



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 1

An Act respecting the obligation to identify oneself before voting

Introduction

**Introduced by
Mr Guy Chevrette
Minister responsible for Electoral Reform**

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EXPLANATORY NOTES

This bill provides that electors at a provincial, municipal or school election or in a provincial, municipal or school referendum will be required, before voting, to produce as identification either their health-insurance card, driver's licence or probationary licence, passport or any other document issued to them by the Government or a government department or body and determined by regulation after consultation with the advisory committee established under the Election Act.

An elector who cannot produce such identification will nevertheless be admitted to vote if he meets other requirements set out in the bill.

The bill prohibits anyone, on pain of penal sanctions, from producing a fraudulent document or from recording or using information contained in a document produced as identification for voting purposes.

LEGISLATION AMENDED BY THIS BILL :

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

Bill 1

AN ACT RESPECTING THE OBLIGATION TO IDENTIFY ONESELF BEFORE VOTING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

1. Section 337 of the Election Act (R.S.Q., chapter E-3.3) is amended by adding the following paragraph at the end:

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

2. The said Act is amended by inserting the following section after section 337:

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

This section shall not operate to prevent polling officers from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced by electors.”

3. Section 338 of the said Act is amended

(1) by replacing “and if” in the third line of the first paragraph by “, if”;

(2) by adding “and if he has produced identification in accordance with the second paragraph of section 337” at the end of the first paragraph.

4. The said Act is amended by inserting the following section after section 338:

“338.1. An elector who cannot produce identification in accordance with the second paragraph of section 337 may nevertheless be admitted to vote if the elector

(1) declares under oath 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; and

(2) is accompanied by a person who, under oath,

(a) identifies himself in accordance with the first paragraph of section 337,

(b) attests to the identity and address of the elector,

(c) declares that he has not accompanied any other elector other than his spouse or a relative within the meaning of section 205 during the poll, and

(d) produces a document referred to in the second paragraph of section 337 that bears his photograph.

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

An indication of the oaths made pursuant to the first paragraph shall be entered in the poll book. Section 337.1 applies to any document produced by a person accompanying an elector.”

5. Section 549 of the said Act is amended by adding the following paragraph at the end:

“(4) determine, after consultation with the advisory committee, the documents issued by the Government or a government department or body that may be produced for the purposes of the second paragraph of section 337.”

6. The said Act is amended by inserting the following section after section 551.1:

“551.1.0.1. Every person who writes down or otherwise records information contained in a document produced pursuant to the second paragraph of section 337 or pursuant to section 338.1 is liable to a fine of \$500 to \$2,000.”

7. Section 551.2 of the said Act is amended by replacing “uses a list of electors for commercial purposes or for profit” in the first and second lines by “, for commercial purposes or for profit, uses a list of electors or any information contained in a document produced pursuant to the second paragraph of section 337 or pursuant to section 338.1”.

8. Section 553.1 of the said Act, amended by section 82 of chapter 52 of the statutes of 1998, is again amended by inserting “, produces a fraudulent document as identification” after “declaration” in the second line of paragraph 2.1.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

9. Section 215 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by adding the following paragraph at the end:

“In addition, the elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document issued to him by the Government or a government department or body and determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.”

10. The said Act is amended by inserting the following section after section 215:

“**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.”

11. Section 216 of the said Act is amended

(1) by replacing “and if” in the third line of the first paragraph by “, if”;

(2) by adding “and if he has produced identification in accordance with the third paragraph of section 215” at the end of the first paragraph.

12. The said Act is amended by inserting the following section after section 216:

“**216.1.** An elector who cannot produce identification in accordance with the third paragraph of section 215 may nevertheless be admitted to vote if the elector

(1) declares under oath 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; and

(2) is accompanied by a person who, under oath,

(a) identifies himself in accordance with the first paragraph of section 215,

- (b) attests to the identity and address of the elector,
- (c) declares that he has not accompanied any other elector other than his spouse or a relative within the meaning of section 131 during the poll, and
- (d) produces a document referred to in the third paragraph of section 215 that bears his photograph.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 338.1 of the Election Act.

An indication of the oaths made pursuant to the first paragraph shall be entered in the poll book. Section 215.1 applies to any document produced by a person accompanying an elector.”

13. Section 586 of the said Act, amended by section 42 of chapter 34 of the statutes of 1997, is again amended by inserting the following paragraph after paragraph 5:

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

14. Section 631 of the said Act, amended by section 72 of chapter 23 of the statutes of 1995 and by section 43 of chapter 34 of the statutes of 1997, is again amended by inserting the following paragraph after paragraph 7:

“(7.1) every person who writes down or otherwise records information contained in a document produced by an elector pursuant to the third paragraph of section 215 or section 216.1 or uses such information for commercial purposes or for profit;”.

ACT RESPECTING SCHOOL ELECTIONS

15. Section 114 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by inserting “and, where required, his date of birth” after “address” in the first line;

(2) by adding the following paragraph at the end:

“In addition, the elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de

l'assurance-maladie du Québec, driver's licence or probationary licence issued in plastic form by the Société de l'assurance automobile du Québec, Canadian passport or any other document issued to him by the Government or a government department or body and determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.”

16. The said Act is amended by inserting the following section after section 114:

“**114.1.** No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 114.”

17. Section 115 of the said Act is amended

(1) by replacing “and if” in the third line by “, if”;

(2) by replacing “and address correspond to those appearing on the list of electors” at the end by “, address and, where applicable, date of birth correspond to those appearing on the list of electors and if he has produced identification in accordance with the second paragraph of section 114”.

18. The said Act is amended by inserting the following section after section 115:

“**115.1.** An elector who cannot produce identification in accordance with the second paragraph of section 114 may nevertheless be admitted to vote if the elector

(1) declares under oath 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; and

(2) is accompanied by a person who, under oath,

(a) identifies himself in accordance with the first paragraph of section 114,

(b) attests to the identity and address of the elector,

(c) declares that he has not accompanied any other elector other than his spouse or a relative within the meaning of section 46 during the poll, and

(d) produces a document referred to in the second paragraph of section 114 that bears his photograph.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the

Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 338.1 of the Election Act.

An indication of the oaths made pursuant to the first paragraph shall be entered in the poll book. Section 114.1 applies to any document produced by a person accompanying an elector.”

19. Section 214 of the said Act is amended by replacing paragraph 4 by the following paragraph:

“(4) to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person,”.

20. Section 215 of the said Act is amended by striking out “or “ at the end of paragraph 2, adding “or” at the end of paragraph 3 and adding the following paragraph after paragraph 3:

“(4) writes down or otherwise records information contained in a document produced pursuant to the second paragraph of section 114 or section 115.1 or makes use of such information for commercial purposes or for profit,”.

FINAL PROVISION

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