statutes of
1935 and by
section 1 of
chapter 61 of
the statutes of
1946

Section 13

Sections 19 and
21 replaced by
sections 10 and
11 of chapter 78
of the statutes
of 1945

Section 23
replaced by
section 5 of
chapter 120 of
the statutes of
1935, by section
1 of chapter 108
of the statutes
of 1937, by
section 1 of
chapter 80 of the
statutes of 1942
and by section 2
of chapter 61 of
the statutes of
1946

Sections 24 to 26
replaced by
sections 3 to 5
of chapter 80 of
the statutes of
1942

Sections 27 to 29

Section 32
replaced by

	section 1 of chapter 116 of the statutes of 1921
An Act to amend the charter of the city of Lachine (1912, 1st session, chapter 61)	Section 4
An Act to amend the charter of the city of Lachine (1913-14, chapter 79)	Section 21 and form I
An Act to amend the charter of the city of Lachine (1915, chapter 96)	Section 1 Section 2 replaced by section 6 of chapter 80 of the statutes of 1942
An Act to amend the charter of the city of Lachine (1916, 2nd session, chapter 69)	Sections 3 to 5
An Act to amend the charter of the city of Lachine (1930-31, chapter 126)	Section 3
An Act to amend the charter of the city of Lachine (1935, chapter 120)	Sections 4 and 6
An Act to amend the charter of the city of Lachine (1937, chapter 108)	Section 8
An Act to amend the charter of the city of Lachine (1945, chapter 78)	Section 10 replaced by section 3 of chapter 72 of the statutes of 1951-52
	Section 12
	Section 13 replaced by section 5 of chapter 72 of the statutes of

		1951-52
	An Act to amend the charter of the city of Lachine (1949, chapter 82)	Sections 6, 16 and 17
	An Act to amend the charter of the city of Lachine (1951-52, chapter 72)	Section 1
	An Act to amend the charter of the city of Lachine (1953-54, chapter 71)	Sections 1, 4 to 6 and 9 Section 11 replaced by section 7 of chapter 56 of the statutes of 1958-59
	An Act to amend the charter of the city of Lachine (1956-57, chapter 76)	Sections 8 to 10
	An Act to amend the charter of the city of Lachine (1957-58, chapter 58)	Section 1
	An Act to amend the charter of the city of Lachine (1958-59, chapter 56)	Section 1
56. Lac-Mégantic	An Act to amend the charter of the town of Mégantic (1957-58, chapter 84)	Section 2
	An Act to amend the charter of the town of Lac Mégantic (1965, 1st session, chapter 102)	Section 4
57. Lac-Paré	An Act to erect the municipality of the parish of Lac Paré (1949, chapter 105)	Sections 3, 6 to 9, 13 and 14
58. Lac-Poulin	An Act to erect The municipality of the village of Lac Poulin (1958-59, chapter 119)	Sections 8 to 14

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

59. Lac-Saint-Joseph	An Act to incorporate the town of Lake St. Joseph (1936, 1st session, chapter 13)	Sections 7 to 15 and 19
	An Act to amend the Act to incorporate the town of Lake St. Joseph (1973, chapter 86)	Section 1
60. Lac-Sergent	An Act to incorporate the town of Lac Sergent (1921, chapter 128)	Sections 5 to 18
61. Lac-Tremblant-Nord	An Act to incorporate the municipality of Lac Tremblant Nord (1915, chapter 112)	Sections 3, 4, 7 and 8
62. La Malbaie	An Act to increase the powers of the corporation of the village of Malbaie (1905, chapter 50)	Section 1
63. La Pocatière	An Act respecting the town of La Pocatière (1966-67, chapter 114)	Section 1
64. La Prairie	An Act to incorporate the town of La Prairie (1909, chapter 92)	Sections 9 and 12
	An Act to amend the charter of the town of La Prairie (1958-59, chapter 86)	Section 3
65. La Salle	An Act to incorporate the town of Lasalle (1912, 1st session, chapter 73)	Section 8
	An Act to amend the charter of the town of Lasalle (1916, 2nd session, chapter 75)	Section 5
66. L'Assomption	An Act to incorporate the town of L'Assomption (1957-58, chapter 95)	Sections 12 to 15 and 17 to 21
67. La Tuque	An Act to incorporate the town of La Tuque (1911, chapter 69)	Section 12

	An Act to amend the charter of the town of La Tuque (1913-14, chapter 86)	Sections 4 to 16
	An Act to amend the charter of the town of La Tuque (1922, 2nd session, chapter 99)	Section 2
	An Act to amend the charter of the town of La Tuque (1955-56, chapter 94)	Section 7
68. Laval	Charter of the City of Laval (1965, 1st session, chapter 89)	Sections 8, 11, 14, 20 to 23 and 28 and Schedule two replaced by section 29 of chapter 96 of the statutes of 1968
	An Act to amend the charter of the City of Laval (1966-67, chapter 91)	Section 5
	An Act to amend the charter of the city of Laval (1968, chapter 96)	Sections 2, 3 and 5 to 18
	An Act to amend the charter of the City of Laval (1969, chapter 93)	Section 1
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	Sections 56 and 57 replaced for the city of Laval by section 13 of chapter 89 of the statutes of 1965 (1st session)
69. Lebel-sur-Quévillon	An Act to incorporate the town and the school municipality of Lebel-sur-Quévillon (1965, 1st session, chapter 108)	Sections 5 and 9
	An Act respecting the Town of Lebel-sur-Quévillon (1968,	Section 1

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

	chapter 108)	
70. Lemoyne	An Act to incorporate the town of Lemoyne (1949, chapter 100)	Section 5 Section 6 replaced by section 1 of chapter 100 of the statutes of 1953-54 Section 11
	An Act to amend the charter of the town of LeMoyne (1953-54, chapter 100)	Sections 2, 3 and 5 to 13
71. Lennoxville	An Act to incorporate the town of Lennoxville (1919-20, chapter 107)	Sections 8 to 15
72. Léry	An Act to incorporate the town of DeLéry (1913-14, chapter 90)	Sections 8 and 12 to 18
73. Lévis	An Act to consolidate the charter of the city of Lévis (1956-57, chapter 84)	Section 16
74. Lorraine	An Act to incorporate the town of Lorraine (1959-60, chapter 162)	Sections 5, 8 and 17
75. Louiseville	An Act to amend the charter of the town of Louiseville (1957-58, chapter 92)	Section 2
76. Macamic	An Act to incorporate as a town the village of Macamic (1954-55, chapter 95)	Sections 5 and 11
77. Malartic	An Act to incorporate the town of Malartic (1939, chapter 124)	Sections 5 and 9 Section 11 replaced by section 2 of chapter 118 of the statutes of 1950 Sections 12 and 13

		Section 15 replaced by section 3 of chapter 118 of the statutes of 1950
		Sections 17, 32 and 33
		Section 33a enacted by section 4 of chapter 118 of the statutes of 1950
	An Act to amend the charter of the town of Malartic (1950, chapter 118)	Section 1
78. Maple-Grove	An Act to incorporate the town of Maple Grove (1917-18, chapter 94)	Section 8
79. Marieville	An Act to incorporate the town of Marieville (1905, chapter 47)	The second paragraph of section 6
		The words “, and the deposit required from candidates for the election to the office of alderman shall be twenty-five dollars, instead of fifty dollars” in section 10
80. Matagami	An Act to amend the charter of the town of Matagami (1981, chapter 48)	Section 1
81. Métis- sur-Mer	An Act to incorporate the village of Little Metis (1896-97, chapter 70)	Section 8
	An Act to amend the charter of the village of Little Metis (1921, chapter 135)	Sections 5 to 8

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

82. Mirabel	An Act respecting the vicinity of the new international airport (1970, chapter 48)	The second sentence of the first paragraph and the second paragraph of section 5
83. Mont-Joli	An Act to incorporate the town of Mont-Joli (1945, chapter 91)	Sections 10 and 11 Section 11a enacted by section 1 of chapter 93 of the statutes of 1950-51 Section 12
	An Act respecting the town of Mont-Joli (1953-54, chapter 98)	Section 1
84. Montréal-Est	An Act to consolidate the charter of the town of Montreal East (1934, chapter 100)	Sections 8 and 9
85. Montréal-Nord	An Act to incorporate the parish of Sault-au-Recollet, under the name of the town of Montreal North (1915, chapter 108)	Sections 3, 7 and 8 Section 9 replaced by section 1 of chapter 95 of the statutes of 1917-18
	An Act respecting the corporation of the town of Montreal North (1919, chapter 109)	Section 14
	An Act to amend the charter of the town of Montreal-North (1958-59, chapter 78)	Section 2
86. Montréal-Ouest	An Act to revise and consolidate the charter of the town of Montreal West (1911, chapter 65)	Sections 10 and 12 replaced by sections 1 and 3 of chapter 97 of the statutes of 1919-20 Sections 14 to 18

	An Act to amend the charter of the town of Montreal West (1919-20, chapter 97)	Sections 4 and 6 to 21
87. Mont-Royal	An Act to incorporate Mount Royal as a town (1912, 2nd session, chapter 72)	Section 4 replaced by section 4 of chapter 64 of the statutes of 1944
		Section 5 replaced by section 1 of chapter 102 of the statutes of 1915
	An Act to confirm the extinguishment of certain restrictions, servitudes and charges, and to amend the charter of the town of Mount Royal (1944, chapter 64)	Sections 3 and 5
	An Act to confirm the extinguishment of certain restrictions, to amend certain by-laws of the town of Mount Royal and to amend the charter of the town of Mount Royal (1952-53, chapter 83)	Section 3
	An Act respecting the town of Mount Royal (1953-54, chapter 88)	Sections 2 and 3 to 7
	An Act to amend the charter of the town of Mount Royal (1957-58, chapter 74)	Sections 1 to 3 Paragraphs a and b of section 4
88. Nicolet	An Act to revise and consolidate the charter of the town of Nicolet (1910, chapter 57)	Sections 11 to 13
		Section 14 replaced by section 1 of chapter 96 of the statutes of 1958-59
		Sections 15 and

		16
89. Notre-Dame-de-la-Merci	An Act respecting the municipality of Notre-Dame-de-la-Merci (1980, chapter 54)	The third paragraph of section 6 Section 7
90. Notre-Dame-de-l'Île-Perrot	An Act respecting The parish of Notre-Dame-de-l'Île-Perrot (1958-59, chapter 123)	Section 9
91. Outremont	An Act to amend and consolidate the charter of the town of Outremont, and to incorporate it into a city (1915, chapter 93)	Sections 8, 11 to 15 and 23 Section 24 replaced by section 1 of chapter 92 of the statutes of 1923-24 and by section 1 of chapter 108 of the statutes of 1960-61 Sections 25 to 32
	An Act to amend the charter of the city of Outremont (1953-54, chapter 69)	Sections 1 and 2
	An Act to amend the charter of the city of Outremont (1959-60, chapter 112)	Sections 1 and 5
	An Act to amend the charter of the city of Outremont (1960-61, chapter 108)	Sections 2 and 3
	An Act respecting the city of Outremont (1962, chapter 69)	Section 3
92. Percé	Charter of the City of Percé (1970, chapter 77)	The second sentence of the first paragraph and the second paragraph of section 5
93. Petite-Rivière-	An Act respecting the parish municipality	Paragraph c of section 6

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

Saint-François	of Saint-François-Xavier-de-la-Petite-Rivière (1977, chapter 97)	Section 7
94. Pierrefonds	An Act to incorporate the town of Pierrefonds (1958-59, chapter 110)	Sections 12 to 14, 16 and 25 to 30
	An Act to amend the charter of the town of Pierrefonds and of the town of Dollard des Ormeaux (1960-61, chapter 132)	Section 6
95. Pincourt	An Act to incorporate as a town the village of Pincourt (1959-60, chapter 168)	Sections 9 to 13
96. Pointe-Calumet	An Act respecting the municipality of the village of Pointe Calumet (1952-53, chapter 110)	Sections 6 to 8, 10 and 11
97. Pointe-Claire	An Act to incorporate the town of Pointe Claire (1911, chapter 71)	Section 8 replaced by section 1 of chapter 79 of the statutes of 1916 (2nd session)
	An Act to amend the charter of the town of Pointe Claire (1916, 2nd session, chapter 79)	Sections 5, 8 and 9
	An Act to amend the charter of the town of Pointe Claire (1951-52, chapter 86)	Sections 2, 3, 8, 9, 11, 14 to 17 and 30
	An Act to amend the charter of the town of Pointe Claire (1954-55, chapter 73)	Section 1
	An Act to amend the charter of the town of Pointe-Claire (1956-57, chapter 98)	Sections 1 to 4
	An Act to amend the	Sections 2 and 3

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

	charter of the city of Pointe-Claire (1958-59, chapter 61)	
98. Pointe-des-Cascades	An Act to incorporate the municipality of the village of Pointe-des-Cascades (1960-61, chapter 139)	Section 5
99. Port-Cartier	An Act to incorporate the town of Port Cartier and concerning The school commissioners of Schelter Bay (1958-59, chapter 111)	Sections 5, 8 to 12 and 22
100. Prévost	An Act to incorporate the village of Shawbridge (1909, chapter 95)	Section 5
101. Repentigny	An Act to incorporate the town of Repentigny (1956-57, chapter 125)	Sections 9, 11, 12 and 14 to 17 Section 30a enacted by section 8 of chapter 158 of the statutes of 1959-60
	An Act to amend the charter of the town of Repentigny (1959-60, chapter 158)	Section 1
102. Richmond	An Act to amend and consolidate the charter of the town of Richmond (1901, chapter 50)	The second paragraph of section 5 replaced by section 1 of chapter 81 of the statutes of 1941 The second sentence of section 7 replaced by section 2 of chapter 81 of the statutes of 1941
	An Act to amend the charter of the corporation of the town of Richmond (1941, chapter 81)	Section 3

	An Act to amend the charter of the town of Richmond (1957-58, chapter 93)	Sections 2 to 5
	An Act to amend the charter of the town of Richmond (1958-59, chapter 93)	Section 2
103. Rigaud	An Act to incorporate the municipality of Rigaud village as a town (1911, chapter 72)	Sections 11 to 23
104. Rimouski	An Act to revise and consolidate the charter of the town of Saint Germain de Rimouski (1904, chapter 64)	Section 6 replaced by section 5 of chapter 96 of the statutes of 1919-20
	An Act to amend the charter of the town of Saint Germain de Rimouski (1919-20, chapter 96)	Section 6
105. Rivière-du-Loup	Revised Statutes, 1909	The second paragraph of article 5300 replaced by section 12 of chapter 56 of the statutes of 1910
	An Act to amend the charter of the city of Rivière-du-Loup (1949, chapter 87)	Section 3
106. Rock-Island	An Act to incorporate as a town the corporation of the village of Rock Island, county of Stanstead (1956-57, chapter 118)	Sections 10 to 12 and 14
107. Rosemère	An Act to incorporate the town of Rosemère (1957-58, chapter 109)	Sections 8 to 14
108. Roxboro	An Act to incorporate the town of Roxboro and ratify the titles of Remi Realty Limited	Section 3 replaced by section 1 of chapter 77 of the statutes

	to certain real estate therein (1913-14, chapter 91)	of 1916 (2nd session) and by section 1 of chapter 104 of the statutes of 1919-20
		Sections 4 to 6, 9 and 10
		Section 11 replaced by section 5 of chapter 77 of the statutes of 1916 (2nd session) and by section 3 of chapter 104 of the statutes of 1919-20
		Sections 12 to 16
	An Act to amend the charter of the town of Roxboro (1916, 2nd session, chapter 77)	Section 3
	An Act to amend the charter of the town of Roxboro (1946, chapter 74)	The third paragraph of section 4
	An Act to amend the charter of the town of Roxboro (1958-59, chapter 100)	Sections 1 and 2
109. Sainte-Agathe-des-Monts	An Act to incorporate the town of Ste. Agathe des Monts (1915, chapter 103)	Section 8 replaced by section 1 of chapter 86 of the statutes of 1927
		Section 12
		Section 13 replaced by section 1 of chapter 99 of the statutes of 1974
		Sections 15 and 20

		Sections 22 to 24 replaced by sections 3 to 5 of chapter 86 of the statutes of 1927
		Section 25
		Sections 26 to 29 replaced by sections 6 to 9 of chapter 86 of the statutes of 1927
		Sections 30, 31 and 33 to 35
110. Sainte- Anne-des- Lacs	An Act to erect the municipality of the parish of Sainte-Anne- des-Lacs and the school municipality of Sainte- Anne-des-Lacs (1946, chapter 81)	Sections 5 to 15
111. Sainte- Anne-du- Lac	An Act to erect the village of Ste. Anne du Lac, in the county of Megantic, for municipal and school purposes (1949, chapter 102)	Sections 3 and 6 to 8
112. Sainte-Foy	An Act to revise the Charter of the city of Sainte-Foy (1976, chapter 56)	The words "and shall be divided into seven wards as described in Schedule II" in section 4
		Sections 12 to 16 Schedule II
	Cities and Towns Act (Revised Statutes, 1964, chapter 193)	The words "composed of the mayor and seven councillors, one for each ward described in Schedule II" in paragraph a of section 46 replaced by section 6 of chapter 56 of the statutes of 1976

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

113. Sainte-Geneviève	An Act to incorporate as a town the village of Sainte-Geneviève de Pierrefonds (1958-59, chapter 115)	Sections 13 to 16
114. Sainte-Thérèse	An Act to consolidate the charter of the town of Sainte Thérèse (1951-52, chapter 84)	Sections 6 to 8, 10, 11, 13 to 18 and 20
		Section 22 replaced by section 5 of chapter 112 of the statutes of 1971
	An Act to annex certain territories to the city of Sainte-Thérèse (1959-60, chapter 124)	Section 9
115. Saint-Hubert	An Act to incorporate as a town The corporation of Saint-Hubert (1957-58, chapter 112)	Sections 4, 14 and 16 to 21
	An Act to incorporate the town of Jacques Cartier and the town of Mackayville (1947, chapter 102)	Section 8 Section 9 replaced by section 1 of chapter 100 of the statutes of 1956-57 and amended by section 2 of chapter 80 of the statutes of 1958-59
		Sections 10 and 11
	An Act to amend the charter of the town of Mackayville (1950, chapter 114)	Section 1
	An Act to amend the charter of the town of Mackayville (1956-57, chapter 100)	Sections 3, 4 and 6 to 9

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

116. Saint-Jean-sur-Richelieu	An Act respecting the city of St. Johns and the town of Saint-Luc (1964, chapter 82)	Section 2
117. Saint-Jérôme	An Act to consolidate the charter of the Town of St. Jerome and to constitute its territory a city municipality (1950, chapter 103)	Section 13
118. Saint-Joseph-de-Sorel	An Act respecting the town of Saint-Joseph-de-Sorel (1947, chapter 107)	Section 1
119. Saint-Laurent (city)	An Act to amend the charter of the town of St. Laurent (1908, chapter 94)	Section 5 replaced by section 1 of chapter 86 of the statutes of 1950-51
		Section 7 replaced by section 2 of chapter 86 of the statutes of 1951-52
	An Act to amend the charter of the town of Saint Laurent (1917-18, chapter 91)	Section 2 replaced by section 2 of chapter 97 of the statutes of 1966-67
	An Act to amend the charter of the town of St. Laurent (1922, 2nd session, chapter 97)	Section 1
	An Act to amend the charter of the town of St. Laurent (1925, chapter 99)	Section 1
	An Act to amend the charter of the town of St. Laurent (1950, chapter 106)	Section 1
	An Act respecting the town of St. Laurent,	Sections 1 and 12

	the parish of St. Laurent, the town of Côte St-Luc and the Canadian Pacific Railway Company (1953-54, chapter 84)	
	An Act to amend the charter of the city of Saint-Laurent (1959-60, chapter 110)	Section 2
120. Saint- Laurent (parish)	An Act respecting certain powers of the municipal corporation of the parish of St. Laurent (1952-53, chapter 111)	Sections 1 to 6
121. Saint- Léonard	An Act to incorporate the municipality of the parish of St. Léonard de Port Maurice as a town (1915, chapter 105)	Section 13
122. Saint-Ours	An Act to incorporate the town of St. Ours (29-30, Victoria, chapter 60)	Sections 3, 4 and 7
123. Saint- Pierre	An Act to amend the charter of the town of St. Pierre (1955-56, chapter 98)	Section 1
124. Saint-Tite	An Act to incorporate the town of St. Tite (1910, chapter 64)	Sections 7 and 9 to 16
125. Salaberry- de- Valleyfield	An Act respecting Cities and Towns (Revised Statutes, 1925, chapter 102)	Paragraphs 9, 10 and 30 of section 4 replaced for the city of Salaberry- de-Valleyfield by section 4 of chapter 111 of the statutes of 1931-32
	An Act to consolidate the charter of the city of Salaberry-de- Valleyfield (1931-32, chapter 111)	Section 15 Sections 16 and 18 replaced by sections 1 and 2 of chapter 87 of the statutes of

1940

Section 19
replaced by
section 3 of
chapter 87 of
the statutes of
1940 and by
section 3 of
chapter 72 of
the statutes of
1953-54 and
amended by section
2 of chapter 59
of the statutes
of 1958-59

Section 58

Section 59
amended by
section 3 of
chapter 78 of
the statutes of
1955-56

Section 60

Section 61
replaced by
section 1 of
chapter 95 of
the statutes of
1934

Sections 62 to
76

Sections 76a
and 76b
enacted by
section 5 of
chapter 59 of
the statutes of
1958-59

Sections 77 and
82

Section 111a
enacted by section
1 of chapter 130
of the statutes of
1933

Section 111b
enacted by section

		1 of chapter 130 of the statutes of 1933 and amended by section 3 of chapter 60 of the statutes of 1954-55
		Sections 111c to 111o enacted by section 1 of chapter 130 of the statutes of 1933
	An Act to amend the charter of the city of Salaberry-de- Valleyfield (1954-55, chapter 60)	Section 4
	An Act to amend the charter of the city of Salaberry-de-Valleyfield (1956-57, chapter 78)	Sections 5, 6 and 9
126. Schefferville	An Act respecting the town of Schefferville (1966-67, chapter 115)	Sections 2 to 8
127. Scotstown	An Act to incorporate the town of Scotstown (1892, chapter 58)	Sections 4 to 6 and 37
128. Senneville	An Act to incorporate the village of Senneville (1894-95, chapter 60)	Section 5
	An Act to amend the charter of the village of Senneville (1935, chapter 147)	The sixth paragraph of section 1
129. Sept-Îles	An Act to erect the town of Sept Iles, in the county of Saguenay (1950-51, chapter 69)	Sections 4 and 8 Sections 15, 16 and 21 enacted by section 1 of chapter 102 of the statutes of 1952-53
	An Act to amend the charter of the town of Sept-Iles (1956-57, chapter 117)	Section 2

130. Shawinigan	An Act to revise and consolidate the charter of the town of Shawinigan Falls (1908, chapter 95)	Sections 12 to 14 replaced by sections 1 to 3 of chapter 56 of the statutes of 1944, by sections 1 to 3 of chapter 77 of the statutes of 1950-51 and by sections 1 to 3 of chapter 55 of the statutes of 1958-59
		Section 21 replaced by section 4 of chapter 120 of the statutes of 1921
	An Act to amend the charter of the city of Shawinigan (1968, chapter 100)	Sections 1 to 7
131. Sherbrooke	An Act to revise the charter of the city of Sherbrooke (1974, chapter 101)	Sections 6 and 7
132. Sillery	An Act to amend the Charter of the city of Sillery (1983, chapter 63)	Sections 4 and 5
133. Sorel	An Act to incorporate the city of Sorel (1889, chapter 80)	Sections 23, 24, 28, 58 and 98
		Section 99 amended by section 8 of chapter 59 of the statutes of 1912 (1st session), by section 1 of chapter 59 of the statutes of 1943 and by section 4 of chapter 66 of the statutes of 1958-59
		Section 100

replaced by
section 9 of
chapter 59 of
the statutes of
1912 (1st session)

Sections 101 to
108 and 128 to
138

Section 138a
enacted by section
8 of chapter 112
of the statutes
of 1931-32

Section 139
replaced by
section 10 of
chapter 60 of
the statutes of
1899 and by
section 2 of
chapter 82 of
the statutes of
1956-57

Sections 140 and
141 replaced by
sections 3 and 4
of chapter 82 of
the statutes of
1956-57

Sections 142
and 143

Section 144
replaced by
section 5 of
chapter 82
of the statutes
of 1956-57

Section 145

Section 146
replaced by
section 5 of
chapter 67 of
the statutes
of 1954-55

Sections 147
to 154

Section 155

replaced by
section 9 of
chapter 60 of
the statutes of
1899

Sections 156
to 163

Section 164
replaced by
section 3 of
chapter 73 of
the statutes of
1962

Sections 165
to 167

Section 168
replaced by
section 11 of
chapter 59 of
the statutes of
1912 (1st session)
and by section 9
of chapter 112
of the statutes
of 1931-32

Sections 169
to 195

Section 196
replaced by
section 12 of
chapter 59 of
the statutes of
1912 (1st session)
and by section 10
of chapter 112 of
the statutes of
1931-32

Section 197

Section 197a
enacted by section
6 of chapter 67 of
the statutes of
1954-55

Sections 198
to 226

Section 227
amended by

section 4 of
chapter 52 of
the statutes
of 1892

Section 228

Section 229
amended by
section 5 of
chapter 52 of
the statutes
of 1892

Sections 230
to 236

Section 237
replaced by
section 13 of
chapter 59 of
the statutes of
1912 (1st
session)

Sections 238
to 246

Sections 248
to 253

Sections 256
to 274

Sections 292
to 299

Section 300
amended by
section 6 of
chapter 52
of the statutes
of 1892

Sections 301
to 303

An Act to amend the
charter of the city
of Sorel and to
establish a body to
promote industry in
the region of Sorel
(1958-59, chapter 66)

Sections 19
and 20

An Act to amend the
charter of the city

Section 2

	of Sorel (1962, chapter 73)	
134. Témiscaming	An Act to incorporate the town of Kipawa (1919-20, chapter 110)	Sections 6, 9, 10 and 14 to 23
135. Terrebonne	An Act to consolidate and replace the charter of the town of Terrebonne (1907, chapter 75)	Section 21
	An Act to amend the charter of the town of Terrebonne (1951-52, chapter 94)	Section 6
	An Act to amend the charter of the town of Terrebonne (1960-61, chapter 125)	Sections 3 and 4
136. Thetford-Mines	An Act to incorporate the town of Thetford Mines (1905, chapter 48)	Section 9
		Section 10 replaced by section 2 of chapter 68 of the statutes of 1912 (1st session)
		Section 13 replaced by section 1 of chapter 64 of the statutes of 1946 and by section 2 of chapter 85 of the statutes of 1955-56
		Section 13a enacted by section 3 of chapter 68 of the statutes of 1912 (1st session)
		Section 14
		Section 14a enacted by section 4 of chapter 68 of the statutes of 1912 (1st session)

	An Act to amend the charter of the city of Thetford Mines (1950, chapter 90)	Sections 3 to 7
	An Act to amend the charter of the city of Thetford Mines (1952-53, chapter 73)	Section 2
	An Act to amend the charter of the city of Thetford Mines (1955-56, chapter 85)	Sections 3 to 5
	An Act to amend the charter of the city of Thetford Mines (1956-57, chapter 81)	Section 4
	An Act to amend the charter of the city of Thetford Mines (1959-60, chapter 118)	Section 2
137. Tracy	An Act to incorporate as a town corporation the parish of St. Joseph, county of Richelieu (1953-54, chapter 113)	Section 11
	An Act to amend the charter of the town of Tracy (1959-60, chapter 137)	Sections 2 and 4
138. Trois-Lacs	An Act to incorporate the municipality of La Rochelle for municipal purposes only (1950, chapter 125)	Sections 7 to 11
139. Trois-Pistoles	An Act to incorporate the town of Trois Pistoles (1916, 1st session, chapter 62)	Sections 10 to 15
140. Trois-Rivières	An Act to amend and consolidate the charter of the city of Three Rivers (1915, chapter 90)	Section 6 replaced by section 2 of chapter 94 of the statutes of 1965 (1st session)
		Section 33

	An Act to amend the charter of the city of Three Rivers (1937, chapter 106)	Section 5
	An Act to amend the charter of the city of Trois-Rivières (1947, chapter 84)	Section 4
	An Act to amend the charter of the city of Trois-Rivières (1965, 1st session, chapter 94)	Section 26 replaced by section 10 of chapter 99 of the statutes of 1966-67
141. Vanier	An Act to incorporate the town of Quebec West (1916, 1st session, chapter 61)	Sections 5, 11 to 16, 30 and 31
	An Act to amend the charter of the town of Quebec West (1917-18, chapter 96)	Sections 8 and 9
142. Vaudreuil	An Act to incorporate the town of Vaudreuil (1963, 1st session, chapter 93)	Sections 8 and 12 to 14
	An Act respecting Cities and Towns (Revised Statutes, 1941, chapter 233)	The last two paragraphs of section 30 replaced for the town of Vaudreuil by section 10 of chapter 93 of the statutes of 1963 (1st session)
143. Verdun	An Act to amend the charter of the city of Verdun (1916, 1st session, chapter 48)	Section 3 replaced by section 1 of chapter 55 of the statutes of 1943
		Section 7 replaced by section 2 of chapter 100 of the statutes of 1929
	An Act to amend the	Section 1

	<p>charter of the city of Verdun (1929, chapter 100)</p>	
	<p>An Act to amend the charter of the city of Verdun (1934, chapter 90)</p>	Sections 1 and 2
	<p>An Act to amend the charter of the city of Verdun (1937, chapter 109)</p>	Sections 5 and 9
	<p>An Act to amend the charter of the city of Verdun (1939, chapter 106)</p>	Section 5
	<p>An Act to amend the charter of the city of Verdun (1940, chapter 81)</p>	Section 1
	<p>An Act to amend the charter of the city of Verdun (1944, chapter 53)</p>	Sections 2, 3, 5 and 6
	<p>An Act to amend the charter of the city of Verdun (1945, chapter 73)</p>	Section 10
	<p>An Act to amend the charter of the city of Verdun (1947, chapter 82)</p>	Section 6
	<p>An Act to amend the charter of the city of Verdun (1960-61, chapter 103)</p>	Section 3
	<p>An Act to amend the charter of the city of Verdun (1963, 1st session, chapter 75)</p>	Section 20
144.Victoriaville	<p>An Act to erect the corporation of Victoriaville into a town municipality (1936, 1st session, chapter 8)</p>	Sections 4 to 7
	<p>An Act to amend the charter of the town of</p>	Sections 1 to 3

	Victoriaville (1939, chapter 116)	
	An Act to amend the charter of the town of Victoriaville (1940, chapter 93)	Sections 1 and 3
	An Act to amend the charter of the town of Victoriaville (1953-54, chapter 86)	Sections 4 to 6 and 8 to 11
	An Act to amend the charter of the town of Victoriaville (1954-55, chapter 68)	Section 4
	An Act to amend the charter of the town of Victoriaville (1955-56, chapter 92)	Section 1
	An Act to amend the charter of the town of Victoriaville (1957-58, chapter 75)	Sections 1 to 5
145. Weedon-Centre	An Act to erect a certain portion of the parish of St. Janvier de Weedon into a village municipality (1887, chapter 23)	Section 2
146. Westmount	An Act to amend and consolidate the charter of the town of Westmount and to incorporate it into a city (1908, chapter 89)	Sections 16, 18 to 22, 25 and 26
	An Act to amend the charter of the city of Westmount (1912, 1st session, chapter 60)	Sections 3, 5, 14 and 17 Schedule A (Form H-1)
	An Act to amend the charter of the city of Westmount (1954-55, chapter 58)	Section 1
	An Act to amend the charter of the city of Westmount (1955-56, chapter 76)	Sections 2 and 4

ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

147. Windsor	An Act to incorporate the town of Windsor Mills (1899, chapter 68)	Sections 15, 16 and 18
	An Act to amend the charter of the town of Windsor (1945, chapter 87)	Sections 3 to 9
	An Act to amend the charter of the town of Windsor (1952-53, chapter 92)	Sections 5 to 8

1987, c. 57, Schedule; 2010, c. 27, s. 42.

SCHEDULE II

(Section 313)

OATH OF ELECTED PERSON

I, *(name of elected person)*, declare under oath that I will fulfill the duties of the office of *(mayor or councillor)* with honesty and justice, in accordance with the law and with the Code of Ethics and Conduct of the Elected Municipal Officers of *(name of municipality)*, and undertake to observe the rules of that Code applicable to me after my term has ended.

2010, c. 27, s. 43.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 57 of the statutes of 1987, in force on 1 September 1987, is repealed, except sections 822 to 859 and 889, effective from the coming into force of chapter E-2.2 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 696, paragraph 1 of section 697, sections 698 to 735, paragraph 1 of section 736, sections 737 to 797, 799 to 821, 823, 824, 831, 832, paragraphs 2 and 3 of section 833, sections 834 to 838, 842, 844, 846 to 848, 852, 855, 856, 858 to 866, 868 to 880, 882 to 888 and the Schedule of chapter 57 of the statutes of 1987, in force on 1 March 1988, are repealed effective from the coming into force of the updating to 1 March 1988 of chapter E-2.2 of the Revised Statutes.