



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 85
(2021, chapter 8)

**An Act to facilitate the conduct of the
7 November 2021 municipal general
election in the context of the
COVID-19 pandemic**

**Introduced 10 February 2021
Passed in principle 16 March 2021
Passed 25 March 2021
Assented to 25 March 2021**

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EXPLANATORY NOTES

This Act gives the Chief Electoral Officer the power to modify, by regulation, the provisions of the Act respecting elections and referendums in municipalities and those of the regulations made under that Act to facilitate the conduct of the 7 November 2021 municipal general election, taking into account the consequences of the COVID-19 pandemic.

The Chief Electoral Officer is also granted, for similar purposes, the power to adapt those provisions and those of the regulation where the urgency of the situation precludes the Chief Electoral Officer from proceeding by regulatory modification.

Lastly, the Act extends the duration of the election period by one week.

Bill 85

AN ACT TO FACILITATE THE CONDUCT OF THE 7 NOVEMBER 2021 MUNICIPAL GENERAL ELECTION IN THE CONTEXT OF THE COVID-19 PANDEMIC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. This Act applies to the 7 November 2021 municipal general election and to any proceeding recommenced in accordance with section 276 of the Act respecting elections and referendums in municipalities (chapter E-2.2) following that election. It grants the Chief Electoral Officer powers to facilitate the conduct of that election, including the conduct of accountability and reporting, taking into account the consequences of the COVID-19 pandemic.

This Act and the regulations made under it apply despite any contrary or inconsistent provision of the Act respecting elections and referendums in municipalities or the regulations.

2. The election period within the meaning of section 364 of the Act respecting elections and referendums in municipalities begins on the 51st day before polling day and ends on polling day.

3. To facilitate the conduct of the election, the Chief Electoral Officer may, by regulation, modify a provision of Divisions I, III and V of Chapter V, of Chapters VI, XIII and XIV of Title I and of sections 659.2 and 659.4 of the Act respecting elections and referendums in municipalities, a provision of a regulation made under that Act or any of those provisions that applies to the election for the office of warden of a regional county municipality under section 210.29.2 of and Schedule I to the Act respecting municipal territorial organization (chapter O-9).

A modification to a provision referred to in the first paragraph facilitates the conduct of the election if its purpose is, in particular,

(1) to establish the conditions and procedure governing the exercise, by mail, of the right to vote of any elector whose name is entered on the list of electors as a person domiciled in a private seniors residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or in a facility referred to in the second paragraph of section 50 of the Act respecting elections and referendums in municipalities, of any elector unable to move about for health reasons, of any elector acting as an informal caregiver for that elector and who has the same domicile as the latter, of any elector whose isolation is ordered or recommended by public health authorities

due to the COVID-19 pandemic and, for any municipality having passed a favourable resolution not later than 1 July 2021, of any other elector 70 years of age or older;

(2) to establish the conditions and procedure for applications for entry on, striking off or correction to the list of electors;

(3) to add any polling day before the day fixed as polling day or any day for advance polling;

(4) to establish the duties of election officers and the conditions and procedure applicable to their appointment; and

(5) to establish the conditions and procedure applicable to the filing of nomination papers.

The Chief Electoral Officer sends any draft regulation made under the first paragraph to the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Health and Social Services so that they may submit written observations.

After taking those observations into consideration, the Chief Electoral Officer publishes the draft regulation in the *Gazette officielle du Québec* at least 10 days before it is enacted, with a notice stating that any person may submit comments and specifying where they should be sent. If required by the urgency of the situation, the Chief Electoral Officer may shorten the publication period, giving reasons in the publication notice.

The regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation. The Chief Electoral Officer may shorten the publication period if required by the urgency of the situation; the reason justifying such coming into force must be published with the regulation.

4. Where the Chief Electoral Officer ascertains that applying a provision referred to in section 3, including a provision modified under that section, does not facilitate the conduct of the election and that the urgency of the situation precludes the Chief Electoral Officer from making a regulation in accordance with that section, the Chief Electoral Officer may adapt the provision to achieve its object.

The Chief Electoral Officer must first inform the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Health and Social Services in writing of the decision the Chief Electoral Officer intends to make.

Within 30 days after polling day, the Chief Electoral Officer must send the President or the Secretary General of the National Assembly a report on the decisions made under the first paragraph. The President tables the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

5. This Act comes into force on 25 March 2021, except section 4, which comes into force on the date of coming into force of the first regulation made under section 3.

