



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 29
(2022, chapter 24)

**An Act to foster voting in the next
general election in Québec**

**Introduced 23 March 2022
Passed in principle 7 April 2022
Passed 8 June 2022
Assented to 9 June 2022**

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EXPLANATORY NOTES

The purpose of this Act is to foster voting so as to properly reflect the electors' intentions at the next general election in Québec in the context of the transmission of COVID-19. The Act 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 Act 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.

The Act also provides that a returning officer who notes that access to the place where a mobile board of revisors must sit or to a polling station is restricted because of the risk of transmission of COVID-19 must notify the Chief Electoral Officer who, in turn, consults the public health department concerned to ensure that the restriction is justified and that, if so, a mobile board of revisors is established or a polling station is set up in a manner that protects the health of the population. Moreover, the Act provides that the Chief Electoral Officer consults the public health department to obtain its opinion concerning the procedure to be followed to protect the health of the population in domiciliary polling stations.

The Act 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 Act 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 Act 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 Act.

Bill 29

AN ACT TO FOSTER VOTING IN THE NEXT GENERAL ELECTION IN QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. In order to foster voting so as to properly reflect the electors' intentions at 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 MOBILE BOARDS OF REVISORS AND CERTAIN POLLING STATIONS

2. 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 section 180 of the Election Act, 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 section 301.15 of the Election Act and the poll held at the domicile of an elector referred to in section 301.19 of that Act, on the tenth, ninth, sixth, fifth and fourth days before polling day.

3. 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.

4. A returning officer who notes that access to a residential facility referred to in section 180 of the Election Act or to a place referred to in section 301.15 of that Act is restricted because of the risk of transmission of COVID-19 must, for the purpose of establishing a mobile board of revisors or setting up a polling station, notify the Chief Electoral Officer who, in turn, consults the public health department concerned.

If the public health department concerned is of the opinion that the restriction is justified, it must ensure that a mobile board of revisors is established or a polling station is set up in a manner that protects the health of the population. It issues a written notice of that decision. The notice is posted by the Chief Electoral Officer on the Chief Electoral Officer's website.

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

5. The Chief Electoral Officer consults the public health department to obtain its opinion concerning the procedure to be followed to protect the health of the population in domiciliary polling stations set up in accordance with section 301.20 of the Election Act.

The Chief Electoral Officer posts the opinion on the Chief Electoral Officer's website and then uses all necessary means to inform the candidates and electors concerned.

CHAPTER III

SPECIAL PROVISIONS ALLOWING VOTING BY MAIL FOR CERTAIN ELECTORS

DIVISION I

ELIGIBLE ELECTORS

6. The following electors are 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

7. 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.

An elector referred to in paragraph 1 of section 6 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.

8. 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 paragraph 1 of section 6, from the day on which the order instituting the holding of the election is issued; or

(2) who is referred to in paragraph 2 of section 6, from the twenty-first day before polling day.

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 a request to vote by mail on that elector's behalf.

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

(1) the eighth day before polling day for an elector referred to in paragraph 1 of section 6; or

(2) polling day, before the close of the poll, for an elector referred to in paragraph 2 of section 6.

10. The returning officer draws up a list of the electors eligible to vote by mail who submitted a request to that effect. The returning officer sends the candidates the list on the seventh day and on the day before polling day.

DIVISION III

EXERCISE OF THE RIGHT TO VOTE

11. Not later than the seventh day before polling day, the returning officer sends any elector whose name is entered on the list of electors eligible to vote by mail the required voting materials, including a standard ballot paper that is in conformity with the model provided in Schedule III to the Election Act.

12. If an elector referred to in paragraph 2 of section 6 submits a request to vote by mail between the seventh day before polling day and polling day, the required voting materials must be collected at the office of the returning officer of the elector's electoral division. If the materials are to be collected by a person other than the elector, the elector must, when submitting the request, mention the name of the person who will collect the materials.

The persons who collect the materials must identify themselves in accordance with the second paragraph of section 337 of the Election Act and may collect the required materials only for one or more electors at the same address as their own and for one or more electors at only one address other than their own. Those persons are not considered to be assisting any of those electors in accordance with section 16.

13. Electors mark the ballot paper in one of the circles.

14. 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.

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.

15. 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.

16. 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; or

(2) by another person who declares on the elector's declaration provided for in the third paragraph of section 14 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.

DIVISION IV

COUNTING OF VOTES ON MAIL-IN BALLOT PAPERS

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

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

19. 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 14 is attached and bears the elector's signature;

(3) the elector's declaration provided for in the third paragraph of section 14 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 14;

(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.

20. 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.

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

22. 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.

23. 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 it does not bear the election officer's initials. This paragraph also applies in the case of a judicial recount.

CHAPTER IV

MISCELLANEOUS AND FINAL PROVISIONS

24. 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 required under this Act.

25. The Chief Electoral Officer must, by any means the Chief Electoral Officer determines and as soon as possible after the election, make available to the public a detailed report on the application of the special provisions of this Act.

The Chief Electoral Officer transmits the report to the Secretary General of the National Assembly.

26. 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.

27. Sections 551.1.0.1 and 551.2 of the Election Act apply to a document sent in accordance with section 14 of this Act.

28. Despite any contrary or inconsistent provision of the Election Act, the list of electoral divisions published under the second paragraph of section 179 of the Act respecting French, the official and common language of Québec (2022, chapter 14) comes into force on the day the 42nd Legislature ends.

29. This Act comes into force on 1 August 2022, except section 28, which comes into force on 9 June 2022.