



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 13

(2013, chapter 5)

An Act to amend the Election Act with regard to on-campus voting by students in vocational training centres and post-secondary educational institutions

Introduced 30 November 2012
Passed in principle 12 March 2013
Passed 23 April 2013
Assented to 24 April 2013

EXPLANATORY NOTES

This Act amends the Election Act in order to provide, during general elections, for the establishment of polling stations on the premises of vocational training centres and post-secondary educational institutions, to enable voters who are students at such a centre or institution to vote there on the tenth, sixth, fifth or fourth day before polling day.

In addition, amendments are made to the provisions on voting at the offices of the returning officer and the coming into force of those provisions, adopted in 2006, is provided for.

LEGISLATION AMENDED BY THIS ACT:

- Election Act (chapter E-3.3);
- Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17).

Bill 13

AN ACT TO AMEND THE ELECTION ACT WITH REGARD TO ON-CAMPUS VOTING BY STUDENTS IN VOCATIONAL TRAINING CENTRES AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ELECTION ACT

- 1.** Section 135.1 of the Election Act (chapter E-3.3) is amended by replacing “the executive director” in the second paragraph by “a person in authority at a vocational training centre or a post-secondary educational institution referred to in section 301.23 or”.
- 2.** Section 180 of the Act is amended by striking out the second paragraph.
- 3.** Section 202 of the Act is repealed.
- 4.** Section 206 of the Act is repealed.
- 5.** Section 262 of the Act, enacted by section 15 of chapter 17 of the statutes of 2006 and amended by section 37 of chapter 22 of the statutes of 2008, is again amended
 - (1) by replacing “II.2” in the first paragraph by “II.3”;
 - (2) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(4) on the campus of a vocational training centre or a post-secondary educational institution that meets the criteria determined by a directive of the Chief Electoral Officer.”;
 - (3) by striking out the second paragraph.
- 6.** Section 269 of the Act, enacted by section 15 of chapter 17 of the statutes of 2006 and amended by section 39 of chapter 22 of the statutes of 2008 and by section 35 of chapter 5 of the statutes of 2011, is again amended by adding “and that they have not already voted in the current election. The statement must also include the information prescribed by the Chief Electoral Officer” at the end of the second paragraph.

7. Section 270 of the Act, enacted by section 15 of chapter 17 of the statutes of 2006 and amended by section 35 of chapter 5 of the statutes of 2011, is again amended by inserting “265,” before “307”.

8. The Act is amended by inserting the following section after section 280:

“280.1. Despite section 269, election officers who wish to vote may do so at the main office or at one of the branch offices of the returning officer in the electoral division where they are working on polling day.

The electors described in the first paragraph must, at the time of voting, provide a sworn written statement attesting that they are election officers and that they have not already voted in the current election. The statement must also include the information prescribed by the Chief Electoral Officer.”

9. The Act is amended by inserting the following division after section 301.22:

“DIVISION II.3

“ON-CAMPUS VOTING IN VOCATIONAL TRAINING CENTRES AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

“301.23. For the purposes of this division:

(1) any vocational training centre described in the first paragraph of section 97 of the Education Act (chapter I-13.3) and any private educational institution described in paragraph 4 of section 1 of the Act respecting private education (chapter E-9.1) is deemed to be a vocational training centre; and

(2) any educational institution governed by the Act respecting the Barreau du Québec (chapter B-1), the General and Vocational Colleges Act (chapter C-29), the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1), the Act respecting the École de laiterie and intermediate agricultural schools (chapter E-1), the Act respecting private education (chapter E-9.1) insofar as the institution is covered by subparagraph 7 or 8 of the first paragraph of section 1, the Act respecting educational institutions at the university level (chapter E-14.1), the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02), the Police Act (chapter P-13.1) or the Fire Safety Act (chapter S-3.4) and their regulations is a post-secondary educational institution.

The Chief Electoral Officer may, by directives, add other vocational training centres or post-secondary educational institutions to those referred to in the first paragraph.

“301.24. At a general election, the returning officer establishes polling stations on the campuses of vocational training centres and post-secondary educational institutions, in accordance with the directives of the Chief Electoral Officer.

However, the Chief Electoral Officer may decide, given the time of the year, that there will be no polling stations on the campuses of all or some of the centres or institutions.

Vocational training centres and post-secondary educational institutions must permit the use of their premises free of charge for the purpose of establishing polling stations.

“301.25. Electors who are students at a vocational training centre or post-secondary educational institution may vote at a polling station set up on the campus of that centre or institution.

The electors described in the first paragraph must, at the time of voting, provide a sworn written statement attesting that they are students at that centre or institution and that they have not already voted in the current election. The statement must also include the information prescribed by the Chief Electoral Officer.

“301.26. The returning officer establishes a special board of revisors for each vocational training centre and post-secondary educational institution where a polling station is established, in accordance with the directives of the Chief Electoral Officer.

Vocational training centres and post-secondary educational institutions must permit the use of their premises free of charge for the purpose of establishing special boards of revisors.

“301.27. Voting and the special revision process take place from 9 a.m. to 9 p.m. on the tenth, sixth, fifth and fourth day before polling day. On the last day, voting ends at 2 p.m.

However, the Chief Electoral Officer may authorize the returning officer, according to the circumstances, to reduce the number of hours during which the voting and special revision process will take place on the campus of a vocational training centre or a post-secondary educational institution.

“301.28. Unless otherwise provided and with the necessary modifications,

(1) sections 264 to 268 apply to voting by electors whose domicile is in the same electoral division as the vocational training centre or post-secondary educational institution;

(2) sections 270, 272, 275 to 277, 279 and 280 apply to voting by electors whose domicile is not in the same electoral division as the vocational training centre or post-secondary educational institution; and

(3) section 221, the second paragraph of section 222 and sections 223 to 228 apply to the special board of revisors.”

10. Section 350 of the Act is amended by striking out “resided or” in subparagraph 2 of the first paragraph.

11. Section 551 of the Act is amended by replacing “executive director of” in paragraph 2 by “person in authority at”.

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

“(1) every manager, superintendent, caretaker, operator, owner or person in charge of a place described in the first paragraph of section 135.1 and every person in authority at a centre or an institution described in the second paragraph of section 135.1 who hinders access to a special board of revisors, to a mobile board of revisors, to a polling station or to a mobile polling station;”.

ACT TO AMEND THE ELECTION ACT TO ENCOURAGE AND FACILITATE VOTING

13. Section 21 of the Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17) is repealed.

14. Section 38 of the Act is amended by replacing the introductory clause by the following:

“**38.** Until the coming into force of section 13,”.

TRANSITIONAL AND FINAL PROVISIONS

15. Despite sections 200 to 204 of the Election Act (chapter E-3.3) and until the coming into force of section 13 of the Act to amend the Election Act to encourage and facilitate voting (2006, chapter 17), electors may file an application for revision to the special board of revisors in one of the offices of the returning officer of the electoral division where they exercise their right to vote under section 263 or in a vocational training centre or a post-secondary educational institution where they exercise their right to vote under section 301.25.

16. Despite section 39 of the Act to amend the Election Act to encourage and facilitate voting, the following sections of that Act come into force on 24 April 2013:

(1) section 3;

(2) section 15, amended by sections 37 to 41 of chapter 22 of the statutes of 2008 and by section 35 of chapter 5 of the statutes of 2011, where it enacts the parts not in force of section 262, Division II of Chapter V and the second paragraph of section 301.18;

(3) the part of section 19 not in force.

17. The provisions of this Act come into force on 24 April 2013, except sections 1 and 2, paragraphs 1 and 2 of section 5, sections 9, 11 and 12, and the words “or in a vocational training centre or a post-secondary educational institution where they exercise their right to vote under section 301.25” in section 15, which come into force on 24 November 2013.

However, the provisions to come into force on 24 November 2013 may come into force at an earlier date set by the Government. Such a date may not be set before a recommendation to that effect is obtained from the Chief Electoral Officer stating that the preparations needed for the implementation of those provisions have been made and that the provisions may therefore come into force.