



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 100

(1997, chapter 8)

**An Act to amend the Election Act and other
legislative provisions as regards the permanent
list of electors**

Introduced 18 March 1997
Passage in principle 8 April 1997
Passage 8 April 1997
Assented to 8 April 1997

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EXPLANATORY NOTES

This bill amends the Election Act to lend greater detail and precision to the provisions dealing with the permanent list of electors. It acknowledges the right of every elector to have his name entered on the permanent list of electors and allows an elector to choose to have the entry of his name considered for provincial, municipal or school elections only. In addition, the bill allows an elector to have his name entered on the list of electors to be used for an election without his name being entered on the permanent list of electors.

As regards the updating of the permanent list of electors, the bill specifies that the Régie de l'assurance-maladie du Québec is to transmit information to the chief electoral officer concerning persons who are approaching the age of eighteen and authorizes the Public Curator to inform the chief electoral officer of the institution of curatorship in favour of a person of full age.

As regards the transmission of the list of electors, the bill provides that the chief electoral officer must transmit the list to be used for an election to the returning officers and to the political parties upon the issue of the order instituting the election and that the list transmitted must include the changes to the permanent list of electors requested prior to the issue of the order. As well, the bill provides that a notice must be sent to each address during an election period, indicating the names of the electors entered for that address or indicating that no electors' names are entered for that address.

The bill makes boards of revisors responsible for verifying information concerning electors in whose respect the chief electoral officer is unable to update the entries on the permanent list of electors.

The bill strengthens the penal provisions relating to the disclosure and use of information contained in the permanent list of electors.

In addition, the bill contains amendments for concordance to the Act respecting the National Assembly, the Referendum Act and the Act respecting elections and referendums in municipalities.

Lastly, the bill contains provisions concerning the list of electors to be used in the by-elections scheduled for 28 April 1997 in the electoral divisions of Beauce-Sud and Prévost. It also provides for the permanent list of electors to be transmitted, not later than 1 October 1997, to authorized political parties, and sets out rules pertaining to the confidential nature of the list.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Referendum Act (R.S.Q., chapter C-64.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Election Act (R.S.Q., chapter E-3.3).

Bill 100

AN ACT TO AMEND THE ELECTION ACT AND OTHER LEGISLATIVE PROVISIONS AS REGARDS THE PERMANENT LIST OF ELECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Election Act (R.S.Q., chapter E-3.3), amended by section 5 of chapter 23 of the statutes of 1995, is again amended by replacing the words “section 568” in subparagraph 5 of the first paragraph by the words “this Act or the Referendum Act (chapter C-64.1)”.

2. Section 16 of the said Act, amended by section 9 of chapter 23 of the statutes of 1995, is again amended by replacing the words “list of electors used at the last general election” in the second and third lines by the words “permanent list of electors”.

3. The heading of Chapter II of Title II.1 of the said Act, enacted by section 12 of chapter 23 of the statutes of 1995, is replaced by the following heading :

“ENTRY ON THE LIST AND UPDATING”.

4. The said Act is amended by inserting, after the heading of Chapter II of Title II.1, the following section :

“**40.3.1.** The name of every person who is a qualified elector within the meaning of section 1 may be entered on the permanent list of electors.”

5. Section 40.4 of the said Act, enacted by section 12 of chapter 23 of the statutes of 1995, is amended by inserting the words “, the Public Curator” after the words “Régie de l’assurance-maladie du Québec” in the fourth line of the first paragraph.

6. The said Act is amended by inserting, after section 40.6, the following sections :

“40.6.1. An elector may request that the entry of his name on the permanent list of electors be considered for the purposes of provincial, municipal or school elections only.

“40.6.2. Before entering the name of an elector at the elector’s request, the chief electoral officer shall make sure that the name of the elector is not already entered on the permanent list of electors.”

7. Section 40.7 of the said Act, enacted by section 12 of chapter 23 of the statutes of 1995, is amended

(1) by striking out the words “of each person who has reached the age of 18, and” in the seventh line of the first paragraph;

(2) by adding, at the end of the first paragraph, the following sentence: “The chief electoral officer shall obtain the same information concerning every person who is about to reach 18 years of age, at least six months before the person’s eighteenth birthday.”

8. The said Act is amended by inserting, after section 40.7, the following section:

“40.7.1. The chief electoral officer shall obtain from the Public Curator the name, date of birth and sex of any person in whose favour curatorship is instituted, as such information appears in the register kept under section 54 of the Public Curator Act (chapter C-81).”

9. The said Act is amended by inserting, after section 40.10, the following sections:

“40.10.1. The chief electoral officer shall strike off the permanent list of electors the name of any person in whose respect he receives a confirmation of death or of institution of curatorship and the name of any person deprived of his election rights pursuant to this Act or the Referendum Act.

“40.10.2. The chief electoral officer shall retain the information relating to an elector in whose respect he receives a confirmation from a board of revisors that the elector’s name has been struck off the list of electors on the ground that the elector is not domiciled at the address for which his name has been entered.

The information shall be retained for a maximum period of five years or until the chief electoral officer obtains confirmation of the elector’s new domiciliary address, in which case the elector’s name shall be re-entered on the permanent list of electors opposite the new address.”

10. Section 145 of the said Act, replaced by section 17 of chapter 23 of the statutes of 1995, is amended

(1) by replacing the first paragraph by the following paragraph:

“**145.** Upon the issue of an order instituting an election and as soon as the requests for changes to the permanent list of electors received by the chief electoral officer before the issue of the order have been processed, the chief electoral officer shall produce the list of electors and the list of electors entitled to exercise their right to vote outside Québec.”;

(2) by adding the words “and the list of electors entitled to exercise their right to vote outside Québec for the division” after the word “division” at the end of the second paragraph;

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

“The chief electoral officer shall also transmit to each returning officer the information relating to the electors in whose respect he is unable to update the entries on the permanent list of electors, so that the information may be verified by the competent board of revisors.”;

(4) by adding, at the end, the following paragraph:

“Moreover, the chief electoral officer shall transmit to each returning officer a list of the addresses for which no electors’ names are entered on the list of electors for the electoral division.”

11. Section 146 of the said Act, replaced by section 17 of chapter 23 of the statutes of 1995, is amended

(1) by inserting the words “, the list of electors entitled to exercise their right to vote outside Québec and a list of the addresses for which no electors’ names are entered” after the word “division” in the third line of the first paragraph;

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

“The lists shall be transmitted in computerized form and in duplicate copies.”

12. Section 194 of the said Act, replaced by section 18 of chapter 23 of the statutes of 1995, is amended by replacing the words “changes referred to in” in subparagraph 3 of the first paragraph by the words “verification pursuant to”.

13. The said Act is amended by inserting, after section 198, the following sections:

“198.1. Not later than the twenty-second day preceding polling day, the chief electoral officer shall send to each address a notice containing the information relating to the electors whose names are entered on the list of electors for that address or a notice indicating that no electors’ names are entered for that address.

“198.2. The chief electoral officer shall send to each elector from whom he received, after the issue of the order instituting an election, a request for a change to the permanent list of electors a notice informing the elector that he must apply in person to the board of revisors to which his polling division is assigned if he wishes the change requested to be made to the list of electors to be used for the forthcoming poll.”

14. Section 200 of the said Act, replaced by section 18 of chapter 23 of the statutes of 1995, is amended by adding, at the end, the following paragraph:

“The elector may request that the entry of his name be considered for the purposes of the forthcoming poll only.”

15. Section 209 of the said Act, replaced by section 18 of chapter 23 of the statutes of 1995, is amended by replacing the words “changes referred to in” in the first and second lines of the second paragraph by the words “verification pursuant to”.

16. Section 218 of the said Act, replaced by section 18 of chapter 23 of the statutes of 1995, is amended by replacing the third paragraph by the following paragraph:

“The revised list of electors shall be transmitted in computerized form and in two copies.”

17. Section 235 of the said Act is amended by inserting the words “or referendum” after the word “electoral” in subparagraph 4 of the second paragraph.

18. Section 551 of the said Act is amended by striking out paragraph 4.

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

“551.1.1. Every person who uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or who communicates or allows to be communicated to a person not legally entitled thereto, any information relating to electors is liable to a fine of \$500 to \$2,000.”

20. The said Act is amended by inserting, after section 551.3, the following section:

“551.4. Where a person is convicted of an offence under section 551.1.1, 551.2 or 551.3, a judge may, on an application by the prosecutor which is attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the amount of the monetary benefit acquired by or accrued to the person as a result of the commission of the offence, even if the maximum fine under another provision has been imposed on him.”

ACT RESPECTING THE NATIONAL ASSEMBLY

21. Section 17 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by inserting the words “or referendum” after the word “electoral” in subparagraph 6 of the first paragraph.

REFERENDUM ACT

22. Appendix 2 to the Referendum Act (R.S.Q., chapter C-64.1), replaced by section 56 of chapter 23 of the statutes of 1995, is amended

(1) by replacing section 1 by the following section :

“1 Replace the words “Referendum Act (chapter C-64.1)” in subparagraph 5 of the first paragraph by the words “Election Act (chapter E-3.3).”;

(2) by replacing the first two paragraphs of section 146 by the following paragraphs :

“146 Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit to the national committees and to each official delegate the list of electors for the electoral division, the list of electors entitled to exercise their right to vote outside Québec for the division and the list of addresses for which no electors’ names are entered.

The lists shall be transmitted in computerized form and in duplicate copies.”;

(3) by replacing the references to sections 551, 551.1, 551.2 and 551.3 by the following :

“551
to
551.4”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

23. The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by inserting, after section 100, the following section:

“**100.1.** The chief electoral officer shall also transmit to the returning officer the information relating to the electors in whose respect he is unable to update the entries on the permanent list of electors, so that the information may be verified by a board of revisors.”

MISCELLANEOUS PROVISIONS

24. For the purposes of the by-elections of 28 April 1997 in the electoral divisions of Beauce-Sud and Prévost, the chief electoral officer shall incorporate in the list of electors to be used in those elections under section 97 of the Act to establish the permanent list of electors and amending the Election Act and other legislative provisions (1995, chapter 23) the changes notice of which he has received on 5 April 1997 from the Régie de l'assurance-maladie du Québec under section 40.7 of the Election Act. The chief electoral officer shall also incorporate in the list the name of any new elector who, on the same date, has indicated to the chief electoral officer that he wishes to have his name entered on the list and has confirmed the information concerning himself.

The list must allow identification of the changes so incorporated.

As soon as the incorporation of the changes is completed, the chief electoral officer shall send to each returning officer concerned a new list of electors for his electoral division.

The returning officer shall transmit the list to each candidate in computerized form and in two copies. He shall also transmit the list to each board of revisors.

Each board of revisors shall revise, in view of the new list, the decisions it has already made.

25. For the purposes of the by-elections referred to in section 24, the returning officer or his assistant may issue an authorization to vote under section 340 of the Election Act to an elector whose name does not appear on the copy of the list of electors used at the polling station but appears on the list of electors distributed to each dwelling

(1) if the elector's name has not been struck off the list by a board of revisors;

(2) if the elector was, on Tuesday of the second week preceding the week in which the poll is held, domiciled in the polling subdivision for which his name is entered.

To obtain the authorization to vote, the elector must present a document showing at least his name and address.

26. Not later than 1 October 1997, the chief electoral officer shall transmit the list of the electors whose names are entered on the permanent list of electors for the purposes of provincial elections to the authorized parties represented in the National Assembly, to any other authorized party that applies therefor and to any independent Member.

In the case of an independent Member, the list transmitted shall be the list for the electoral division represented by the Member.

However, the list shall not be transmitted if the said date occurs during an election or referendum period, or if a general election or a referendum has been held in the previous three months.

27. The list shall be transmitted in computerized form and in two copies.

It shall include the name, address, date of birth and sex of each elector. In the case of electors entitled to exercise their right to vote outside Québec, the list shall also include their address outside Québec.

28. The list transmitted shall include a warning as to its confidentiality and set out the penalties applicable to any person who communicates or uses the information contained in a list of electors for purposes other than those provided by law.

The person designated by a political party to receive the list must undertake, in writing, to take all appropriate steps to preserve the confidentiality of the list and to restrict its use to the purposes provided by law.

29. This Act comes into force on 8 April 1997, except for sections 5 and 8, for paragraph 4 of section 10, for the words “and a list of the addresses for which no electors’ names are entered” in paragraph 1 of section 11 and for section 13 where it enacts section 198.1 of the Election Act, which come into force on the date or dates to be fixed by the Government.