Ministerial Order 2020-084 of the Minister of Health and Social Services
dated 27 October 2020

Public Health Act
(chapter S-2.2)

Ordering of measures to protect the health
of the population amid the COVID-19 pandemic
situation

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THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2), which provides that the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the Act to protect the health of the population;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by

CONSIDERING that Ministerial Order 2020-060 dated 28 August 2020 provides among other things for special measures regarding the holding of municipal elections in Québec;

CONSIDERING that Order in Council 1094-2020 dated 21 October 2020 also empowers the Minister of Health and Social Services to take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

CONSIDERING that it is expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT the following procedural modifications apply to the holding of municipal elections:

(1) the attestation of a staff member where a person referred to in the first paragraph of section 134.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is domiciled or lodged confirming the identity and place of residence of that person may replace the documents that must accompany an application made to the returning officer under that section;

(2) the following persons may send to the returning officer an application under the first paragraph of section 134.1 of that Act:

(a) a person returning from a trip abroad less than 14 days earlier;

(b) a person who has received a COVID-19 diagnosis and is still considered to be a carrier of the disease;

(c) a person showing COVID-19 symptoms;

(d) a person having been in contact with a suspected, probable or confirmed COVID-19 case less than 14 days earlier; and
(e) a person waiting for the results of a COVID-19 screening test;

(3) in a municipality or a borough of 50,000 inhabitants or more, the following is limited to 50:

(a) the number of supporting signatures of electors of the municipality to be included in a nomination paper for the office of mayor or in an application for authorization of an independent candidate to such an office or of an elector who undertakes to run as an independent candidate; and

(b) the minimum number of party members who must be included on the list accompanying the application for authorization of a party that intends to carry on its activities in the territory of such a municipality and for whose council it intends to present candidates;

(4) in addition to the days referred to in section 174 of the Act respecting elections and referendums in municipalities, an advance poll may also be held on the ninth, eighth and fifth days before polling day;

(5) the polling may also be held on the day before polling day; if the advance poll was held before 2 October 2020, the polling may also be held on the third and the second day before polling day;

(6) every polling station must open at 10:00 a.m. or 11:00 a.m. and close at 7:00 p.m. or 8:00 p.m., so as to stagger peak periods in the polling station;

(7) an elector may vote using his or her own pencil; and

(8) voting by mail replaces every mobile polling station and is offered to every elector who would have been eligible to vote in such a station, even if the elector is able to move about, and to every elector mentioned in subparagraph 2, and is conducted according to the conditions provided for in the
Regulation respecting voting by mail (chapter E-2.2, r. 3) with, for those electors, the following modifications made to facilitate the voting process:

(a) the application of an elector to exercise the right to vote by mail may be made verbally and is valid only for the purposes of the election for which it is made;

(b) the envelope containing all the materials for voting by mail may be sent by the returning officer to the elector as of the twenty-seventh day before polling day;

(c) the instructions for voting sent to the elector in the envelope containing all the necessary materials for voting by mail indicate that sending a photocopy of an identification document with the ballot papers is not necessary if the elector’s signature is affixed on the envelope identified as "ENV-2" and the elector’s date of birth and, in the case of the elector mentioned in subparagraph 2, the number of a document mentioned in the third paragraph of section 215 of the Act respecting elections and referendums in municipalities is written on the envelope;

(d) an application made to the returning officer to obtain ballot papers that have not been received may be made as of the tenth day before polling day; and

(e) an elector who would have been eligible for mobile voting and who is unable to mark his or her ballot paper may be assisted by a staff member of the facility where the elector is domiciled without the staff member being required to declare on the elector’s declaration that the staff member has not already assisted another elector in the poll;

THAT the following be revoked:

(1) the third, fourth, fifth, sixth, seventh, eighth and ninth paragraphs of the operative part of Ministerial Order 2020-060 dated 28 August 2020;

Québec, 27 October 2020

CHRISTIAN DUBÉ
Minister of Health and Social Services