



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 22

An Act to amend the Election Act to encourage and facilitate voting

Introduction

**Introduced by
Mr. Benoît Pelletier
Minister responsible for the Reform of Democratic
Institutions**

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EXPLANATORY NOTES

The purpose of this bill is to encourage the greatest possible number of electors to vote. To that end, the bill proposes the following measures:

— setting up mobile boards of revisors and allowing revision requests to be filed by mail, fax or electronic means;

— allowing voting in any of the offices set up by the returning officer in an electoral division over the entire electoral period;

— allowing persons domiciled in Québec to vote by mail in the same manner as electors outside Québec; voting by mail will be possible for hospitalized persons, inmates, workers and students, among others; and

— extending advance polling hours and allowing advance polling in private residences for the elderly.

In addition, the bill provides that the cost of services rendered by the political staff of a Minister's office are not to be counted as election expenses.

The bill also makes the Government and Public Employees Retirement Plan applicable to certain temporary employees of the Chief Electoral Officer.

Bill 22

AN ACT TO AMEND THE ELECTION ACT TO ENCOURAGE AND FACILITATE VOTING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by striking out “or, in the case of an elector outside Québec, for 12 months” in subparagraph 3 of the first paragraph;

(2) by striking out the third paragraph.

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

“3. A candidate having filed a nomination paper in accordance with section 237 who is running in an electoral division other than that in which the candidate is domiciled may choose to be considered as domiciled in the polling subdivision in which the candidate’s main office for the purposes of the election is located. The candidate must file a request to that effect on revision of the list of electors during the election period.”

3. Section 40.12.13 of the Act is amended by replacing “Sections 211 and 213 to 216.1” in the first line by “Sections 207 and 210 to 214”.

4. Section 40.31 of the Act is amended by replacing the first paragraph by the following paragraph:

“40.31. The returning officer may establish a procedure for enumerating persons domiciled or lodged in a place described in section 135.1 with the executive director, owner, manager, operator or person in charge of that place in order to ensure that they are registered on the list of electors.”

5. Section 40.32 of the Act is replaced by the following section:

“40.32. The executive director, owner, manager, operator, superintendent, caretaker or person in charge of a place described in section 135.1 must allow and facilitate access to the premises by the enumerators.”

6. Section 40.38 of the Act is amended by replacing “227 to 231.3” in the fourth line by “220 to 228”.

7. Section 132 of the Act is replaced by the following section:

“132. The returning officer shall establish a main office in an easily accessible place in the electoral division, and, after being authorized by the Chief Electoral Officer, branch offices as needed. The addresses of these offices are communicated to the Chief Electoral Officer, to each party authority at the electoral division level and to the public.

As soon as the order instituting the election is issued, these offices must be open every day, from 9:00 a.m. to 9:00 p.m. Monday to Friday and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday. They must be handicapped-accessible and laid out in accordance with the standards prescribed by the Chief Electoral Officer.”

8. Section 135.1 of the Act is replaced by the following section:

“135.1. The owner, manager, operator, superintendent, caretaker or person in charge of a residential building, a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or a lodging facility operated by an organization for the purpose of ensuring the safety of individuals and their children must allow and facilitate access to the building, residence or facility by persons in charge of distributing notices or documents from the Chief Electoral Officer or the returning officer.

The same rule applies to the executive director of an institution that operates a hospital centre, a residential and long-term care centre or a rehabilitation centre governed by the Act respecting health services and social services or a hospital centre or a reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), with regard to any facility maintained by the institution.”

9. Section 146 of the Act is amended by replacing the second paragraph by the following paragraph:

“The lists are sent in electronic form; candidates may obtain a paper copy on request.”

10. The Act is amended by replacing subdivision 1 of Division IV of Chapter III of Title IV, comprising sections 179 to 196, by the following:

“DIVISION IV

“REVISION

“§1. — *Establishment of boards of revisors*

“179. The returning officer for a division establishes one or more boards of revisors, mobile boards of revisors and special boards of revisors, as needed.

The Chief Electoral Officer establishes a board of revisors for electors having the right to vote outside Québec.

“§2. — *Boards of revisors and mobile boards of revisors*

“180. A board of revisors must sit at the returning officer’s main office and the additional boards of revisors sit at the returning officer’s branch offices or at any other place determined by the returning officer after being authorized by the Chief Electoral Officer.

Not later than the twenty-eighth day before polling day, the returning officer determines the places where the mobile boards of revisors, if any, will sit.

A mobile board of revisors sits 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 a residence for the elderly listed in the register established under that Act.

A residential facility must meet the criteria set by the Chief Electoral Officer and the institution or the operator of the residence must allow a mobile board of revisors to be set up free of charge in the residential facility.

The returning officer informs the Chief Electoral Officer, the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate of the places where a board of revisors will sit.

“181. Each board of revisors is composed of three revisors, including a chair.

“182. Not later than the twenty-sixth day before polling day, the Chief Electoral Officer appoints revisors to each board of revisors.

The chair is appointed in accordance with section 185.

The second revisor is appointed on the recommendation of the authorized party that ranked first in the last election or the independent Member elected in the last election if the Member’s nomination paper has been filed.

The third revisor is appointed on the recommendation of the authorized party that ranked second in the last election.

“183. In a new electoral division, an electoral division whose boundaries have changed since the last election, an electoral division in which no authorized party ranked second in the last election or an electoral division represented by an independent Member whose nomination paper has not been received, the Chief Electoral Officer decides which parties or candidates are entitled to recommend the appointment of the second and third revisors, according to criteria prescribed by regulation.

“184. The recommendations are made by the person designated in writing for that purpose by the leader or chief executive officer of the party.

Recommendations must be received by the returning officer not later than the twenty-seventh day before polling day.

The returning officer may refuse a recommendation on reasonable grounds. In that case, the returning officer requests a new recommendation.

If no recommendation has been received or if the person recommended is not a qualified elector, the returning officer makes the appointment without further formality.

“185. Not later than the twenty-eighth day before polling day, the returning officer sends the name of the revisor the returning officer intends to appoint as chair of each board of revisors for approval to the person designated under section 184.

The designated person must send a notice of approval or disapproval to the returning officer not later than the twenty-seventh day before polling day. In the case of disapproval, the Chief Electoral Officer appoints the revisor who is to act as chair of the board of revisors.

If no notice has been received, the returning officer makes the appointment without further formality.

“186. The revisor recommended by the authorized party that ranked first in the last election or by the independent Member elected in the last election acts as vice-chair of the board of revisors.

“187. The returning officer posts the list of revisors appointed to a board of revisors at the returning officer’s office and sends it to the Chief Electoral Officer, the authorized parties represented in the National Assembly, any other authorized party having so requested, any independent Member and each candidate.

“188. The returning officer appoints a secretary to each board of revisors.

The returning officer appoints a sufficient number of teams of two revising officers. Sections 182 to 184 apply to the appointment of revising officers, with the necessary modifications.

The returning officer appoints the necessary additional personnel needed by the boards of revisors to perform their functions.

“189. The function of the secretary of a board of revisors is to assist the board in the performance of its work.

“190. The functions of the revising officers include serving hearing notices and summonses and, at the request of a board of revisors, gathering information relevant to a decision to be made.

“191. The revising officers work together; in no case may they act individually. If they disagree, the matter is submitted to the board of revisors, which makes a decision immediately; the revising officers are bound by the decision.

“192. Not later than the day before the day the work of a board of revisors is to begin, the returning officer sends the revisors

- (1) the directives of the Chief Electoral Officer concerning the revision;
- (2) the list of electors containing the information they need to perform their functions; and
- (3) the requests for verification received under the third paragraph of section 145.

The returning officer may also submit to a mobile board of revisors the cases of electors who have moved or died but are registered on the list of electors of a residential facility within the meaning of section 180 or a facility maintained by an institution that operates a hospital centre or a rehabilitation centre governed by the Act respecting health services and social services (chapter S-4.2). The board of revisors has, in respect of such cases, the same powers and duties as for the processing of any request submitted by an elector.

If the revision follows an enumeration, the returning officer also sends the revisors the reports made by the enumerators under section 40.29, the list prepared under section 40.30, the requests for verification received from the Chief Electoral Officer under section 40.36 and a copy of the enumeration slips for which the enumerators were unable to obtain a date of birth.

“193. A board of revisors referred to in the first paragraph of section 180 sits from 9:00 a.m. to 9:00 p.m. Monday to Friday, and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday, from the twenty-first to the eleventh day before polling day.

Requests must be filed with or received by a board of revisors not later than the thirteenth day before polling day.

“194. A mobile board of revisors sits on the days and during the hours determined by the returning officer for the period referred to in the first paragraph. A board of revisors may go to the room or apartment of an elector who is unable to move about and who is domiciled in a residential facility within the meaning of section 180 or lodged in a facility maintained by an institution that operates a hospital centre or a rehabilitation centre governed by the Act respecting health services and social services (chapter S-4.2), provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day.

Despite the third paragraph, a mobile board of revisors present in a facility referred to in that paragraph may, on request, go to the room or apartment of an elector who is unable to move about.

“195. After consulting with the returning officer, the chair of a board of revisors may extend the hours of the board if the number of requests warrants it.

“196. Two revisors constitute a quorum.

Questions submitted to the board of revisors are decided by a majority vote.

In the case of a tie vote, the chair, or in the absence of the chair, the vice-chair has a casting vote.”

11. The Act is amended by replacing subdivision 2 of Division IV of Chapter III of Title IV, comprising sections 197 to 219, by the following:

“§3. — *Revision process*

“197. Not later than the twenty-second day before polling day, the Chief Electoral Officer sends to each address a notice containing the information relating to the electors registered on the list of electors for that address, except their date of birth and sex, or a notice indicating that no elector is registered for that address.

The notice must inform electors that any request regarding the revision of the list of electors must be submitted to a board of revisors in the electoral division of their domicile, set out when and where the boards of revisors will sit and explain the revision process.

Information regarding mobile boards of revisors is provided to the electors concerned by the returning officer.

“198. The Chief Electoral Officer sends each elector having requested a change to the permanent list of electors after the order instituting the election

was issued a notice informing the elector that a request must be submitted to a board of revisors in the electoral division of his or her domicile for the change to be made to the list of electors to be used for the upcoming poll.

“199. An elector who finds that he or she is not registered on the list of electors for the polling subdivision in which the elector is domiciled on the thirteenth day before polling day must submit a request for registration to a board of revisors in order to vote.

The elector may request that the registration be considered for the purposes of the upcoming poll only.

“200. An elector who is aware that he or she is registered on the list of electors for a polling subdivision other than the one in which the elector is domiciled on the thirteenth day before polling day must, if he or she wishes to vote, submit a request for registration to a board of revisors.

If the request is granted, the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled after being removed from the other list.

“201. An elector who finds an error in the information relating to him or her must submit a request for a correction to a board of revisors.

“202. A person who finds that he or she is registered on the list of electors for a polling subdivision although the person is not entitled to be so registered must submit a request for removal to a board of revisors.

“203. An elector who does not wish to be registered on the list of electors may submit a request for removal to a board of revisors. The elector may at the same time request removal from the permanent list of electors.

“204. An elector who is the spouse or a relative of or lives with an elector may submit a request concerning the elector on the latter’s behalf.

In this section, “relative” means the elector’s father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter.

“205. A person who finds that another person not entitled to be registered on the list of electors for his or her polling subdivision is so registered may submit a request for removal of that other person to a board of revisors.

The person declares that, to his or her knowledge, the other person is not entitled to be registered on the list of electors for that polling subdivision, for the reasons put forward to the board.

“206. All requests submitted to a board of revisors must be made on the form prescribed by the Chief Electoral Officer and supported by a declaration attesting to the accuracy of the facts put forward. The form may be obtained in person or by phone, mail or fax from a returning officer’s office or on the Chief Electoral Officer’s website.

A board of revisors may accept a request sent by mail or fax, or by electronic means provided the person’s signature is reproduced.

A 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 the document or documents determined by regulation of the Chief Electoral Officer in support of the information contained in the request.

“207. A board of revisors examines requests that are submitted in person immediately and, whenever it can make an immediate decision, it informs the elector of the decision. Whenever the board of revisors makes a decision in the absence of the elector concerned or of the person having made the request, it must immediately notify the elector of the decision. The decision is notified in the manner determined by the Chief Electoral Officer.

A board of revisors also examines all requests submitted to it under this Act.

“208. If electors were not registered on the right list of electors because their domiciliary address was not matched with the right polling subdivision, the Chief Electoral Officer or, on the Chief Electoral Officer’s request, a board of revisors makes the necessary corrections.

The Chief Electoral Officer informs the electors concerned and the authorized parties of any corrections made under the first paragraph.

“209. In examining the cases submitted to it, a board of revisors or any revisor duly authorized by a board of revisors may make inquiries and summon witnesses.

A summons is served on a witness by the revising officers or, if it cannot be served on the witness, is left at the person’s address.

A certificate of service is drawn up by the revising officers on the prescribed form and returned to the board of revisors.

“210. Before removing or refusing to register a person, a board of revisors must inform the person by means of a written notice stating the grounds for the removal or refusal and must give the person the opportunity to submit observations in person or in writing within the time it specifies, unless the person is present or the board is satisfied, on the basis of the evidence presented, that the person whose removal is requested is under curatorship or is dead.

The notice must be of at least one clear day and be notified in the manner determined by the Chief Electoral Officer at the address appearing on the list of electors or at any other place the board of revisors has reason to believe the person may be reached.

“211. Despite section 210, a board of revisors is not required to inform a person by means of a written notice before removing or refusing to register the person if the revising officers met the person and the person confirmed that he or she was not a qualified elector or if the request for removal is made under section 233.4.

“212. The person who is the subject of a request and the witnesses summoned by a board of revisors have the right to be assisted by an advocate.

“213. Before registering an elector on the list of electors, a board of revisors must make sure that the elector is not already registered.

If the elector is already registered, the board of revisors first removes the elector, in which case it is not necessary to send the notice referred to in section 210.

“214. If, on examining a request for removal, a board of revisors concludes that the person concerned is entitled to be registered on the list of electors for another polling subdivision, it must register the person on that list after removing the person from the other list.

“215. When a board of revisors must decide whether a person is a Canadian citizen, the burden of proof is on that person.

“216. A board of revisors, on its own initiative or on request, may review or revoke a decision to remove or refuse to register a person

(1) when a new fact is discovered which, had it been known in time, could have warranted a different decision; or

(2) when the person concerned was unable to submit observations for reasons considered sufficient.

After a board of revisors has completed its work, its powers under this section may be exercised by a special board of revisors.

“217. The changes made as a result of the revision process are incorporated into the list of electors by the person designated by the returning officer.

“218. Not later than the ninth day before polling day, the returning officer sends each candidate the revised list of electors. The list must clearly show the changes made as a result of the revision process and include particulars about voting at the returning officer’s office or by mail.

At the latest before the opening of the advance poll, the returning officer sends each candidate an abstract of the changes made to the revised list of electors that pertain to voting at the returning officer's office or by mail.

The returning officer also sends each candidate a list of electors who have acquired the right to vote outside Québec since the order instituting the election was issued.

The lists are sent in electronic form; candidates may obtain a paper copy on request.

The Chief Electoral Officer sends the lists in electronic form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

“219. Despite paragraph 2 of section 53 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), personal information relating to a person who is the subject of a request for revision of the list of electors made in accordance with this division is not public information.”

12. The Act is amended by replacing subdivision 3 of Division IV and Divisions V to VI of Chapter III of Title IV, comprising sections 220 to 231.14, by the following:

“§4. — Special boards of revisors

“220. A special board of revisors must sit at the returning officer's main office, and any other special boards of revisors, at one of the returning officer's branch offices or at any other place determined by the returning officer.

“221. The returning officer may appoint a team of two revising officers to assist a special board of revisors.

“222. A special board of revisors sits from 9:00 a.m. to 9:00 p.m. Monday to Friday, and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday, from the twelfth to the fourth day before polling day.

Requests must be filed with or received by a special board of revisors not later than 2:00 p.m. on the fourth day before polling day.

“223. Only the elector concerned may file a request with a special board of revisors. However, a special board of revisors may receive a request for removal concerning a deceased elector.

“224. Subject to section 216, a person who was refused registration or was removed from the list by a board of revisors or a mobile board of revisors may not request registration during the special revision process.

“225. An elector who is registered by a special board of revisors may not vote in the advance poll.

“226. The changes made by a special board of revisors are incorporated into the list of electors by the person designated by the returning officer.

“227. Not later than the third day before polling day, the returning officer sends each candidate the revised list of electors showing the changes made by a special board of revisors and including particulars about voting in the advance poll, at the returning officer’s office or by mail.

The list is sent in electronic form; candidates may obtain a paper copy on request.

The Chief Electoral Officer sends the list in electronic form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

At the latest before the opening of the polling stations, the returning officer sends each candidate an abstract of the changes made to the list of electors referred to in the first paragraph that pertain to voting at the returning officer’s office.

“228. Unless otherwise provided, subdivisions 2 and 3 apply to special boards of revisors, with the necessary modifications.

“§5. — Board of revisors for electors outside Québec

“229. The Chief Electoral Officer establishes a board of revisors at the Chief Electoral Officer’s office to receive requests for revision concerning electors who have the right to vote outside Québec.

“230. Sections 181, 182, 184 to 186, 188, 189 and 196 apply to the establishment and operation of the board of revisors, with the necessary modifications.

However, no team of revising officers is assigned to the board of revisors.

“231. The board of revisors sits from the twenty-first to the fourth day before polling day, on the days and during the hours determined by the Chief Electoral Officer.

However, requests for removal must be submitted by electors not later than the thirteenth day before polling day.

“232. An elector who finds that a person not entitled to be registered on the list of electors having the right to vote outside Québec for the elector’s electoral division is so registered may submit a request for removal of that person to a board of revisors in the electoral division.

The elector declares that, to his or her knowledge, the person is not entitled to be registered on the list of electors having the right to vote outside Québec, for the reasons put forward to the board.

“233. The board of revisors sends the request for removal to the board of revisors for electors outside Québec, which makes the relevant inquiries with the assistance, if necessary, of the revising officers assigned to the boards of revisors in the different electoral divisions concerned.

“233.1. Before removing a person from the list, the board of revisors must try to contact the person so that he or she may submit observations.

“233.2. If, on examining a request for removal, the board of revisors concludes that the person is entitled to be registered on the list of electors for the polling subdivision in which the person is domiciled, the board of revisors registers the person on that list after removing the person from the list of electors having the right to vote outside Québec.

“233.3. If the board of revisors concludes that a person must be removed from the list, it notifies the person of its decision in writing.

The board of revisors sends the decision to the Chief Electoral Officer, who forwards it to the personnel assigned to the handling of ballot papers for electors voting outside Québec.

“233.4. If the Chief Electoral Officer finds that an elector has acquired the right to vote outside Québec since the order instituting the election was issued and that the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled, the Chief Electoral Officer directs the returning officer concerned to remove the elector from that list.

“233.5. An elector having the right to vote outside Québec who wishes to vote in the polling subdivision in which the elector is domiciled on the thirteenth day before polling day must submit a request for registration to the board of revisors for the electoral division. If the request is granted, the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled after being removed from the list of electors having the right to vote outside Québec.

The board of revisors sends the decision to remove the elector from the list to the Chief Electoral Officer, who forwards the decision to the personnel assigned to the handling of ballot papers for electors voting outside Québec.

“233.6. On completing its work, the board of revisors sends the returning officer of each electoral division concerned an abstract of the changes it has made to the list of electors having the right to vote outside Québec for the electoral division.

The returning officers send this abstract to each candidate.

“§6. — *Sending of the revised list of electors*

“**233.7.** For the purpose of updating the permanent list of electors, the returning officer sends the Chief Electoral Officer the revised list of electors, which must specify, if that is the case, that the removal of an elector from the list is effective for the upcoming election only.”

13. The Act is amended by replacing Division II of Chapter V of Title IV, comprising sections 262 to 301, by the following:

“DIVISION I.1

“ALTERNATIVE VOTING PROCEDURES

“**262.** Electors vote on polling day in accordance with Division III. Alternatively, they may vote, in accordance with Divisions II to II.2, in one of the following manners:

- (1) at one of the returning officer’s offices;
- (2) by mail; or
- (3) in an advance poll.

An elector who chooses to vote by mail may not vote in any other manner, unless the elector has been issued a notice of non-eligibility.

Electors outside Québec and inmates vote by mail.

“DIVISION II

“VOTING AT THE RETURNING OFFICER’S OFFICE

“**263.** An elector may vote at one of the returning officer’s offices in the electoral division of the elector’s domicile, in the manner set out in sections 269 to 282, with the necessary modifications, and in accordance with this division.

“**264.** The elector may obtain the registration form from the twenty-seventh day to the last day before polling day at any of the returning officer’s offices or on the Chief Electoral Officer’s website.

“**265.** The elector may vote at one of the returning officer’s offices from the twenty-first day to the ninth day before polling day or from the sixth day to the last day before polling day.

“**266.** If unable to fill out the registration form, the elector may obtain assistance at the returning officer’s office.

“267. If the elector produces the original of the documents required under section 337 at the returning officer’s office, the elector is not required to provide photocopies of those documents with the registration form.

“268. If the elector votes before ballot papers printed according to the model provided in Schedule III become available, the elector receives a ballot paper printed according to the model provided in Schedule IV.

“DIVISION II.1

“VOTING BY MAIL

“§1. — *General provisions*

“269. An elector may vote by mail in accordance with the rules provided in this subdivision.

“270. A registration form may be obtained from the twenty-seventh day to the eleventh day before polling day by visiting, telephoning, writing to or faxing a returning officer’s office. The form is also available on the Chief Electoral Officer’s website.

“271. The elector must fill out and sign the registration form and enclose a photocopy of the supporting document or documents required by regulation of the Chief Electoral Officer.

“272. If unable to sign the registration form or mark a ballot paper, the elector may be assisted

- (1) by the elector’s spouse or relative within the meaning of section 204; or
- (2) by another person who has not assisted any other elector to sign a registration form or mark a ballot paper other than his or her spouse or relative within the meaning of section 204.

“273. The elector must see to it that the duly completed registration form and the required documents are received at the returning officer’s office in the electoral division of the elector’s domicile not later than the eleventh day before polling day during office hours.

“274. Every registration form received is verified by a polling officer designated by the returning officer to make sure that

- (1) it is received within the prescribed time;
- (2) it includes all the information required;
- (3) the required documents are enclosed; and

(4) the elector is registered on the list of electors at the elector's domiciliary address.

“275. If the elector is not registered on the list of electors or is registered on the list of electors for a polling subdivision other than that of the elector's domicile, the registration form is sent to a board of revisors for the electoral division where the form was received.

If the registration requested is granted by the board of revisors, the elector is registered on the list of electors for the polling subdivision of the elector's domicile after being removed, if necessary, from the other list.

“276. A notice of non-eligibility is sent to the elector if the registration form is incomplete or was not received within the prescribed time.

“277. If the elector's request for registration is granted, the returning officer sends the elector the required voting materials. The ballot paper must be printed according to the model provided in Schedule IV.

“278. If the required materials are sent to the elector before the end of the nomination period, they must include a leaflet indicating where the list of candidates may be obtained and the address of the Chief Electoral Officer's website on which it is to be posted. After the end of the nomination period, the list of candidates for the elector's electoral division must be sent to the elector.

If the materials are sent after the nomination period, they must include the list of candidates for the elector's electoral division.

“279. The elector votes by writing the given name and family name of the candidate of his or her choice on the ballot paper. The elector may add the name of the political party or the word “Independent”.

“280. If the elector loses or unintentionally marks or spoils the ballot paper, a new one may be obtained from the returning officer's office; the returning officer must see to it that the first ballot paper is cancelled if it is delivered to the office.

“281. The elector places the ballot paper in the unidentified envelope provided, seals the envelope and places it in another envelope which must, on pain of rejection, bear the signature of the elector or the person referred to in section 272.

The elector places the second envelope in the envelope pre-addressed to the returning officer's office or Chief Electoral Officer's office and sends it by mail, delivers it in person or has it delivered by another person.

“282. As soon as the ballot paper is received, the returning officer or the Chief Electoral Officer verifies the signature on the envelope. If it is identical

to the signature appearing on the registration form, the envelope is kept without being opened.

If the signatures are not identical, the envelope is rejected without being opened.

“283. Only ballot papers received at the returning officer’s office or Chief Electoral Officer’s office before the polling stations’ closing time on polling day are counted.

“§2. — *Hospitalized electors*

“284. An elector admitted to a facility maintained by an institution that operates a hospital centre or a rehabilitation centre governed by the Act respecting health services and social services (chapter S-4.2) who wishes to vote by mail must make a request for registration by telephoning, or sending the request by fax or mail to, the returning officer’s office for the electoral division in which the facility is located.

“285. The returning officer appoints an officer to go to the facility and verify the required documents referred to in section 271, give the elector the required materials, including a ballot paper printed according to the model provided in Schedule IV, and bring back the completed ballot paper.

“§3. — *Inmates*

“286. Inmates are presumed to be domiciled at the address of their domicile on the date of imprisonment.

“287. To vote, inmates must be registered on the list of electors for their house of detention.

The revision process provided for in Division IV of Chapter III does not apply to inmates.

“288. In a general election, the warden of a house of detention draws up a list of the inmates who are electors. The list must include the name, domiciliary address, sex and date of birth of each elector.

The warden asks each elector whether he or she wishes to be registered on the list of electors, and if so, has the elector confirm and sign the information regarding the elector.

The warden sends the list of electors for the house of detention and the original of the electors’ signatures to the Chief Electoral Officer not later than the sixteenth day before polling day.

“289. In a by-election, an elector who is an inmate in a house of detention must inform the warden of his or her intention to vote.

The warden must send the Chief Electoral Officer the information mentioned in section 288 regarding the elector not later than the sixteenth day before polling day.

“290. Inmates vote on a ballot paper printed according to the model provided in Schedule III.

“291. To encourage and facilitate voting by inmates, the Chief Electoral Officer may make any appropriate agreement with the authorities responsible for houses of detention established under an Act of the Parliament of Canada or the Parliament of Québec.

“§4. — *Electors outside Québec*

“292. Electors entitled to vote outside Québec are deemed to be domiciled at the address of their domicile in Québec.

“293. An elector who leaves Québec temporarily after being domiciled in Québec for 12 months may vote outside Québec for two years after the date of departure.

The two-year limit does not apply to

(1) an elector posted outside Québec to a position with the government of Québec or Canada;

(2) an elector posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution; or

(3) an elector who is the spouse or a dependent of an elector referred to in subparagraph 1 or 2.

“294. Despite section 270, an elector who wishes to vote outside Québec must file a signed request stating his or her

(1) name, sex and date of birth;

(2) domiciliary address in Québec or last domiciliary address in Québec;

(3) date of departure from Québec;

(4) projected date of return to Québec; and

(5) postal address outside Québec.

A statement by the elector that he or she intends to return to Québec and a photocopy of the document or documents determined by regulation of the Chief Electoral Officer must be filed with the request in support of the information it contains.

In the case of an elector described in the second paragraph of section 293, proof of the posting outside Québec must be filed with the request.

“295. The Chief Electoral Officer incorporates into the permanent list of electors the information that will allow electors who have the right to vote outside Québec to do so.

“296. An elector who returns to Québec must notify the Chief Electoral Officer.

“297. The Chief Electoral Officer removes from the permanent list of electors the information allowing an elector to vote outside Québec if the elector notifies the Chief Electoral Officer he or she has returned to Québec or if the elector has been outside Québec for more than two years, unless, in the latter case, the elector is an elector described in the second paragraph of section 293.

“298. The Chief Electoral Officer sends each elector whose request for registration to vote outside Québec was filed in accordance with section 294 and received by the Chief Electoral Officer before the eighteenth day before polling day the required voting materials, 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 it is posted.

The ballot paper must be printed according to the model provided in Schedule IV.

“299. Not later than the fourteenth day before polling day, the Chief Electoral Officer sends each elector the list of candidates for the elector’s electoral division, and sends the list of candidates for each electoral division to the places determined by order of the Government.

“DIVISION II.2

“ADVANCE POLLING

“§1. — *General provisions*

“300. Not later than the twenty-eighth day before polling day, the returning officer in an electoral division must set up as many advance polling stations as necessary and determine the corresponding polling subdivisions. The returning officer immediately informs each candidate and each authorized party authority at the division level.

Advance polling stations must be handicapped-accessible.

“301. Not later than the twenty-second day before polling day, the Chief Electoral Officer sends to each address a notice informing electors of where and when advance polling will take place.

“301.1. Unless inconsistent with this division, sections 305, 307 to 317, 320 to 329, 331, 332, 334 and 335.1 to 354 apply to advance polling, with the necessary modifications.

However, there is no list officer during advance polling.

“301.2. Advance polling stations are open from 9:30 a.m. to 8:30 p.m. on the eighth and seventh days before polling day.

“301.3. After the advance polling station closes on the first day, the poll clerk records in the poll book the information referred to in section 362.

The deputy returning officer places in separate envelopes the ballot papers that are in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers, the forms and the list of electors; the deputy returning officer then seals the envelopes. The deputy returning officer places the envelopes, except the one containing the list of electors, and the poll book in the ballot box and seals it with a safety seal bearing a number.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals on the envelopes and on the ballot box.

The deputy returning officer then gives the ballot box, the envelope containing the list of electors and a list of the electors who have voted to the returning officer or the person designated by the returning officer.

“301.4. At the beginning of the second day, in the presence of the poll clerk and the representatives in attendance, the poll book and the envelopes containing the forms, the unused ballot papers and the list of electors are returned to the deputy returning officer.

At the close of the advance polling station, the poll clerk records in the poll book the information referred to in section 362. The deputy returning officer then proceeds as in section 301.3.

“301.5. At the end of each day, the returning officer sends the candidates a list of the electors who voted in the advance poll.

“§2. — Polling stations set up in residential facilities

“301.6. The returning officer sets up an advance polling station in every residential facility described in section 180.

“301.7. The poll is held on the eighth and seventh days before polling day during the hours determined by the returning officer for each residential facility.

“301.8. An elector domiciled in a residential facility who wishes to vote in an advance poll must vote in the advance polling station set up in that facility.

An elector described in the first paragraph who is unable to move about may vote in his or her apartment or room provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day and provided the elector is registered on the list of electors for the polling subdivision in which the residential facility is located.

“301.9. The returning officer draws up a list of the electors who have made a request under the second paragraph of section 301.8 and sends a copy to the candidates.

“301.10. A polling station set up in a residential facility is staffed by a deputy returning officer and a poll clerk appointed by the returning officer.

“301.11. The deputy returning officer and the poll clerk act as members of the identity verification panel, and sections 335.1 to 335.4 apply with the necessary modifications.

“301.12. At a suitable time, the deputy returning officer must temporarily stop receiving votes at the polling station and take all the necessary materials to the room or apartment of an elector on the list drawn up under section 301.9 who is unable to move about.

The representatives of the candidates are not admitted into the elector’s room or apartment.

“301.13. Despite the second paragraph of section 301.8, the officers staffing a polling station set up in a residential facility may, on request, go to the room or apartment of an elector who is unable to move about.

“301.14. The institution or the operator of a residential facility must facilitate access to the polling station in the facility and cooperate with the deputy returning officer and the poll clerk.

“§3. — *Mobile advance polling stations*

“301.15. The returning officer determines which advance polling stations are to serve as mobile advance polling stations.

A mobile advance polling station is set up in every facility maintained by an institution operating a hospital centre or rehabilitation centre, and in every residential facility described in section 180 where no polling station has been set up.

“301.16. The mobile advance poll is held on the ninth and sixth days before polling day during the hours determined by the returning officer for each institution.

“301.17. An elector domiciled or lodged in a facility referred to in the second paragraph of section 301.15 may vote at a mobile polling station if the elector

(1) addressed a request to that effect to the returning officer not later than the thirteenth day before polling day;

(2) is registered on the list of electors for the polling subdivision in which the facility is located; and

(3) is unable to move about.

“301.18. Sections 301.9 to 301.11, the second and third paragraphs of section 301.12 and sections 301.13 and 301.14 apply to mobile advance polling stations, with the necessary modifications.”

14. Section 304 of the Act is repealed.

15. Section 305 of the Act is amended by inserting “and residences for the elderly listed in the register established under the Act respecting health services and social services” after “(chapter S-5)” in the fourth line.

16. Section 313 of the Act is amended by replacing “his office” in the second line of the first paragraph by “the returning officer’s offices”.

17. Section 327 of the Act is amended by replacing the first paragraph by the following paragraph:

“327. Not later than one hour before the opening of the polling station, the returning officer gives the deputy returning officer a ballot box, the directives concerning the work of the polling officers, the list of electors for the polling subdivision including the entries relating to the electors who have already voted, the entries resulting from the special revision process and the statements of changes having occurred since the special revision process, a poll book, the required polling materials and the documents needed for the counting of votes.”

18. Section 340 of the Act is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraphs:

“(2) whose name was not properly entered when a decision of a board of revisors was copied;

“(3) whose registration was mistakenly removed from the list of electors because it was confused with that of another elector;

“(4) whose registration on the list of electors was changed by the Chief Electoral Officer under section 226;

“(5) who has left home for his or her safety or that of his or her children and wishes to vote in the polling subdivision where he or she is residing.”

19. Section 347 of the Act is replaced by the following section:

“**347.** An elector who declares that he or she is unable to mark a ballot paper may be assisted

- (1) by the elector’s spouse or relative within the meaning of section 204;
- (2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station, provided the person declares under oath not having assisted any other elector during the poll other than the person’s spouse or relative within the meaning of section 204; or
- (3) by the deputy returning officer, in the presence of the poll clerk.

In all cases, this is recorded in the poll book.”

20. Section 350 of the Act is amended

- (1) by striking out “resided or” in subparagraph 2 of the first paragraph;
- (2) by adding “or has not chosen to vote by mail in the current election” at the end of subparagraph 3 of the first paragraph.

21. The Act is amended by replacing subdivision 3 of Division III of Chapter V of Title IV, comprising sections 360 to 370, by the following:

“§3. — *Proceedings after the vote*

“**Place where votes are counted**

“**360.** Votes are counted at the Chief Electoral Officer’s office, the returning officer’s office or the polling station, depending on where the ballot papers are received.

In the case of the advance poll, the returning officer determines where the votes are counted.

“**Counting of votes on ballot papers placed in a ballot box**

“**361.** After the close of the poll, the deputy returning officer, assisted by the poll clerk, counts the votes. The candidates and their representatives may be present.

When the votes cast during the advance poll are counted, sections 312 and 312.1 do not apply if the deputy returning officer and the poll clerk are not the same as those appointed to act at the advance polling station.

“362. Before the ballot box is opened, the poll clerk records in the poll book

- (1) the number of electors who voted;
- (2) the number of spoiled or cancelled ballot papers and the number of unused ballot papers; and
- (3) the names of the polling officers and the representatives, specifying which are entitled to remuneration.

“363. The deputy returning officer, the poll clerk and the representatives use the tally sheet provided by the Chief Electoral Officer for the counting of votes.

“364. The deputy returning officer opens the ballot box, counts the votes by taking the ballot papers out of the ballot box one by one and allows each person present to examine them.

“365. The deputy returning officer declares valid every ballot paper marked in a circle opposite the given name and family name of one of the candidates.

The deputy returning officer rejects a ballot paper if it

- (1) was not supplied by the deputy returning officer;
- (2) does not bear the deputy returning officer’s initials;
- (3) is not marked;
- (4) is marked for more than one candidate;
- (5) is marked for a person who is not a candidate;
- (6) is marked outside the circles;
- (7) bears a fanciful or injurious mark;
- (8) bears a mark by which the elector can be identified; or
- (9) is marked otherwise than with the pencil given to the elector by the deputy returning officer.

No ballot paper may be rejected for the reason set out in subparagraph 2 of the second paragraph if the number of ballot papers in the ballot box corresponds to the number of ballot papers that were placed in it according to the list of electors or the poll book.

In full view of the persons present, the deputy returning officer initials the back of any ballot paper that is not initialled, and notes under the initials that they have been added as a correction. This is recorded in the poll book.

“366. No ballot paper may be rejected for the sole reason that its stub has not been removed. The deputy returning officer removes the stub and destroys it.

No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled in.

“367. The deputy returning officer considers any objection raised by a candidate or a candidate’s representative as to the validity of a ballot paper and makes a decision immediately. The objection and the deputy returning officer’s decision are recorded in the poll book.

“368. The deputy returning officer draws up a statement of votes and signs it. The poll clerk and the representatives who wish to do so initial the statement.

The deputy returning officer records the reasons why ballot papers are rejected in the statistical report of rejected ballot papers.

“369. After counting the ballot papers and drawing up the statement of votes, the deputy returning officer places in separate envelopes the ballot papers marked for each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of votes. The deputy returning officer then seals the envelopes.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

The envelopes, the poll book and the list of electors are placed in the ballot box.

“370. The deputy returning officer gives a copy of the statement of votes to the representative of each candidate and to the returning officer.

“370.1. The deputy returning officer seals the ballot box, and the deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

“370.2. The deputy returning officer gives the ballot box to the returning officer or the person designated by the returning officer.

“Counting of votes on ballot papers received in envelopes

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

“370.4. The returning officer or the Chief Electoral Officer designates one or more persons to verify the envelopes.

“370.5. A person designated to verify the envelopes must make sure that

(1) the information on the outside envelope corresponds to that on the registration form;

(2) the envelope is an envelope from the elector’s electoral division;

(3) only one ballot paper was given to the elector;

(4) the envelope does not come from an elector removed from the list of electors by the board of revisors; and

(5) the number of envelopes corresponds with the entries in the poll book.

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.

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

Ballot papers for which the inside envelope or the outside envelope is missing are also considered cancelled.

“370.7. Whenever an envelope or a ballot paper is cancelled under section 370.6, reasons must be given.

“370.8. The Chief Electoral Officer or the returning officer sets up as many stations as necessary to count the votes and appoints a deputy returning officer and a poll clerk for each of the stations.

Sections 310 and 311 apply, with the necessary modifications, to the appointment of deputy returning officers and poll clerks.

“370.9. On polling day, the deputy returning officer, assisted by the poll clerk, counts the votes. The candidates and their representatives may be present. The votes are counted at the place and time determined by the Chief Electoral Officer or the returning officer in accordance with sections 362 to 370.2, with the necessary modifications.

If the votes are counted at the office of the Chief Electoral Officer, each authorized party may designate a representative to attend.

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.

“370.10. If the votes are counted at the office of the Chief Electoral Officer, the deputy returning officer, after counting the ballot papers for each electoral division, draws up a statement of votes for each electoral division.

The deputy returning officer places in separate envelopes, for each electoral division, the ballot papers marked for each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers and the unused ballot papers. The deputy returning officer then seals the envelopes and places them in another sealed envelope bearing the name of the electoral division concerned.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

The envelope, the poll book and the list of electors are placed in a ballot box bearing the name of the electoral division.

“370.11. The deputy returning officer seals the ballot box, and the deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

The deputy returning officer then gives the ballot box and the statement of votes to the Chief Electoral Officer or the person designated by the Chief Electoral Officer, or to the returning officer or the person designated by the returning officer.

“370.12. The Chief Electoral Officer immediately communicates the poll results to each returning officer concerned and sends the latter a copy of the corresponding statement of votes.”

22. Section 372 of the Act is amended by replacing “the abstract of the statement of votes contemplated in section 285” in the first and second lines of the second paragraph by “the copy of the statement of votes referred to in section 370.12”.

23. Section 387 of the Act is amended

(1) by replacing “the abstract of the statement of votes contemplated in section 285” in the third and fourth lines of the second paragraph by “the copy of the statement of votes referred to in section 370.12”;

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

“If the judicial recount is in an electoral division in which mailed votes were counted, the Chief Electoral Officer brings every envelope referred to in section 370.10 that bears the name of that electoral division.”

24. Section 389 of the Act is amended by replacing “364 and 365” in the first line by “365, 366 and the last paragraph of section 370.9”.

25. Section 431 of the Act is amended by replacing “or of” in the second line by “within the meaning of Division II.2 of the Executive Power Act (chapter E-18) or to services rendered by a member of an office staff or”.

26. Section 489 of the Act is replaced by the following section:

“489. The Chief Electoral Officer may recommend to the leaders of the authorized parties represented in the National Assembly the use of alternative voting procedures, new polling formalities or new rules concerning the counting and addition of votes in a by-election or a general election, in the latter case for all or only some of the electoral divisions.

The recommendation must specify the electoral divisions concerned. It must describe all the new measures proposed, stating the advantages and disadvantages of each and mentioning the provisions of this Act that the new measures replace.

If the recommendation is accepted by the leaders of the parties, it must be recorded in an agreement signed by them, which has force of law for the election concerned.”

27. Section 498 of the Act is amended by replacing “the voting of inmates and the voting of electors outside Québec” in the second and third lines of the second paragraph by “voting by mail”.

28. Section 551 of the Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) every owner, manager, operator, superintendent, caretaker or person in charge of a residential building, a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or a lodging facility operated by an organization for the purpose of ensuring the safety of a person or of the person’s children who limits, restricts or fails to facilitate access to the building or residence for an enumerator or a person in charge of distributing a notice or document from the Chief Electoral Officer or the returning officer;

“(2) every executive director of an institution referred to in the second paragraph of section 135.1 who limits, restricts or fails to facilitate access to a facility maintained by that institution for an enumerator or a person in charge of distributing a notice or document from the Chief Electoral Officer or the returning officer;”.

29. Section 553 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) every executive director, manager, superintendent, caretaker, operator, owner or person in charge of a residential facility referred to in section 301.6 who hinders access to a polling station set up in the facility or to a mobile advance polling station;”.

FINAL PROVISIONS

30. The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) applies to any person hired on a temporary basis under section 497 of the Election Act (R.S.Q., chapter E-3.3), except a returning officer or an assistant returning officer, from the hiring date if it is after 31 December 1987 but before 19 February 2002.

31. Until the regulation determining the documents provided for in sections 206, 271 and 294 is approved in accordance with section 550 of the Election Act (R.S.Q., chapter E-3.3), the documents are determined by the Chief Electoral Officer to allow the carrying out of the provisions enacted by this Act.

32. Until the Voting Regulation (2004, G.O. 2, 1310) is amended in accordance with section 550 of the Election Act (R.S.Q., chapter E-3.3), the forms prescribed by that regulation are adapted by the Chief Electoral Officer to reflect the provisions of this Act.

33. Until the coming into force of section 2 of this Act, section 3 of the Election Act must be read as though the fourth paragraph were replaced by the following paragraph:

“A candidate having filed a nomination paper in accordance with section 237 who is running in an electoral division other than that in which the candidate is domiciled may choose to be considered as domiciled in the polling subdivision in which the candidate’s main office for the purposes of the election is located.”

34. Until the coming into force of section 11 of this Act,

(1) section 226 of the Election Act enacted by section 12 must be read as though “are recorded in abstracts of changes or” were inserted after “revisors” in the first line;

(2) section 227 of the Election Act enacted by section 12 must be read as though “or the abstracts of changes” were inserted after “list of electors” in the second line of the first paragraph and as though “is sent” in the first line of the second paragraph were replaced by “or the abstracts of changes are sent”.

35. This Act comes into force on (*insert the date of assent to this Act*), except the provisions of sections 2 and 11, section 12 insofar as it enacts the words “and including particulars about voting in the advance poll, at the returning officer’s office or by mail” in the first paragraph of section 227 of

the Election Act (R.S.Q., chapter E-3.3) and the fourth paragraph of that section, section 13 insofar as it enacts subparagraph 1 of the first paragraph of section 262, sections 263 to 278, 284 and 285 of the Election Act, and section 20, which come into force on the date or dates to be set by the Government. However, such a date may not be set before a recommendation to that effect is obtained from the Chief Electoral Officer, stating that all preparations needed for the implementation of those provisions have been made and that the provisions may therefor come into force.

