



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 188

**An Act to amend the Election Act and
other legislation with respect to the
protection of electors' personal
information**

Introduction

**Introduced by
Madam Kathleen Weil
Minister responsible for Access to Information and the
Reform of Democratic Institutions**

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EXPLANATORY NOTES

This bill amends the Election Act to allow the Chief Electoral Officer to examine and assess the practices of political parties with respect to the collection, use, communication, keeping and security of electors' personal information. Under the bill, the Chief Electoral Officer must report on the examination and assessment to the National Assembly not later than 1 October 2019.

The Act respecting elections and referendums in municipalities and the Act respecting school elections are also amended to grant the Government the power to request that the Chief Electoral Officer conduct such exercises with regard to municipal political parties and recognized tickets for the purposes of municipal and school elections within the time periods the Government sets.

Lastly, the bill provides for the Chief Electoral Officer to be granted the necessary powers to achieve those purposes and for his reports to be examined by the competent committee of the National Assembly.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections (chapter E-2.3);
- Election Act (chapter E-3.3).

Bill 188

AN ACT TO AMEND THE ELECTION ACT AND OTHER LEGISLATION WITH RESPECT TO THE PROTECTION OF ELECTORS' PERSONAL INFORMATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. The Election Act (chapter E-3.3) is amended by inserting the following section after section 485:

“485.1. The Chief Electoral Officer shall examine and assess the practices of political parties with respect to the collection, use, communication, keeping and security of electors' personal information. The Chief Electoral Officer shall report on the examination and assessment to the National Assembly not later than 1 October 2019. The report may, in particular, recommend any measures that the Chief Electoral Officer considers appropriate with respect to the protection of electors' privacy. The competent committee of the National Assembly shall examine the report referred to in this section.

The political parties shall, for the purposes of the examination and assessment provided for in the first paragraph, provide the Chief Electoral Officer with the help and assistance he needs and give him the information and explanations he requests; sections 490.2 to 490.4, 559.1.1 and 559.1.2 of this Act apply with the necessary modifications.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

2. The Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting the following section after section 658.1:

“658.2. The Government may, after consultation with the Chief Electoral Officer, request that he examine and assess the practices of municipal political parties and recognized tickets with respect to the collection, use, communication, keeping and security of electors' personal information. In the same manner, the Government shall set the period during which the examination and assessment must be conducted and the date on which a report must be transmitted to the National Assembly in that respect. The report may, in particular, recommend any measures that the Chief Electoral Officer considers appropriate with respect to the protection of electors' privacy. The competent committee of the National Assembly shall examine the report referred to in this section.

The municipal political parties and recognized tickets shall, for the purposes of the examination and assessment provided for in the first paragraph, provide the Chief Electoral Officer with the help and assistance he needs and give him the information and explanations he requests; sections 490.2 to 490.4, the first paragraph of section 495.1 and sections 559.1.1 and 559.1.2 of the Election Act (chapter E-3.3) apply with the necessary modifications.”

ACT RESPECTING SCHOOL ELECTIONS

3. The Act respecting school elections (chapter E-2.3) is amended by inserting the following section after section 281:

“281.1. The Government may, after consultation with the Chief Electoral Officer, request that he examine and assess the practices of recognized tickets with respect to the collection, use, communication, keeping and security of electors’ personal information. In the same manner, the Government shall set the period during which the examination and assessment must be conducted and the date on which a report must be transmitted to the National Assembly in that respect. The report may, in particular, recommend any measures that the Chief Electoral Officer considers appropriate with respect to the protection of electors’ privacy. The competent committee of the National Assembly shall examine the report referred to in this section.

Recognized tickets shall, for the purposes of the examination and assessment provided for in the first paragraph, provide the Chief Electoral Officer with the help and assistance he needs and give him the information and explanations he requests; sections 490.2 to 490.4, the first paragraph of section 495.1 and sections 559.1.1 and 559.1.2 of the Election Act (chapter E-3.3) apply with the necessary modifications.”

FINAL PROVISIONS

4. This Act comes into force on (*insert the date of assent to this Act*).

Section 485.1 of the Election Act (chapter E-3.3), enacted by section 1, will be repealed on the date on which examination of the Chief Electoral Officer’s report referred to in that section is completed.

Section 658.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2), enacted by section 2, will be repealed on the date on which examination of the Chief Electoral Officer’s report referred to in that section is completed, or on (*insert the date that is four years after the date of assent to this Act*) if the Government did not request an examination and assessment before that date. The same will apply to section 281.1 of the Act respecting school elections (chapter E-2.3), enacted by section 3.