

Domicile and Entry on the List of Electors

Qualification as an elector under the Election Act

To exercise his or her right to vote, a person must be a qualified elector and his or her name must be entered on the list of electors.

“1. Every person who

- (1) has attained 18 years of age,*
- (2) is a Canadian citizen,*
- (3) has been domiciled in Québec for six months,*
- (4) is not under curatorship, and*
- (5) is not deprived of election rights pursuant to this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting school elections (chapter E-2.3)*

is a qualified elector.

The domicile of a person is the domicile established under the Civil Code.”

Domicile according to the Civil Code of Québec

“75. The domicile of a person, for the exercise of his civil rights, is at the place of his principal establishment.

76. Change of domicile is effected by actual residence in another place coupled with the intention of the person to make it the seat of his principal establishment.

The proof of such intention results from the declarations of the person and from the circumstances of the case.

77. The residence of a person is the place where he ordinarily resides; if a person has more than one residence, his principal residence is considered in establishing his domicile.

78. A person whose domicile cannot be determined with certainty is deemed to be domiciled at the place of his residence.

A person who has no residence is deemed to be domiciled at the place where he lives or, if that is unknown, at the place of his last known domicile.”

Residence does not necessarily equate to domicile

The domicile is the place that a person

- considers to be his or her principal dwelling,
- gives as a reference for the exercise of his or her civil rights, and
- indicates publicly as being his or her domicile.

The simple fact of residing in a place does not establish domicile. To change domicile, a person must intend to make the new place of residence into his or her principal dwelling. A declaration to this effect is not sufficient to establish domicile. Intention is evidenced by material facts, such as **concrete gestures and behaviours.**

An individual has only one domicile, but may have several residences. The notion of domicile is therefore a **notion of law, a legal and intellectual attachment** between a person and a place.

In other words, domicile is related to **intention rather than to actual dwelling.**

Two conditions must therefore be met to make a change of domicile:

- The person must actually live in another place.
- The person must intend to make that place into his or her principal establishment.

When examining a request for entry on the list of electors, the board of revisors must be in a position to establish the person's domicile, in order to be able to enter his or her name at that address. To do this, it considers all the evidence presented to it.

A lease, along with invoices from service providers such as Hydro-Québec, Vidéotron, Bell, and so on, certainly serve as proof of residence, but they are not, of themselves, sufficient to prove that the residence is in fact the person's domicile. If the board of revisors is not certain that the address is the person's domicile, it may ask for further proof.

It may, for example, ask the person to provide additional proof in the form of:

- a health insurance card, driver's licence or registration certificate from Québec
- evidence of a bank account in Québec
- documents issued by government, local or business authorities showing the address as the address of the person's domicile
- a Québec income tax return

The more proof that is provided, the clearer the person's intention to establish domicile becomes. Some specific actions also provide more certain evidence of the person's intention to establish domicile in Québec than the simple fact of signing a lease. Examples include the fact of paying income tax in Québec or obtaining a Québec driver's licence.

It is up to the elector to provide proof of a change of domicile. If the board of revisors feels a particular document is required before it can make a decision and the elector is unable to present that document within the period for revision of the list of electors, the board may refuse to enter the person's name on the list.