

**Ministerial Order 2020-091 of the Minister of Health and Social Services
dated 13 November 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 Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated

6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020 until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020 and until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020;

CONSIDERING that Ministerial Order 2020-066 dated 18 September 2020 provides among other things for special measures regarding the holding of school elections in Québec;

CONSIDERING that Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020 and 2020-090 dated 11 November 2020, and by Order in Council 1039-2020 dated 7 October 2020, provides for, among other things, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

CONSIDERING that Order in Council 1168-2020 dated 11 November 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 school elections:

(1) the attestation of a staff member where a person referred to in the first paragraph of section 58.5.1 of the Act respecting school elections (chapter E-2.3), as it read on 7 February 2020, is domiciled confirming the person's identity and place of residence may replace the documents to be submitted to the returning officer with an application made under that section;

(2) the following persons may submit an application to the returning officer under the first paragraph of section 58.5.1 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;

(e) a person waiting for the results of a COVID-19 screening test;

(3) in addition to the day referred to in section 89 of the Act respecting school elections, an advance poll may also be held on the eighth day before polling day;

(4) an advance polling station may open at 9:30 a.m.;

(5) an additional polling day may also be held on the 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;

(8) the Regulation respecting voting by mail (chapter E-2.2, r. 3) apply to school elections, and voting by mail replace every mobile polling station and be 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;

(9) voting by mail be exercised according to the terms and conditions determined in the Regulation respecting voting by mail with, for the electors referred to in subparagraph 8, the following modifications made to facilitate the voting process:

(a) the returning officer must take the necessary means in a timely manner so that electors are suitably informed of the right to vote by mail;

(b) an elector's application 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;

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

(d) the instructions for voting sent to the elector in the envelope containing all the materials necessary for voting by mail are to indicate that it is not necessary to send a photocopy of an identification document with the ballot papers 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 second paragraph of section 114 of the Act respecting school elections are written on the envelope;

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

(f) an elector who would have been eligible for mobile voting and 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 during the poll;

(g) for the purposes of the Regulation respecting voting by mail, a reference to the Act respecting elections and referendums in municipalities (chapter E-2.2) and to its sections 99, 131, 171, 204, 215 and 233 is, respectively, a reference to the Act respecting school elections and to its sections 38, 58.3, 85, 106, 114 and 133;

THAT the last paragraph of the operative part of Order in Council 1039-2020 dated 7 October 2020 be replaced by the following:

“THAT, for the purpose of holding sittings of boards of directors and commissioners respectively provided for in subparagraph 27 of the tenth paragraph of the operative part of Order in Council 1020-2020 dated 30 September 2020, as amended, every school service center and school board whose part of the territory of that school service center or school board is covered by that paragraph be covered by that subparagraph.”;

THAT the following be revoked:

(1) Ministerial Order 2020-066 dated 18 September 2020;

(2) subparagraphs 22 to 25 of the tenth paragraph of the operative part of Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020 and 2020-090 dated 11 November 2020 and by Order in Council 1039-2020 dated 7 October 2020.

Québec, 13 November 2020

CHRISTIAN DUBÉ
Minister of Health and Social Services