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**Extracts of the**

# **Election Act**

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**Electoral  
representation**



LE DIRECTEUR GÉNÉRAL  
DES ÉLECTIONS DU QUÉBEC



## **FOREWORD**

This publication is an administrative codification which groups the provisions of the Election Act (chapter E-3.3) with regard to the Commission de la représentation électorale and the delimitation of the electoral divisions. When it is intended to interpret or to enforce the Act, the official wording published by the Quebec Official Publisher should be used.

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

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## INFORMATION PERTAINING TO THE ELECTION ACT

The Election Act (1989, c. 1), approved March 22, 1989 and effective April 24, 1989, except subparagraph 4 of the first paragraph of section 1 which came into force on April 15, 1990, has been modified by the following acts:

1990, c. 4	2001, c. 2	2011, c. 21
1991, c. 48	2001, c. 13	2011, c. 27
1991, c. 73	2001, c. 26	2011, c. 38
1992, c. 38	2001, c. 45	2012, c. 26
1992, c. 21	2001, c. 72	2013, c. 5
1992, c. 61	2002, c. 6	2013, c. 13
1994, c. 18	2002, c. 10	2013, c. 16
1994, c. 23	2004, c. 36	2015, c. 6
1995, c. 23	2005, c. 7	
1996, c. 2	2006, c. 17	
1997, c. 8	2006, c. 22	
1998, c. 52	2007, c. 29	
1999, c. 15	2008, c. 22	
1999, c. 25	2009, c. 11	
1999, c. 40	2010, c. 32	
2000, c. 8	2010, c. 35	
2000, c. 15	2010, c. 36	
2000, c. 29	2011, c. 5	
2000, c. 59	2011, c. 19	



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## Chapter E-3.3

### ELECTION ACT

#### TITLE II ELECTORAL REPRESENTATION

##### CHAPTER I ELECTORAL DIVISIONS

- Electoral divisions. **14.** Québec shall be divided into electoral divisions delimited in such a way as to ensure that the principle of effective representation of electors is respected.
- Boundaries. Electoral divisions, numbering not fewer than 122 nor more than 125, shall be delimited taking into account the principle that the vote of each elector is of equal weight.  
1989, c. 1, s. 14; 1991, c. 48, s. 1.
- Natural community. **15.** An electoral division represents a natural community established on the basis of demographical, geographical and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area and shape of the region, the natural local boundaries and the territories of local municipalities.  
1989, c. 1, s. 15; 1996, c. 2, s. 662.
- Boundaries. **16.** The boundaries of each electoral division shall be delimited in such a way that the number of electors in a division, according to the permanent list of electors, does not deviate by more than 25% from the quotient obtained by dividing the total number of electors by the number of electoral divisions.  
1989, c. 1, s. 16; 1995, c. 23, s. 9; 1997, c. 8, s. 2.
- Exceptions. **17.** The Commission de la représentation may, for exceptional reasons, depart from the rule set out in section 16 if it considers that its application would not adequately serve the purpose of this chapter. Every such decision shall be in writing and give reasons.
- Îles-de-la-Madeleine. Notwithstanding section 16, the Îles-de-la-Madeleine described in Schedule I are an electoral division.  
1989, c. 1, s. 17; 1991, c. 48, s. 2; 1992, c. 38, s. 8.

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Name of electoral division.	<p><b>18.</b> The Commission shall assign a name to each electoral division delimited by it, after consulting the Commission de toponymie established under the Charter of the French language (chapter C-11).</p> <p><u>1989, c. 1, s. 18.</u></p>
New boundaries.	<p><b>19.</b> The Commission shall make a new delimitation of the electoral divisions after the second general election following the last delimitation.</p> <p><u>1989, c. 1, s. 19; 1991, c. 48, s. 3.</u></p> <p><b>20.</b> <i>(Repealed).</i></p> <p><u>1989, c. 1, s. 20; 1991, c. 48, s. 4.</u></p> <p><b>21.</b> <i>(Repealed).</i></p> <p><u>1989, c. 1, s. 21; 1991, c. 48, s. 4.</u></p>
Report.	<p><b>22.</b> Within the twelve months following the election referred to in section 19, the Commission shall submit to the President or the Secretary General of the National Assembly a preliminary report in which it proposes a new delimitation of the electoral divisions.</p>
Tabling of report.	<p>The report shall be made public immediately. The President of the National Assembly shall table the report in the National Assembly within 15 days of receiving it if it is sitting or, if it is not, within 15 days after the opening of the next session or resumption.</p> <p><u>1989, c. 1, s. 22; 1991, c. 48, s. 5.</u></p>
Proposed boundaries.	<p><b>23.</b> The Commission shall take the necessary steps to ensure the best possible diffusion of the proposed boundaries of the electoral divisions submitted in its preliminary report.</p> <p><u>1989, c. 1, s. 23.</u></p>
Representations of Members.	<p><b>24.</b> Within six months following the tabling of its preliminary report, the Commission shall hear the representations made by the Members of the National Assembly and by interested individuals and organizations.</p>
Public hearings.	<p>For that purpose, the Commission shall, after giving notice thereof, hold public hearings in the various regions of Québec.</p> <p><u>1989, c. 1, s. 24; 2001, c. 13, s. 1.</u></p>
Public hearings.	<p><b>24.1.</b> After holding consultations pursuant to section 24, the Commission may, if it considers it necessary and after giving notice thereof, hold public hearings in one or more of the regions of Québec to hear representations made by the Members of the National Assembly and by interested individuals and organizations concerning one or more of the proposed amendments to its preliminary report.</p>

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- Additional period. The Commission shall in that case be granted an additional period of four months after the expiry of the period provided for in section 24.  
2001, c. 13, s. 2.
- Preliminary report. **25.** The preliminary report of the Commission and, where applicable, any amendment proposed by the Commission shall be submitted to the Committee on the National Assembly for examination.
- Debates. For the purposes of such examination, all the Members of the National Assembly may take part in the debates of the Committee on the National Assembly.  
1989, c. 1, s. 25; 2001, c. 13, s. 3.
- Information. **26.** When the Committee on the National Assembly examines the preliminary report and, where applicable, any proposed amendments referred to in section 25, the Commission shall furnish it with all the required documents and information and be at its disposal to assist it in carrying out its work.  
1989, c. 1, s. 26; 2001, c. 13, s. 4.  
**27. (Repealed).**  
1989, c. 1, s. 27; 2001, c. 13, s. 5.
- Boundaries of electoral divisions. **28.** After considering the representations made to it by the Members of the National Assembly, and by individuals and organizations, the Commission shall submit a report indicating the boundaries of the electoral divisions to the President or the Secretary General of the National Assembly, who shall table it before the Assembly.
- Length of debate. Within five days following the tabling, the report shall be the subject of a debate limited to five hours carried on in one sitting or two consecutive sittings of the National Assembly; if it is not sitting, the debate, subject to the same time limits, shall take place in the Committee on the National Assembly, within ten days from the tabling of the report contemplated in the first paragraph, and all the Members may take part in the debate in respect of the report.
- Motions. No motion, except a motion of adjournment, may be presented during the debate.  
1989, c. 1, s. 28.
- Names of electoral divisions. **29.** Not later than the tenth day following the debate, the Commission shall establish the boundaries of the electoral divisions and assign names to them.

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Publication of list. The Commission shall publish the list of the electoral divisions in the *Gazette officielle du Québec*, indicating the name and boundaries of each; it may also mention the local municipalities whose territories are comprised in each electoral division and, where applicable, the unorganized territories and Indian reserves comprised therein.

1989, c. 1, s. 29; 1996, c. 2, s. 663.

Proof. **30.** Publication of the list of electoral divisions in the *Gazette officielle du Québec* is absolute proof of its existence and of its content, and every person is required to take cognizance of it.

Public information. Notwithstanding the foregoing, the Commission shall take the necessary steps to ensure the best possible diffusion among the public of the boundaries of the electoral divisions, and particularly of the changes made in relation to the previous boundaries.

1989, c. 1, s. 30.

Map. **31.** After publication in the *Gazette officielle du Québec* of the list of electoral divisions, the Commission shall cause a map of the divisions to be printed.

1989, c. 1, s. 31.

Coming into force. **32.** The list of electoral divisions published in the *Gazette officielle du Québec* comes into force when the Legislature ends in accordance with section 6 of the Act respecting the National Assembly (chapter A-23.1), unless it ends before the expiry of three months from publication.

1989, c. 1, s. 32; 2013, c. 13, s. 1.

Returning officers. **33.** Upon publication in the *Gazette officielle du Québec* of the list of electoral divisions, the Chief Electoral Officer shall assign one of the divisions to each returning officer in office and appoint a returning officer to each unassigned division, if any.

Appointments. Appointments made under this section are effective until new returning officers are appointed in conformity with section 503.

1989, c. 1, s. 33.

### CHAPTER II

#### ELECTORAL PRECINCTS AND POLLING SUBDIVISIONS

Boundaries. **34.** Within three months after the publication of the list of electoral divisions in the *Gazette officielle du Québec*, the Chief Electoral Officer and the returning officers shall establish the boundaries of the electoral precincts and the polling subdivisions on the basis of the new electoral divisions.

1989, c. 1, s. 34.

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Responsibilities of returning officer. **35.** The returning officer, under the authority of the Chief Electoral Officer, is responsible, in the electoral division to which he is appointed, for the establishment

(1) of polling subdivisions comprising not more than 425 electors. However, a polling subdivision in which a residential facility described in section 180 is situated may exceed that figure by up to the number of electors registered on the permanent list of electors for the address of that facility; and

(2) of electoral precincts comprising polling subdivisions served by the same voting place.

1989, c. 1, s. 35; 1995, c. 23, s. 10; 1996, c. 2, s. 664; 2011, c. 5, s. 1.

Index of thoroughfares. **36.** On the basis of the description of the boundaries of the electoral precincts and polling subdivisions, the Chief Electoral Officer shall prepare an index of the streets, avenues, boulevards, hills, squares, lanes, ranges or other thoroughfares in each electoral division.

1989, c. 1, s. 36.

Transmission to authorized parties. **37.** The Chief Electoral Officer shall transmit the description of the boundaries of the electoral precincts and polling subdivisions and an index of the thoroughfares in an electoral division to the authorized parties who apply therefor, to every authorized party authority at the level of the electoral division and to the authorized independent Member for the division, where such is the case.

1989, c. 1, s. 37; 2008, c. 22, s. 1.

Map. **38.** The Chief Electoral Officer may prepare a map of each electoral division, indicating the electoral precincts and polling subdivisions comprised in it.

1989, c. 1, s. 38.

## **TITLE II.1** **PERMANENT LIST OF ELECTORS**

### **CHAPTER I** **DESCRIPTION**

Contents. **40.1.** The permanent list of electors consists of the information contained in the register of electors and the register of territories.

1995, c. 23, s. 12.

Register of electors. **40.2.** The information contained in the register of electors shall include the name, domiciliary address, sex and date of birth of each elector and, where applicable, entries relating to the exercise of his right to vote outside Québec.

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Category of school board. The information shall in addition specify, for the purposes of the Act respecting school elections (chapter E-2.3), the category of school board, French language or English language, at which the elector's right to vote is to be exercised and whether the information relates of a person referred to in the first or in the second paragraph of section 11.1 of the said Act.

1995, c. 23, s. 12; 1999, c. 25, s. 85; 2000, c. 59, s. 8.

Register of territories. **40.3.** The information contained in the register of territories shall include

(1) for the purposes of this Act and the Referendum Act (chapter C-64.1), the description of electoral divisions, electoral precincts and polling subdivisions;

(2) for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the electoral districts or the wards of the municipalities to which Title I of that Act applies or the entire territory of any such municipality whose territory is not divided for electoral purposes;

(3) for the purposes of the Act respecting school elections (chapter E-2.3), the electoral divisions and the sectors.

1995, c. 23, s. 12; 2002, c. 10, s. 99.

## CHAPTER II

### ENTRY ON THE LIST AND UPDATING

Information relating to territories.

**40.12.** The information relating to territories shall be updated on the basis of the changes made to the descriptions of electoral divisions, electoral precincts and polling subdivisions.

Information relating to territories.

The information shall also be updated on the basis of the changes made to the descriptions of the electoral territories of municipalities and school boards and transmitted to the Chief Electoral Officer by the municipalities and school boards on the conditions he determines.

1995, c. 23, s. 12.

## TITLE VI

### ELECTORAL ORGANS

#### CHAPTER IV

#### COMMISSION DE LA REPRÉSENTATION

##### DIVISION I

##### COMPOSITION OF THE COMMISSION

*“Commission de la représentation”.*

**524.** The “Commission de la représentation” is hereby established.

1989, c. 1, s. 524.

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- Composition. **525.** The Commission shall consist of the Chief Electoral Officer, who shall be its chairman, and of two commissioners chosen from among persons who are qualified electors.  
1989, c. 1, s. 525.
- Appointment of commissioners. **526.** On a motion of the Prime Minister, the National Assembly, by a resolution approved by two-thirds of its members, shall appoint the commissioners.  
1989, c. 1, s. 526.
- Remuneration. **527.** The commissioners are entitled, for each day of sittings held under this Act, to a payment equal to 1% of the minimum salary received annually by a Class 05 manager.
- Allowances. The Government shall determine the allowances to which the commissioners are entitled by using as a basis allowances granted to persons holding similar offices.  
1989, c. 1, s. 527; 2008, c. 22, s. 76.
- Term of office. **528.** The commissioners shall be appointed for a term of office of five years.
- Continuance in office. At the expiry of their terms, they shall remain in office until they are reappointed or replaced.  
1989, c. 1, s. 528.
- Oath. **529.** Before taking office, the other commissioners shall make the oath provided for in Schedule II, before the President of the National Assembly.  
1989, c. 1, s. 529.
- Resignation. **530.** The commissioners may resign, at any time, by notifying the President of the National Assembly in writing.
- Dismissal. They cannot be dismissed except by a resolution of the National Assembly approved by two-thirds of its Members.  
1989, c. 1, s. 530.
- Replacement. **531.** If one of the commissioners is unable to act or if his office becomes vacant, the National Assembly shall, within 60 days, appoint a new commissioner, according to the mode of appointment provided in section 526.
- Appointment. If the National Assembly is not in session, the Committee on the National Assembly shall appoint the new commissioner within the same time by a resolution approved by a majority of the members of each parliamentary group within the meaning of the Standing Orders of the National Assembly. The appointment must be approved by the National Assembly by a resolution approved by two-thirds of its Members within 30 days from resumption.

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Term of office. Any appointment under this section is valid for the unexpired portion of the term of the replaced commissioner.

1989, c. 1, s. 531.

### **DIVISION II** FUNCTIONS AND POWERS

Duties. **532.** The function of the Commission is to establish the boundaries of the electoral divisions of Québec, taking into account the principles and criteria of representation set out in Chapter I of Title II of this Act.

Public information. The Commission shall make any necessary advertisements and give any information pertinent to the discharge of its function.

Other duties. The Commission shall also carry out any other mandate that the National Assembly, on a motion of the Prime Minister, may entrust to it.

1989, c. 1, s. 532.

### **DIVISION III** ORGANIZATION OF THE COMMISSION

Secretary. **533.** The Commission may appoint a secretary and fix his salary or his additional salary in the case where the person appointed is a public servant under the Public Service Act (chapter F-3.1.1). It may also retain the services of any person.

1989, c. 1, s. 533.

Oath. **534.** Before taking office, the secretary shall make the oath provided for in Schedule II, before the chairman of the Commission.

1989, c. 1, s. 534.

Chairman. **535.** The chairman shall direct the Commission and shall be responsible for its administration.

1989, c. 1, s. 535.

Assistance and personnel. **536.** The Chief Electoral Officer shall, in the discharge of his duties, provide the Commission with all required assistance, including that of his personnel.

Supervision. The chairman shall supervise and direct his personnel.

Personnel. The Commission has no other personnel than that provided by the Chief Electoral Officer.

1989, c. 1, s. 536.

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Assistant. **537.** The chairman may appoint an assistant to assist him in the exercise of his duties. He shall choose him and determine his level of employment, and if, consequent upon such determination, the Public Service Act (chapter F-3.1.1) is not applicable to the assistant, it hereby becomes applicable to him without any other formality.

1989, c. 1, s. 537; 1998, c. 52, s. 80.

Immunity. **538.** No member of the Commission, nor the assistant, nor the secretary, nor any member of the staff placed at the disposal of the Commission may be prosecuted for any official act performed in good faith in the exercise of his functions.

1989, c. 1, s. 538.

Authenticity of documents. **539.** The minutes of Commission sittings and documents or copies emanating from the Commission are authentic if they are signed by the chairman, his assistant or the secretary.

1989, c. 1, s. 539.

Signature. **540.** No deed, document or writing binds the Commission or may be ascribed to it unless it is signed by the chairman, his assistant or the secretary and, in the two latter cases, only so far as prescribed by regulation of the Commission published in the *Gazette officielle du Québec*.

1989, c. 1, s. 540.

Act applicable. **540.1.** The Commission is subject to the Public Administration Act only to the extent that that Act applies to the Chief Electoral Officer pursuant to section 488.2.

Provisions applicable. The first two paragraphs of section 488.1 apply also, with the necessary modifications, to the Commission.

2000, c. 8, s. 122.

### CHAPTER V

#### ANNUAL REPORT AND FINANCIAL PROVISIONS

Sums required. **541.** The sums required for the administration of this Act, as well as the sums required for the carrying out of responsibilities assigned to the Chief Electoral Officer and the Commission de la représentation by the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections (chapter E-2.3), are taken out of the consolidated revenue fund.

1989, c. 1, s. 541; 2001, c. 45, s. 10.

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- Annual report. **542.** Not later than 30 September each year, the Chief Electoral Officer and the Commission de la représentation shall make a report of their activities, including a financial report, for the preceding fiscal year to the President of the National Assembly.
- Contents. The report shall, in particular, contain a statement of the complaints received and how each was dealt with, the informational and training activities carried on, the requests for access to the lists of electors and the activities engaged in at the international level. The Chief Electoral Officer may, in his report, recommend new election procedures or new rules regarding the financing of political parties.
- Contents. The report of the Chief Electoral Officer shall, in addition, give an account of the management of the permanent list of electors and include an assessment of the quality of the information it contains. The Chief Electoral Officer may recommend the holding of an enumeration or revision or the implementation of any other measure allowing a total or partial verification of the permanent list of electors.
- Tabling of report. The President of the National Assembly shall table the reports before the National Assembly within fifteen days of receiving them or, if it is not sitting, within fifteen days of resumption.
- 1989, c. 1, s. 542; 1992, c. 38, s. 75; 1995, c. 23, s. 44.
- Committee on the National Assembly. **542.1.** Where it is recommended in the report of the Chief Electoral Officer that a verification of the permanent list of electors be carried out, the report shall be submitted to the Committee on the National Assembly or the committee designated by it, for examination.
- 1995, c. 23, s. 45.
- Budgetary estimates. **543.** Each year, the Chief Electoral Officer and the Commission de la représentation shall prepare the budgetary estimates and remit them to the President of the National Assembly before 1 April.
- Supplementary estimates. Where, during the fiscal year, the Chief Electoral Officer or the Commission de la représentation foresees that the budgetary estimates will be exceeded for purposes other than those contemplated in section 545, they shall prepare supplementary estimates and remit them to the President of the National Assembly.
- 1989, c. 1, s. 543.
- Parliamentary committee. **544.** The National Assembly shall refer, to a parliamentary committee, the budgetary estimates of the Chief Electoral Officer and of the Commission de la représentation, and they shall furnish the parliamentary committee with a preliminary financial report for the preceding fiscal year.
- 1989, c. 1, s. 544.

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- Unforeseen expenses. **545.** The committee may also study the expenditures made in view of a polling or at the time of a polling, and expenditures made for any mandate that the National Assembly entrusted to the Chief Electoral Officer or to the Commission de la représentation and which were impossible to include in the budget for the preceding fiscal year.  
1989, c. 1, s. 545.
- Approval. **546.** The committee shall approve the budget and table its report in the National Assembly.  
1989, c. 1, s. 546.
- Establishment of boundaries. **547.** The examination in parliamentary committee of the budget of the Commission de la représentation shall not take place while boundaries of electoral divisions are being established.
- Tabling of budget. In such a case, the mere tabling in the National Assembly of the budget of the Commission shall take the place of its approval.  
1989, c. 1, s. 547.
- Report of expenses. **548.** Within three months from publication of the list of electoral divisions in the *Gazette officielle du Québec*, the Commission de la représentation shall remit to the President of the National Assembly a report of any expenses related to the establishment of the boundaries of the electoral divisions.  
1989, c. 1, s. 548.

### TITLE IX

#### AMENDMENTS AND MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

#### CHAPTER I

##### MISCELLANEOUS PROVISIONS

- Immunity. **573.** Except with respect to a matter of jurisdiction, no recourse under section 33 of the Code of Civil Procedure (chapter C-25) nor any extraordinary recourse or provisional remedy provided in the said Code lies against the Chief Electoral Officer, any member of his personnel or any election officer, or against the Commission de la représentation, any of its members or any member of its personnel, in the performance of his or its duties.
- Injunction. A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to this section.  
1989, c. 1, s. 573.

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## CHAPTER II TRANSITIONAL PROVISIONS

**574.** This Act replaces the Election Act (chapter E-3.2) and the Act respecting electoral representation (chapter R-24.1).

Notwithstanding the foregoing, any election instituted before 24 April 1989 continues to be governed by the Election Act (chapter E-3.2).

1989, c. 1, s. 574.

Chief electoral officer. **575.** The Chief Electoral Officer in office on 24 April 1989 shall remain in office and the provisions applicable to his salary as Chief Electoral Officer and as chairman of the Commission de la représentation, to his dismissal and to his pension remain in force with respect to him.

Annual salary. For the purposes of section 231 of the Courts of Justice Act (chapter T-16), the annual salary taken into consideration corresponds to the salary referred to in the first paragraph, regardless of the exclusion concerning additional remuneration set out in the second paragraph, from the date on which he took office.

Payment of contributions. The Chief Electoral Officer must, for the purposes of Part VI of the Courts of Justice Act, pay the contributions he should have paid from the date on which he took office. The contributions are computed in respect of the total salary received by him from that date as Chief Electoral Officer, and as chairman of the Commission de la représentation, with interest at 6 %, computed annually from the midpoint of the year during which the contributions should have been paid until the date of the payment to the Commission administrative des régimes de retraite et d'assurances.

Payment of amounts. The Chief Electoral Officer must pay the amounts determined under the third paragraph within 90 days of receiving a notice from the Commission.

1989, c. 1, s. 575; 1992, c. 38, s. 77.

Continuance in office. **576.** Every person in office on 24 April 1989 and appointed under a provision replaced by this Act continues to hold office until the expiry of the term for which he was appointed or until he is replaced or until he ceases to perform his duties according to law. The person is deemed, where such is the case, to have been appointed under the corresponding provision of this Act.

Continuance in office. The first paragraph does not prevent a person from continuing to perform his duties, notwithstanding the expiry of the term for which he was appointed, until he is replaced or reappointed, where the law so provides.

1989, c. 1, s. 576.

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Transfer of appropriations. **580.** All sums made available to the Chief Electoral Officer under the Election Act (chapter E-3.2) and to the Commission de la représentation under the Act respecting electoral representation (chapter R-24.1) are hereby transferred to them without other formality.

1989, c. 1, s. 580.





