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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 29

**An Act to facilitate the conduct of the  
next general election in Québec**

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**Introduction**

**Introduced by  
Madam Sonia LeBel  
Minister Responsible for Democratic Institutions and  
Electoral Reform**

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## EXPLANATORY NOTES

*The purpose of this bill is to facilitate the conduct of the next general election in Québec in the context of the transmission of COVID-19. The bill prescribes special provisions applicable to that election which supplement or depart from the provisions of the Election Act and prevail over any contrary or inconsistent provision of that Act.*

*The bill introduces special provisions applicable to mobile boards of revisors, in particular to allow those boards to sit at the same time as the poll is being held in a residential facility, at a mobile polling station or at an elector's domicile, for the electors eligible to vote there.*

*Under the bill, a returning officer may decide, with the authorization of the Chief Electoral Officer, not to establish a mobile board of revisors if access to the place where the board must sit is restricted because of the risk of transmission of COVID-19 or if it is not advisable, because of that risk, to establish such a board there. The same applies in respect of a polling station in a residential facility, a mobile polling station or a polling station at an elector's domicile. The bill specifies that the Chief Electoral Officer gives his authorization after consultation with the public health department concerned.*

*The bill provides that if a mobile board of revisors is not established in a place, an elector's request for revision of the list of electors may be carried out by a special board of revisors. In addition, if a polling station is not set up in a place where an elector is domiciled or lodged, the elector may vote by mail.*

*The bill also contains special provisions allowing electors who are more at risk of developing complications in case of contamination with COVID-19 because of their state of health and electors who are in isolation as ordered or recommended by the public health authorities because of COVID-19 to vote by mail.*

*The bill establishes rules applicable to requests to vote by mail, the exercise of the right to vote by mail and the counting of votes on mail-in ballot papers.*

*Lastly, the bill includes miscellaneous provisions, in particular to allow the Chief Electoral Officer to exercise the same duties and powers as those provided for in the Election Act for the purposes of this bill.*



# **Bill 29**

## **AN ACT TO FACILITATE THE CONDUCT OF THE NEXT GENERAL ELECTION IN QUÉBEC**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **PURPOSE**

**1.** In order to facilitate the conduct of the next general election in Québec in the context of the transmission of COVID-19, the purpose of this Act is to prescribe special provisions applicable to that election, including provisions applicable to a polling day that is postponed in the case of the death of a candidate of an authorized party and to a new election that is held in case of a tie-vote.

The provisions of this Act supplement or depart from those of the Election Act (chapter E-3.3). They prevail over any contrary or inconsistent provision of the Election Act, a regulation made under that Act or an agreement entered into between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly under section 489 of that Act.

### **CHAPTER II**

#### **SPECIAL PROVISIONS APPLICABLE TO CERTAIN REQUESTS FOR REVISION OF THE LIST OF ELECTORS**

#### **DIVISION I**

##### **ELIGIBLE ELECTORS**

**2.** This chapter applies to an elector

(1) who is domiciled or lodged in a residential facility maintained by an institution that operates a residential and long-term care centre governed by the Act respecting health services and social services (chapter S-4.2), or in a private seniors' residence listed in the register established under that Act, that meets the criteria set by the Chief Electoral Officer in accordance with the fourth paragraph of section 180 of the Election Act;

(2) who is domiciled or lodged in a place described in section 301.15 of the Election Act and who submitted a request for revision of the list of electors; or

(3) who submitted a request to vote at the elector's domicile and in respect of whom a revision of the list of electors is required.

## **DIVISION II**

### **REVISION OF THE LIST OF ELECTORS**

**3.** A mobile board of revisors sits on the same days and at the same times as those determined by the returning officer for

(1) the poll held in a residential facility referred to in paragraph 1 of section 2, on the eighth and seventh days before polling day; and

(2) the poll held in a mobile polling station at a place referred to in paragraph 2 of section 2 and at the domicile of an elector referred to in paragraph 3 of that section, on the tenth, ninth, sixth, fifth and fourth days before polling day.

**4.** A mobile board of revisors is composed of three revisors, including a chair appointed in accordance with section 185 of the Election Act, and of a deputy returning officer and a poll clerk, appointed in accordance with section 310 of that Act, who act as revisors. The deputy returning officer acts as vice-chair of the board.

**5.** A returning officer who notes that access to a place referred to in any of paragraphs 1 to 3 of section 2 is restricted because of the risk of transmission of COVID-19 or that it is not advisable, for the same reason, to establish a mobile board of revisors in that place may be authorized by the Chief Electoral Officer not to establish such a board there. For that purpose, the Chief Electoral Officer consults the public health department concerned.

The returning officer then uses all necessary means to inform the candidates and electors concerned.

**6.** If a mobile board of revisors is not established in a residential facility referred to in paragraph 1 of section 2, an elector who is domiciled or lodged in that facility may submit a request for revision of the list of electors to a special board of revisors.

If a mobile board of revisors is not established in a place referred to in paragraph 2 or 3 of section 2, the elector's request for revision of the list of electors is sent to a special board of revisors.

An elector whose name is entered on the list of electors by a special board of revisors under this section may vote at an advance polling station.

**7.** A request for revision of the list of electors submitted to a special board of revisors must be made in the form prescribed by the Chief Electoral Officer and supported by a declaration attesting to the accuracy of the facts put forward. The returning officer sends the form to the electors concerned by any means the returning officer considers appropriate.

The request is sent to the special board of revisors by mail, using a means of transmission determined by the Chief Electoral Officer and adapted to the latter's technological environment or by any other means the returning officer considers appropriate.

The special board of revisors may require from a person submitting a request any evidence needed to make a decision.

Requests for registration must be submitted with

(1) a copy of a document containing the elector's name, date of birth and domiciliary address or, failing that, a copy of two documents one of which contains the elector's name and date of birth and the other, the elector's name and domiciliary address; or

(2) proof confirming the name, date of birth and domiciliary address of the elector domiciled or lodged in a place referred to in paragraph 1 or 2 of section 2, signed by a person in charge or by a staff member authorized for that purpose at that place.

**8.** An elector who is an elector's spouse or relative within the meaning of the second paragraph of section 204 of the Election Act or who lives with an elector may submit, on the latter's behalf, any request concerning that elector to a special board of revisors.

### **CHAPTER III**

#### **SPECIAL PROVISIONS ALLOWING VOTING BY MAIL FOR CERTAIN ELECTORS**

##### **DIVISION I**

##### **ELIGIBLE ELECTORS**

**9.** A returning officer who notes that access to a place referred to in any of subparagraphs 1 to 3 of the second paragraph is restricted because of the risk of transmission of COVID-19 or that it is not advisable, for the same reason, to set up a polling station in that place may be authorized by the Chief Electoral Officer not to set up such a polling station there. For that purpose, the Chief Electoral Officer consults the public health department concerned.

If a polling station is not set up, the following electors are eligible to vote by mail under this chapter:

(1) an elector who is domiciled or lodged in a residential facility maintained by an institution that operates a residential and long-term care centre governed by the Act respecting health services and social services, or in a private seniors' residence listed in the register established under that Act, that meets the criteria set by the Chief Electoral Officer in accordance with the fourth paragraph of section 180 of the Election Act;

(2) an elector who is domiciled or lodged in a place described in section 301.15 of the Election Act;

(3) an elector who submitted a request to vote at the elector's domicile; and

(4) an elector who acts as an informal caregiver of an elector referred to in subparagraph 3 and who submitted a request to vote at that elector's domicile.

The returning officer then uses all necessary means to inform the candidates and electors concerned.

**10.** The following electors are also eligible to vote by mail:

(1) an elector who is more at risk of developing complications in case of contamination by COVID-19 because of the elector's state of health, according to the public health authorities; and

(2) an elector who is in isolation as ordered or recommended by the public health authorities due to COVID-19.

## **DIVISION II**

### **REQUEST TO VOTE BY MAIL**

**11.** An elector eligible to vote by mail must submit a request to the returning officer of the elector's electoral division in order to vote by mail.

However, if an elector referred to in any of subparagraphs 2 to 4 of the second paragraph of section 9 has already submitted a request to vote at a mobile polling station or a request to vote at the elector's domicile, that request is deemed to be a request to vote by mail.

An elector referred to in paragraph 1 of section 10 who has already submitted a request to vote by mail does not have to submit a new request if polling day is postponed in the case of the death of a candidate of an authorized party or if a new election is held in case of a tie-vote during the next general election.

**12.** A request to vote by mail is submitted in writing, by telephone or using a means of transmission determined by the Chief Electoral Officer and adapted to the latter's technological environment.

Such request may be submitted by an elector

(1) who is referred to in any of subparagraphs 1 to 4 of the second paragraph of section 9, from the day on which the elector is informed that a polling station will not be set up in a place referred to in any of those subparagraphs;

(2) who is referred to in paragraph 1 of section 10, from the day on which the order instituting the holding of the election is issued; or

(3) who is referred to in paragraph 2 of section 10, from the twenty-first day before polling day.

**13.** A request to vote by mail must be received not later than

(1) the eighth day before polling day; or

(2) the fourth day before polling day, if a polling station is not set up in a place referred to in any of subparagraphs 1 to 3 of the second paragraph of section 9 between the tenth and the fourth day before polling day.

**14.** The returning officer draws up a list of the electors eligible to vote by mail who submitted, or are deemed to have submitted, a request to that effect. The returning officer sends the candidates the list on the seventh and third days before polling day.

### **DIVISION III**

#### **EXERCISE OF THE RIGHT TO VOTE**

**15.** Not later than the seventh day before polling day, the returning officer sends any elector whose name is entered on the list of the electors eligible to vote by mail the required voting materials, including a ballot paper that is in conformity with the model of the ballot paper for electors outside their electoral division provided in Schedule IV to the Election Act, a list of the places where the elector may consult the list of candidates and the address of the Chief Electoral Officer's website on which that list is posted.

However, if a request to vote by mail is received within the time prescribed in paragraph 2 of section 13, the sending must be done not later than the third day before polling day.

The returning officer sends each elector whose name is entered on the list of the electors eligible to vote by mail the list of candidates for the elector's electoral division as soon as possible.

**16.** Electors cast their vote by writing the given name and family name of the candidate of their choice on the ballot paper. They may add the name of the political party or the word “Independent”, if applicable.

**17.** Electors must insert the ballot paper in an unidentified inside envelope, seal the envelope and insert it in a second envelope.

Electors also insert in the second envelope a copy of one of the identification documents referred to in the second paragraph of section 337 of the Election Act. If the elector’s signature is not reproduced on the document, the elector must also insert in the second envelope a copy of another identification document bearing the elector’s signature.

Despite the second paragraph, electors domiciled or lodged in a place referred to in subparagraph 1 or 2 of the second paragraph of section 9 who are unable to send a copy of one of the documents referred to in the second paragraph must insert in the second envelope a document, in the form determined by the Chief Electoral Officer, on which they indicate their date of birth and affix their signature.

All electors must also insert in the second envelope an elector’s declaration prescribed by the Chief Electoral Officer duly signed by the elector and, where applicable, by the person who assisted the elector.

**18.** Electors must send the second envelope to the returning officer of their electoral division so that the envelope is received before 8:00 p.m. on polling day.

That envelope may also be submitted at any place determined by the Chief Electoral Officer within the time prescribed in the first paragraph.

**19.** An elector who declares being unable to perform a formality required for the exercise of the elector’s right to vote by mail may be assisted

(1) by a person who is the elector’s spouse or relative within the meaning of section 204 of the Election Act;

(2) by another person who declares on the elector’s declaration provided for in the fourth paragraph of section 17 not having assisted, during the poll, any elector other than the person’s spouse or relative within the meaning of section 204 of the Election Act; or

(3) by a person in charge or a staff member at the place referred to in subparagraph 1 or 2 of the second paragraph of section 9 where the elector is domiciled or lodged who may assist more than one elector at the place where the person in charge or staff member works.

## **DIVISION IV**

### **COUNTING OF VOTES ON MAIL-IN BALLOT PAPERS**

**20.** The verification of envelopes preceding the counting of votes starts on the days and at the times determined by the Chief Electoral Officer.

**21.** The returning officer designates one or more persons to verify the envelopes.

**22.** A person designated to verify the envelopes must make sure that

(1) the elector's name is entered on the list of electors and appears on the list of the electors eligible to vote by mail;

(2) the copy of the identification document or documents provided for in the second paragraph of section 17 or, failing that, the document provided for in the third paragraph of that section on which the elector indicated the elector's date of birth is attached and bears the elector's signature;

(3) the elector's declaration provided for in the fourth paragraph of section 17 is attached and bears the elector's signature;

(4) the signature on the elector's declaration corresponds to the signature on the copy of one of the identification documents provided for in the second paragraph of section 17 or, failing that, on the document provided for in the third paragraph of that section on which the elector indicated the elector's date of birth;

(5) the second envelope is received before 8:00 p.m. on polling day; and

(6) the ballot paper was placed in an unidentified inside envelope which was then inserted in a second envelope.

**23.** Once these verifications have been made, if everything is in compliance, the envelope containing the ballot paper is removed from the second envelope and placed in the ballot box.

If an irregularity is discovered during the verifications, the envelope in question is not placed in the ballot box and the ballot paper is considered cancelled.

No ballot paper may be cancelled for the sole reason that the inside envelope containing the ballot paper is not sealed.

**24.** The reason for considering a ballot paper as cancelled must be written on the second envelope.

**25.** The returning officer sets up as many stations as necessary to count the votes and, for each of the stations, appoints a deputy returning officer and a poll clerk in accordance with section 310 of the Election Act.

**26.** The votes are counted at the place and time determined by the returning officer in accordance with sections 361 to 370.2 of the Election Act, with the necessary modifications. The candidates and their representatives may be present.

No ballot paper may be rejected for the sole reason that one of the words it bears is misspelled if the elector's intention is clear or for the sole reason that it does not bear the initials of the election officer. This paragraph also applies in the case of a judicial recount.

## **CHAPTER IV**

### **MISCELLANEOUS AND FINAL PROVISIONS**

**27.** The returning officer transmits to the Chief Electoral Officer, along with the complete return on the election proceedings provided for in section 378 of the Election Act (chapter E-3.3), all documents relating to voting by mail under this Act.

**28.** For the purposes of this Act, unless the context indicates otherwise, the Chief Electoral Officer has the same duties and powers as those provided for in the Election Act, with the necessary modifications.

**29.** Sections 551.1.0.1 and 551.2 of the Election Act apply to a document sent in accordance with section 17 of this Act.

**30.** This Act comes into force on *(insert the date that is 90 days after the date of assent to this Act)*.