



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 3
(2013, chapter 13)

**An Act to amend the Election Act for the
purpose of establishing fixed-date
elections**

**Introduced 7 November 2012
Passed in principle 21 May 2013
Passed 14 June 2013
Assented to 14 June 2013**

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EXPLANATORY NOTES

This Act amends the Election Act in order to provide that, from now on, general elections be held on a fixed date on the first Monday of October of the fourth calendar year following the year that includes the last day of the previous Legislature.

It will be possible, however, to postpone the date of a general election, in the manner and subject to the conditions prescribed by law, if the election period would otherwise overlap the election period for an upcoming federal or municipal general election.

Moreover, the Chief Electoral Officer is given the power to move the election date back one week in the event of a major disaster or another serious and unforeseeable situation.

This Act also amends the Act respecting the National Assembly to provide that each Legislature will end in sufficient time for a general election to be held on the fixed date.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the National Assembly (chapter A-23.1);
- Election Act (chapter E-3.3).

Bill 3

AN ACT TO AMEND THE ELECTION ACT FOR THE PURPOSE OF ESTABLISHING FIXED-DATE ELECTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. Section 32 of the Election Act (chapter E-3.3) is amended

(1) by replacing “upon the dissolution of the National Assembly” by “when the Legislature ends in accordance with section 6 of the Act respecting the National Assembly (chapter A-23.1)”;

(2) by replacing “the dissolution occurs” by “it ends”.

2. Section 91 of the Act, amended by section 8 of chapter 26 of the statutes of 2012, is again amended

(1) by replacing “for which an order was issued under section 128 may make” in the second paragraph by “in which an election is held may make, for that election,”;

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

“The contributions referred to in the second paragraph may be made,

(1) for a general election to be held under the second paragraph of section 129, during the entire calendar year in which the election is held;

(2) for a general election to be held under the first paragraph of section 129.2, during the entire calendar year in which the election is held and the entire calendar year preceding that year;

(3) for a general election to be held under the first paragraph of section 131, as of the day following the issue of the order instituting the election and up to the 90th day after polling day; and

(4) for a by-election, as of the date on which the seat becomes vacant up to the 30th day after polling day.”

3. Section 129 of the Act is replaced by the following section:

“129. At a general election, the polling day is the same for all electoral divisions.

For the purposes of the second paragraph of section 6 of the Act respecting the National Assembly (chapter A-23.1), the general election following the end of a Legislature shall be held on the first Monday of October of the fourth calendar year following the year that includes the last day of the previous Legislature.

Nothing in this section affects the power of the Lieutenant-Governor to dissolve the National Assembly before the end of a Legislature.”

4. The Act is amended by inserting the following sections after section 129:

“129.1. If, 15 days before the end of the Legislature provided for in the second paragraph of section 6 of the Act respecting the National Assembly (chapter A-23.1), the Chief Electoral Officer notes that the election period for the general election provided for in section 129 would overlap the election period for the next federal or municipal general election, the Chief Electoral Officer shall publish the dates of the election periods and the dates of the overlap in the *Gazette officielle du Québec*.

However, if the application of the third paragraph of section 6 of the Act respecting the National Assembly would extend the term of the Legislature beyond five years, the Chief Electoral Officer shall not make the publication provided for in the first paragraph.

“129.2. If two election periods overlap and the dates of the overlap are published in the *Gazette officielle du Québec* in accordance with the first paragraph of section 129.1, the general election shall be held, in accordance with the third paragraph of section 6 of the Act respecting the National Assembly (chapter A-23.1), on the first Monday of April of the fifth calendar year following the year that includes the last day of the previous Legislature.

The Chief Electoral Officer shall publish the date of the general election determined under the first paragraph in the *Gazette officielle du Québec*. The Chief Electoral Officer shall also make any advertisement necessary and provide all relevant information in order to inform the public of that date.”

5. Section 130 of the Act is amended by replacing “more than four years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380” in the second paragraph by “six months or less before the date of the next general election fixed under the second paragraph of section 129, or after that date if the general election is to be held on the date fixed under the first paragraph of section 129.2”.

6. Section 131 of the Act is amended by inserting “Except in the case of a general election whose date is fixed under the second paragraph of section 129 or the first paragraph of section 129.2,” at the beginning of the first paragraph.

7. Section 466 of the Act is amended by replacing “, prorogation or dissolution of the National Assembly” in the second paragraph by “ or prorogation of the National Assembly or the end of the Legislature in accordance with section 6 of the Act respecting the National Assembly (chapter A-23.1)”.

8. Section 490 of the Act is amended by inserting the following paragraph after the first paragraph:

“As well, the Chief Electoral Officer may postpone the election until the following Monday in the event of a major disaster or another serious and unforeseeable situation.”

ACT RESPECTING THE NATIONAL ASSEMBLY

9. Section 6 of the Act respecting the National Assembly (chapter A-23.1) is replaced by the following section:

“6. A Legislature starts upon the receipt by the Secretary General, after a general election, of the list of the candidates declared elected transmitted by the Chief Electoral Officer pursuant to section 380 of the Election Act (chapter E-3.3).

A Legislature ends on 29 August of the fourth calendar year following the year that includes the most recent general election polling day.

However, if the publication provided for in the first paragraph of section 129.1 of the Election Act has been made, the Legislature ends instead on 27 February, or 28 February in the case of a leap year, of the fifth calendar year following the year that includes the most recent general election polling day.

Only the Lieutenant-Governor may dissolve the National Assembly before the expiry of a Legislature.”

FINAL PROVISION

10. This Act comes into force on 14 June 2013.

