



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 1

(1999, chapter 15)

**An Act respecting the obligation to  
establish one's identity before voting and  
amending other legislative provisions  
pertaining to elections**

---

---

**Introduced 17 March 1999**

**Passage in principle 18 May 1999**

**Passage 18 June 1999**

**Assented to 19 June 1999**

---

**Québec Official Publisher  
1999**

## **EXPLANATORY NOTES**

*This bill provides that electors at a provincial, municipal or school election or in a provincial, municipal or school referendum will be required, before voting, to produce as identification either their health-insurance card, driver's licence or probationary licence, passport or any other document determined by regulation after consultation with the advisory committee established under the Election Act.*

*An elector who cannot produce such identification will nevertheless be admitted to vote if he meets other requirements set out in the bill.*

*The bill prohibits anyone, on pain of penal sanctions, from producing a fraudulent document or from recording or using information contained in a document produced as identification for voting purposes.*

*Other amendments pertaining to the electoral process are included in the bill. First, it is provided that polling stations will be open from 9:30 a.m. to 8:30 p.m. for a provincial election or referendum. Second, a permanent board of revisors is created to ensure that the permanent list of electors is updated on a continuous basis. Lastly, the proceedings of the Commission de la représentation relative to the delimitation of electoral divisions are suspended until 1 July 2000.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Referendum Act (R.S.Q., chapter C-64.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3).

# **Bill 1**

## **AN ACT RESPECTING THE OBLIGATION TO ESTABLISH ONE'S IDENTITY BEFORE VOTING AND AMENDING OTHER LEGISLATIVE PROVISIONS PERTAINING TO ELECTIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### **ELECTION ACT**

1. Section 40.4 of the Election Act (R.S.Q., chapter E-3.3) is amended by adding “or on the basis of the changes made by the permanent board of revisors established under section 40.12.1” at the end of the second paragraph.
2. Section 40.11 of the said Act is amended by inserting “an *ad hoc*” before “revision” in the first line of the first paragraph.
3. The said Act is amended by inserting the following chapter after section 40.12 :

### **“CHAPTER II.1**

#### **“PERMANENT REVISION**

#### **“DIVISION I**

#### **“ESTABLISHMENT AND ORGANIZATION OF PERMANENT BOARD OF REVISORS**

“40.12.1. To ensure that the permanent list of electors is updated on a continuous basis, the chief electoral officer shall establish a permanent board of revisors within the chief electoral officer’s office.

“40.12.2. The permanent board shall be composed of three members, including the chairman, appointed by the chief electoral officer.

The chairman may be chosen from among the chief electoral officer’s personnel.

The other two members shall be chosen from among two lists of at least five names transmitted to the chief electoral officer respectively by the leader of the party having had the greatest number of candidates elected in the last

general election and by the leader of the party having had the second greatest number of candidates elected in that election, or by the person designated in writing for such purpose by either leader.

The lists must be transmitted to the chief electoral officer within six months after the publication of the notice referred to in section 380 following a general election.

“40.12.3. The chief electoral officer may, on reasonable grounds, refuse a list that has been transmitted to him. In such a case, the chief electoral officer shall request a new list.

Failing a list, the chief electoral officer shall make the appointment without further formalities.

“40.12.4. If a member of the permanent board is absent or unable to act, the chief electoral officer shall appoint a substitute. Sections 40.12.2 and 40.12.3 apply to the appointment with the necessary modifications.

“40.12.5. The members of the permanent board shall be appointed for a term not exceeding five years.

“40.12.6. The tariff of remuneration and expenses of permanent board members shall be fixed by government regulation.

“40.12.7. The chairman of the permanent board shall convene the board whenever the chairman considers it appropriate.

“40.12.8. The permanent board shall sit in Québec or Montréal, at the office of the chief electoral officer.

On the authorization of the chief electoral officer, the board may sit at any other place.

“40.12.9. The quorum of the permanent board is two members.

Decisions are made by a majority vote. In case of a tie, the chairman has a casting vote.

“40.12.10. A member of the permanent board must, on pain of forfeiture of office, abstain from participating in any deliberation or decision concerning which any of the grounds for recusation, with the necessary modifications, listed in articles 234 and 235 of the Code of Civil Procedure (chapter C-25) could be invoked in the member’s regard. Moreover, the member must withdraw from the sitting for the duration of the deliberations and the vote relating to such matter.

“40.12.11. The chief electoral officer shall place at the disposal of the permanent board the personnel necessary for the exercise of the board’s functions.

After consulting the chairman of the permanent board and as needed, the chief electoral officer shall request returning officers to appoint a sufficient number of teams of two revising officers.

The provisions of this Act applicable to revising officers during an election period apply with the necessary modifications to revising officers assigned to the permanent board.

## **“DIVISION II**

### **“REVISION PROCESS**

“40.12.12. The permanent board shall decide the cases submitted to it by the chief electoral officer concerning the updating of the permanent list of electors.

“40.12.13. Sections 211 and 213 to 216.1 apply with the necessary modifications to the exercise of the functions of the permanent board.

“40.12.14. Before striking off or refusing to enter a person’s name, the permanent board must, unless the person is present, convene the person by way of a written notice stating the grounds for the decision it intends to make and allow the person to present observations within 30 days.

The notice must be served by the revising officers on the person concerned or, if it cannot be served, it must be left at the address entered on the permanent list of electors or at any other place where the permanent board or the revising officers have reason to believe the person may be reached.

A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the permanent board.

“40.12.15. Notwithstanding section 40.12.14, the permanent board is not required to send a written notice if the person concerned has met with the revising officers and confirmed to them that he is not a qualified elector or if the permanent board is satisfied, on the basis of the evidence presented to it, that the person is under curatorship or is dead.

“40.12.16. If the person to whom a notice is served requests to appear before the permanent board, the permanent board shall convene the person by means of a notice in writing of at least 10 clear days.

The notice shall be served as provided for in section 40.12.14.

The permanent board shall, upon convening a person who lives a great distance away, endeavour to keep the travelling involved to a minimum.

“40.12.17. Whenever the permanent board makes a decision in the absence of the elector concerned, it shall immediately notify the elector of its decision in writing.

The notice must state the grounds for the decision and describe the procedure whereby the elector may apply to the board for a revision of the decision. The notice must also indicate that the elector has 30 days to file an application for revision.

“40.12.18. Any party represented in the National Assembly other than those referred to in section 40.12.2 may delegate a representative recognized by the chief electoral officer to the sittings of the permanent board.

Such a representative may take part in the deliberations of the permanent board, but is not entitled to vote. The tariff provided for in section 40.12.6 applies to such a representative.

“40.12.19. The permanent board shall advise the chief electoral officer of its final decisions immediately and the chief electoral officer shall forthwith correct the permanent list of electors accordingly.

### **“DIVISION III**

#### **“SUSPENSION OF PROCEEDINGS AND END OF TERM**

“40.12.20. The issue of an order instituting a by-election suspends the proceedings of the permanent board in respect of the electoral division concerned until the date of publication of the notice referred to in section 380.

“40.12.21. The issue of a writ instituting a referendum suspends the proceedings of the permanent board until the date of publication of the notice referred to in section 380 of Appendix 2 to the Referendum Act (chapter C-64.1).

“40.12.22. From 1 September of the calendar year in which a regular election is to be held under the Act respecting elections and referendums in municipalities (chapter E-2.2) or, in the case of a by-election, from the date of publication of a public notice of election, the proceedings of the permanent board are suspended in respect of the territory concerned until the date of publication of the notice referred to in section 260 of that Act.

In the case of a referendum under that Act, the proceedings of the permanent board are suspended, in respect of the territory concerned, from the date on which the chief electoral officer transmits to the clerk or the secretary-treasurer a list of the electors whose names are entered on the permanent list of electors until

(1) the date of the sitting referred to in the third paragraph of section 532 of that Act, the date of the reading referred to in section 556 of that Act or the date of publication of the notice referred to in the second paragraph of section 559 of that Act, if no referendum is held; or

(2) the date of the tabling of the statement of the final results referred to in section 578 of that Act, if a referendum is held.

“40.12.23. The publication of the public notice referred to in section 42 of the Act respecting school elections (chapter E-2.3) suspends the proceedings of the permanent board in respect of the territory concerned until the date of publication of the notice referred to in section 163 of that Act.

The filing of the list of electors pursuant to section 347 of the Education Act (chapter I-13.3) suspends the proceedings of the permanent board in respect of the territory concerned until the date of the tabling provided for in section 351 of that Act.

“40.12.24. The issue of an order instituting a general election terminates the term of office of the members of the permanent board, notwithstanding any other termination date indicated in their instrument of appointment.”

4. The heading of Division II of Chapter III of Title II.1 of the said Act is amended by inserting “*AD HOC*” before “REVISION”.

5. Section 40.38 of the said Act is amended by replacing “a revision” in the third line by “an *ad hoc* revision”.

6. Section 40.38.1 of the said Act, enacted by section 3 of chapter 52 of the statutes of 1998, is amended by replacing “Not later than 1 October” in the first line of the first paragraph by “Between 1 October and 1 November”.

7. Section 51 of the said Act is amended by adding the following paragraph at the end:

“Where an application for a name change is received by the chief electoral officer after the issue of an order instituting an election, the change cannot take effect until the date of the publication of the notice referred to in section 380.”

8. Section 259.7 of the said Act, enacted by section 57 of chapter 52 of the statutes of 1998, is amended by replacing “three” in subparagraph 1 of the first paragraph by “five”.

9. Section 263 of the said Act is amended by replacing “336” in the second line by “335.1”.

10. Section 307 of the said Act is amended by adding the following paragraph at the end:

“In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”

11. Section 308 of the said Act is amended by inserting “, members of the identity verification panel” after “clerks” in the first line.

12. The said Act is amended by inserting the following section after section 312:

“312.1. The returning officer shall establish an identity verification panel for every place where a polling station is located. With the authorization of the chief electoral officer, more than one panel may be established.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. Sections 310 to 312 apply with the necessary modifications to the appointment of the panel members other than the chairman.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337. Decisions are made by a majority vote.”

13. Section 313 of the said Act is amended by inserting “identity verification panel members,” after “list of the” in the second line of the first paragraph.

14. Section 324 of the said Act is amended by replacing “in alphabetical order, first, the surname and given name of the candidate of each authorized party and then those of the other candidates” in the first, second and third lines of the second paragraph by “the given name and surname of each candidate in alphabetical order”.

15. Section 333 of the said Act is amended by replacing “10:00 a.m. until 8:00 p.m.” by “9:30 a.m. until 8:30 p.m.”.

16. Section 335 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“335. Every employer shall ensure that every employee who is qualified to vote has at least four consecutive hours free to vote while the polling stations are open, not counting the time normally allowed for meals.

If an employee does not have such a period outside working hours, the employer shall grant the employee, at the time of day determined by the employer, the leave of absence required so that the employee may have four consecutive hours to vote.



No deduction of wages or penalty may be imposed on the employee by the employer by reason of the leave of absence.”

17. The said Act is amended by inserting the following after section 335 :

**“Verification of identity of electors**

“335.1. The officer in charge of information and order shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 337 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 337 in their possession.

“335.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name ;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members ;

(3) meet either of the following conditions :

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address ; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 337 ;

ii. attests to the identity and address of the elector ;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 205 ;

iv. produces a document referred to in the second paragraph of section 337 that bears his photograph ; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the

Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by regulation.

“335.3. No person may write down or otherwise record information contained in a document produced pursuant to section 335.2.

This section shall not operate to prevent the members of the identity verification panel from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced pursuant to section 335.2.

“335.4. Where an elector meets the conditions imposed by section 335.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.”

18. Section 337 of the said Act is amended by adding the following paragraphs at the end:

“In addition, each elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation of the Government after consultation with the advisory committee.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.”

19. The said Act is amended by inserting the following section after section 337:

“337.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 337.

This section shall not operate to prevent polling officers from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced by electors.”

20. Section 338 of the said Act is amended

(1) by replacing “and if” in the third line of the first paragraph by “, if”;

(2) by adding “and if he has produced identification in accordance with section 335.2 or the second paragraph of section 337” at the end of the first paragraph.

21. Section 432 of the said Act is amended by striking out “to the office or residence of the returning officer, or” in the second line of the first paragraph.

22. Section 433 of the said Act is repealed.

23. Section 490 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the chief electoral officer shall first inform the authorized parties represented in the National Assembly of the decision he intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of his decision.”

24. Section 494 of the said Act is amended by replacing “. He has no power, however, to punish a person for contempt of court” at the end of the first paragraph by “, except the power to order imprisonment”.

25. Section 549 of the said Act is amended

(1) by adding “and members of the permanent board of revisors” after “officers” in paragraph 1;

(2) by adding the following paragraph at the end:

“(4) determine, after consultation with the advisory committee, the documents issued by the Government or a government department or body or recognized by the Government that may be produced for the purposes of the second paragraph of section 337.”

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

“551.1.O.1. Every person who writes down or otherwise records information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337 is liable to a fine of \$500 to \$2,000.”

27. Section 551.2 of the said Act is amended by replacing “uses a list of electors for commercial purposes or for profit” in the first and second lines by “, for commercial purposes or for profit, uses a list of electors or any information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337”.

28. Section 553.1 of the said Act, amended by section 82 of chapter 52 of the statutes of 1998, is again amended by inserting “, produces a fraudulent document as identification” after “declaration” in the second line of paragraph 2.1.

29. The said Act is amended by inserting the following sections after section 572:

“572.1. Notwithstanding any general law or special Act, neither the chief electoral officer nor his employees may be compelled to give testimony relating to information obtained in the performance of their duties or to produce any document containing such information.

“572.2. No proceedings may be brought against the chief electoral officer or his employees by reason of an act or omission in good faith in the performance of their duties.

“572.3. No civil action may be instituted by reason of the publication of a report of the chief electoral officer or of the publication in good faith of an extract from or a summary of such a report.”

#### REFERENDUM ACT

30. Appendix 2 to the Referendum Act (R.S.Q., chapter C-64.1), amended by section 22 of chapter 8 of the statutes of 1997 and by sections 93 and 94 of chapter 52 of the statutes of 1998, is again amended

(1) by replacing “third” in the first paragraph of section 3 by “fifth” and by moving that paragraph to the end of the section;

(2) by inserting “represented” after “party” in section 132;

(3) by replacing sections 231.3 to 231.14 by the following:

“231.3

to

231.13

“231.14            Replace “candidate” in the second paragraph by “official delegate”.”;

(4) by replacing “fourth” in section 302 by “fifth”;

(5) by inserting the following section after section 312:

“312.1”;

(6) by replacing the paragraph relating to the second paragraph of section 490 by the following paragraph:

“Replace “authorized parties represented in the National Assembly” by “national committees” and “other authorized parties, the candidates” by “official delegates”,”;

(7) by adding the following at the end:

“SCHEDULE II Strike out “, 481, 499, 509, 529, 534”.

Replace “Election Act (Revised Statutes of Québec, chapter E-3.3)” by “Referendum Act”.”

## ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

31. Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 58 of chapter 23 of the statutes of 1995 and by section 18 of chapter 34 of the statutes of 1997, is again amended by inserting “member of an identity verification panel,” after “clerk,” in the third line.

32. The said Act is amended by inserting the following section after section 81:

“81.1. An identity verification panel shall be established for every place where a polling station is located.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. In the case of a municipality described in section 77, sections 77 to 79 apply with the necessary modifications to the appointment of the panel members other than the chairman.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the third paragraph of section 215. Decisions are made by a majority vote.”

33. Section 190 of the said Act is amended by adding the following paragraph at the end:

“In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”

34. The said Act is amended by inserting the following sections after section 213:

“213.1. The returning officer shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 215 and are directed to the

identity verification panel if they indicate that they do not have any of the documents prescribed by section 215 in their possession.

“213.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name ;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members ;

(3) meet either of the following conditions :

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address ; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 215 ;

ii. attests to the identity and address of the elector ;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 131 ;

iv. produces a document referred to in the third paragraph of section 215 that bears his photograph ; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 335.2 of the Election Act.

“213.3. No person may write down or otherwise record information contained in a document produced pursuant to section 213.2.

“213.4. Where an elector meets the conditions imposed by section 213.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.”

35. Section 215 of the said Act is amended by adding the following paragraphs at the end:

“In addition, the elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the third paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.”

36. The said Act is amended by inserting the following section after section 215:

“215.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the third paragraph of section 215.”

37. Section 216 of the said Act is amended

(1) by replacing “and if” in the third line of the first paragraph by “, if”;

(2) by adding “and if he has produced identification in accordance with section 213.2 or the third paragraph of section 215” at the end of the first paragraph.

38. Section 545 of the said Act is amended

(1) by inserting the following paragraph after the first paragraph:

“The person must also produce identification in accordance with the third paragraph of section 215 or, failing that, establish his identity in accordance with section 213.2, which applies with the necessary modifications.”;

(2) by inserting “has established his identity,” after “person” in the first line of the last paragraph;

(3) by adding the following paragraph at the end:

“No person may write down or otherwise record information contained in a document produced pursuant to the second paragraph.”

39. The said Act is amended by inserting the following section after section 545 :

“545.1. The clerk or the secretary-treasurer may, if he considers it expedient, establish on the premises where the register is open for registration an identity verification panel for persons who present themselves pursuant to section 545 and cannot produce identification in accordance with the third paragraph of section 215. The panel shall be composed of three members, including a chairman, appointed in accordance with section 569. Sections 213.1 to 213.4 and the fourth paragraph of section 215 apply with the necessary modifications.”

40. Section 569 of the said Act is amended by replacing “and as poll clerk” by “, as poll clerk and as a member of an identity verification panel”.

41. Section 586 of the said Act , amended by section 42 of chapter 34 of the statutes of 1997, is again amended by inserting the following paragraph after paragraph 5 :

“(5.1) every person who, to be admitted to vote or to allow someone to vote or to make entries in the register pursuant to Chapter IV of Title II or to allow someone to make such entries, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person;”.

42. Section 631 of the said Act, amended by section 72 of chapter 23 of the statutes of 1995 and by section 43 of chapter 34 of the statutes of 1997, is again amended by inserting the following paragraph after paragraph 7 :

“(7.1) every person who writes down or otherwise records information contained in a document produced by an elector pursuant to section 213.2, the third paragraph of section 215, the second paragraph of section 545 or section 545.1 or uses such information for commercial purposes or for profit;”.

#### ACT RESPECTING SCHOOL ELECTIONS

43. Section 94 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by adding the following paragraph at the end :

“In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”



44. Section 95 of the said Act is amended by adding the following sentence at the end: “The returning officer shall also appoint the members of identity verification panels.”

45. The said Act is amended by inserting the following section after section 97:

“97.1. An identity verification panel shall be established for every place where a polling station is located.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 114. Decisions are made by a majority vote.”

46. The said Act is amended by inserting the following sections after section 112:

“112.1. The returning officer shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 114 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 114 in their possession.

“112.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members;

(3) meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 114;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 46;

iv. produces a document referred to in the second paragraph of section 114 that bears his photograph; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 335.2 of the Election Act.

“112.3. No person may write down or otherwise record information contained in a document produced pursuant to section 112.2.

“112.4. Where an elector meets the conditions imposed by section 112.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.”

47. Section 114 of the said Act is amended

(1) by inserting “and, where required, his date of birth” after “address” in the first line;

(2) by adding the following paragraphs at the end:

“In addition, the elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.”

48. The said Act is amended by inserting the following section after section 114:

“114.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 114.”

49. Section 115 of the said Act is amended

(1) by replacing “and if” in the third line by “, if”;

(2) by replacing “and address correspond to those appearing on the list of electors” at the end by “, address and, where applicable, date of birth correspond to those appearing on the list of electors and if he has produced identification in accordance with section 112.2 or the second paragraph of section 114”.

50. Section 214 of the said Act is amended by replacing paragraph 4 by the following paragraph :

“(4) to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person,”.

51. Section 215 of the said Act is amended by striking out “or” at the end of paragraph 2, adding “or” at the end of paragraph 3 and adding the following paragraph after paragraph 3 :

“(4) writes down or otherwise records information contained in a document produced pursuant to section 112.2 or the second paragraph of section 114 or makes use of such information for commercial purposes or for profit,”.

#### TRANSITIONAL PROVISIONS

52. Notwithstanding the time limit provided for in the last paragraph of section 40.12.2 of the Election Act, the first transmission of lists pursuant to that section must be effected within 30 days after the day this Act is assented to, unless an order instituting a general election is issued during that period.

53. The provisions of sections 31 to 42 do not apply to a by-election held under the Act respecting elections and referendums in municipalities for which the public notice of election was published before 19 June 1999 or to a referendum for which the public notice referred to in section 539 of that Act was given before that date.

54. The provisions of sections 43 to 51 do not apply to a by-election held under the Act respecting school elections for which the public notice referred to in section 42 was published before 1 January 2000 or to a referendum held under the Education Act for which the public notice referred to in section 346 of that Act was given before that date.

55. The proceedings of the Commission de la représentation relating to the preparation of the preliminary report provided for in section 22 of the Election Act are suspended until 1 July 2000 and the time limit provided in that section is deferred to 1 January 2001.

#### FINAL PROVISION

56. This Act comes into force on 19 June 1999.