

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° : 500-06-000076-261

(Class actions)
SUPERIOR COURT

FAITH FRASER, residing and domiciled at [REDACTED]
[REDACTED]
[REDACTED]

Applicant

v.

ATTORNEY GENERAL OF QUÉBEC, having an office
at 1, Notre-Dame Street East, Suite 8.00, City and
District of Montréal, Province of Québec, H2Y 1B6

Defendant

and

**CHIEF ELECTORAL OFFICER OF QUÉBEC
(DIRECTEUR GÉNÉRAL DES ÉLECTIONS DU
QUÉBEC)**, having an office at 1045, Wilfrid-Pelletier
Avenue, Suite 200, City and District of Québec,
Province of Québec, G1W 0C6

Impleaded Party

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND
TO OBTAIN THE STATUS OF REPRESENTATIVE
(Art. 575 C.C.P.)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT OF QUÉBEC,
SITTING IN AND FOR THE DISTRICT OF MONTRÉAL, THE APPLICANT
RESPECTFULLY SUBMITS THE FOLLOWING:**

I. INTRODUCTION

1. This proposed class action seeks redress for serious and unprecedented violations of the democratic rights of anglophone and allophone electors in Québec who read English but not French. Throughout the provincial general election in October 2026 (hereinafter, "**2026 General Election**"), these electors have been deprived of timely and equal access to essential electoral information by the Government of Québec and Élections Québec, the independent and neutral entity mandated by law to organize and conduct provincial elections in the province.

2. For the first time in the history of Élections Québec, electors received the Provincial Election Guide and the Notice of Entry exclusively in French. For electors with no or limited capacity in reading French, this meant that they received materials in a language they did not understand or could not understand with sufficient confidence to rely upon in exercising their fundamental right to vote. Had a court injunction not ultimately required Élections Québec to mail it in both French and English, the Reminder Card would have also been distributed exclusively in French.
3. Élections Québec is legally required to send these three documents to electors by mail under the *Election Act*, CQLR c E-3.3 (hereinafter, the “**Election Act**”). These materials contain essential and time-sensitive information about where, when, and how to vote, as well as information regarding candidates running for election, deadlines for registering to vote, information on how to correct the electoral list and instructions for requesting accommodations necessary to exercise the right to vote.
4. In previous general elections, Élections Québec distributed the Provincial Election Guide, the Notice of Entry and the Reminder Card in both French and English.
5. The adoption of *An Act respecting French, the official and common language of Québec*, LQ 2022, c 14 (hereinafter, “**Bill 96**”), which amended the *Charter of the French Language*, CQLR c C-11 (hereinafter, the “**Charter of the French Language**”), put that longstanding practice to an end. These amendments essentially required agencies of the civil administration, including Élections Québec, to conduct their activities exclusively in French, unless an exception is provided for by regulation.
6. In the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research*, CQLR c C-11, r. 5.1 (hereinafter, the “**Regulation**”), the Minister of the French Language (hereinafter, the “**Minister**”) did not provide for a permanent exemption allowing Élections Québec to continue distributing electoral information documents to electors in both languages during election periods.
7. The Minister knew, well before both the 2026 General Election and the enactment of the *Regulation*, that failing to exempt Élections Québec would significantly impair the voting rights of certain Québec electors. Indeed, since October 2021, Élections Québec repeatedly warned that without an exception for essential electoral communications, the amendments would disadvantage non-French speaking electors and interfere with the effective exercise of their rights to vote. Despite those repeated warnings, the Government declined to act.

8. The constitutional violation at issue is all the more serious because the infringement affected anglophone and allophone electors specifically. Those electors are substantially less likely to support the governing party and the vast majority fall outside of its electoral base. As a result, the barriers created by the impugned measures were borne primarily by segments of the electorate that are not aligned with the party in power, raising serious concerns regarding the fairness, inclusiveness and democratic legitimacy of the electoral process.
9. While this case concerns the rights of a minority language group, the need for *Charter* damages in this case is also critical to deter future violations of the right to vote affecting minority groups and other groups whose political views may differ from those of the governing party.
10. Although Élections Québec had issued several warnings to the Minister in private and was aware of the direct impacts of the *Regulation* on its activities since at least June 26, 2025, it waited until September 1, 2026—mere weeks before the general election—to raise the issue publicly, leaving little time to correct a problem that had been known and foreseeable for years.
11. The Defendant is responsible for a serious infringement of fundamental democratic rights, and its conduct cannot be justified in a free and democratic society. The impugned actions warrant an effective constitutional remedy directed both at preventing future violations and at addressing the violations that have already occurred. In the circumstances of the present case, such a remedy includes both reading a permanent exception permitting Élections Québec to provide essential electoral communications in both English and French into the *Regulation*, and an award of damages sufficient to compensate the harm experienced by Class Members, vindicate their constitutional rights, recognize the seriousness of the breach, and deter similar violations in the future.

II. THE CLASS THE APPLICANT SEEKS TO REPRESENT

12. The Applicant seeks to institute a class action based on the *Canadian Charter of Rights and Freedoms* (hereinafter, the “**Canadian Charter**”), on behalf of the following Class:

All Québec electors in the 2026 General Election who resided in Québec when Élections Québec sent the Provincial Election Guide (Guide pour l’élection provinciale) and the Notice of Entry (Avis d’inscription), who can read English but do not master French sufficiently to read those documents.

III. THE PARTIES

A. The Applicant

13. The Applicant, Ms. Faith Fraser, is a 67-year-old woman living in the neighbourhood of Saint-Henri, in the city of Montréal.
14. Ms. Fraser is a Canadian citizen by birth and has been registered to vote in the province of Québec since she reached adult age.

B. The Class Members

15. As set out in section 1 of the *Election Act*, a qualified elector includes 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 disqualified from voting as a result of a judgment rendered under article 288 of the *Civil Code*, and (5) is not deprived of election rights pursuant to the *Election Act*, the *Referendum Act*, the *Act respecting elections and referendums in municipalities* or the *Act respecting school elections to elect certain members of the boards of directors of English-language school service centres*.
16. Members of the proposed Class are qualified electors who do not master French sufficiently to read electoral documents. Timely access to information communicated in English is therefore necessary for these individuals to meaningfully participate in the democratic process, including elections.
17. Some Class Members are anglophones, whose primary language is English, whereas others are non-French speaking allophones, who read English but whose primary language is neither French nor English.
18. All Class Members are by definition Canadian citizens, which means that they meet the requirements of section 3 of the *Citizenship Act*, R.S.C., 1985, c. C-29.
19. Individuals born in Canada after February 14, 1977 are Canadian citizens by right of birth. Other Canadian citizens are deemed citizens or have become citizens by meeting the requirements of section 3 of the *Citizenship Act*.
20. In addition to many other requirements, the demonstration that a person has adequate knowledge of one of the official languages of Canada — that is, English or French — is a condition for the Minister to grant citizenship to an applicant in most cases, per section 5(1) of the *Citizenship Act*.

21. Available census data indicate that the proposed Class likely numbers in the hundreds of thousands, although it is impossible at this stage to determine the precise number of Class Members.
22. According to Statistics Canada's 2021 Census, 445 575 Québec residents reported being able to conduct a conversation in English but not in French, as evidenced by a document produced by Statistics Canada, titled *Key facts on the English Language in Québec in 2021* and filed as **Exhibit AP-01** at p. 5.
23. Statistics Canada also reports that, out of 8 308 480 Québec residents, 6 219 495 were Canadian citizens aged 18 years or older and therefore met the basic citizenship and age requirements for provincial voting eligibility, as evidenced by the Statistics Canada Census Profile, *2021 Census of Population for the Province of Québec*, filed as **Exhibit AP-02**.
24. Applying the overall proportion of Québec residents who were Canadian citizens aged 18 or older (74.86%) to the population able to communicate in English but not in French yields a rough estimate of approximately 333 500 persons. These individuals are potentially more likely to be first or second-generation immigrants and more socioeconomically disadvantaged than the general population.
25. This estimate is necessarily approximate because the publicly available data do not directly cross-reference citizenship, voting age, and knowledge of official languages, and measures of language proficiency concern the ability to conduct a conversation rather than the ability to read French. The data nonetheless provides a reasonable basis to conclude that the population affected by the impugned measures numbers in the hundreds of thousands.

C. The Defendant: The Attorney General of Québec for the Minister of the French Language

26. The Minister is responsible for ensuring the application of the *Charter of the French Language*, and for developing and submitting the State's language policy to the Government for approval, as provided for by section 29.10 of the *Election Act*.
27. The Minister also exercises regulatory powers expressly conferred upon him by the *Charter of the French Language*. In particular, the *Regulation* was enacted and subsequently amended by the Minister pursuant to sections 22.3 and 22.5 of the *Charter of the French Language*, as appears from Ministerial Order 2023-001 dated May 10, 2023 and Ministerial Order 2025-001 dated May 5, 2025, filed collectively as **Exhibit AP-03**.

28. The Minister is therefore directly responsible for the enactment and scope of the regulatory exceptions set out in the *Regulation* challenged in these proceedings.

D. The Impleaded Party: Élections Québec and the Chief Electoral Officer

29. Élections Québec is an independent and impartial institution responsible for administering and enforcing the *Election Act*, which governs the organization and conduct of provincial elections in Québec, as appears from Élections Québec's *Rapport annuel de gestion 2024-2025*, filed as **Exhibit AP-04** at p. 9.

30. Élections Québec's mission is to guarantee "the integrity, transparency, and reliability of elections, and to contribute to the vitality of Québec democracy", as appears from its website on the page *Mission, values, and mandates*, filed as **Exhibit AP-05**. It organizes and oversees elections in the electoral divisions and on the dates specified by order of the National Assembly, as provided for in section 128 of the *Election Act*.

31. The institution is headed by the Chief Electoral Officer of Québec, who is appointed by the National Assembly by a resolution approved by two-thirds of its members. The Chief Electoral Officer reports directly to the National Assembly, as provided for in section 478 of the *Election Act*, and as appears from Élections Québec's organizational chart filed as **Exhibit AP-06**.

32. The distinction between the Chief Electoral Officer and Élections Québec is institutional: the Chief Electoral Officer is the officeholder to whom the *Election Act* assigns statutory powers and duties, while Élections Québec is the institution through which those powers and duties are exercised and administered, as appears from Exhibit AP-05.

33. The *Charter of the French Language* and its *Annex I* assimilate Élections Québec to an agency of the civil administration, as appears from a publication of the Minister, last updated on February 5, 2026 and filed as **Exhibit AP-07** at p. 65.

34. Élections Québec maintains a permanent staff of approximately 367 employees responsible for the continuous administration of the institution and the preservation of electoral expertise in Québec, as appears from Exhibit AP-04 at p. 9.

35. During provincial general elections, Élections Québec also relies on 125 returning officers, one for each electoral division in Québec, together with their assistant returning officers, who organize and conduct the election locally under the institution's authority, as appears from Exhibit AP-04 at p. 9.

IV. THE NATURE OF THE CLASS ACTION

36. The Applicant seeks the Court's authorization to institute a class action based on the *Canadian Charter* to obtain damages sufficient to achieve the functions of compensation, vindication, and deterrence of future violations of the Class Members' constitutional rights, as well as a declaration of unconstitutionality under section 52(1) of the *Constitution Act*, 1982, c 11, in the form of a "reading in" of section 1 of the *Regulation*.

37. The Applicant also seeks any other relief that is just and appropriate in the circumstances.

V. THE FACTS GIVING RISE TO A CAUSE OF ACTION FOR THE APPLICANT AND THE CLASS MEMBERS

A. The Notice of Entry, Provincial Election Guide, and Reminder Card: Three Essential Documents for Meaningful Electoral Participation

38. To exercise the right to vote, a person must: (1) be a qualified elector on polling day; and (2) have their name entered on the list of electors of the polling subdivision in which their domicile is situated on the 14th day before polling day, as provided for in section 2 of the *Election Act*. They must also know when and where to vote.

39. Satisfying these statutory requirements depends on electors receiving clear and timely information about their registration status, polling arrangements, applicable deadlines, disability accommodations, the right to vote in the workplace context, and the steps required to correct or update their information, among other things. To ensure that every elector receives this information, the *Election Act* imposes specific information-distribution obligations on Élections Québec.

40. Among the most important legal obligations are the mandatory distribution of three essential electoral documents:

- a. **The Notice of Entry:** To every dwelling in Québec, a document containing information relating to the electors registered on the list of electors for that address, or a notice indicating that no elector is registered at that address. The document must inform electors that any application for the revision of the list of electors must be submitted to a board of revisors in the electoral division of their domicile; specify the dates, times, and locations at which the boards of revisors will sit; explain the revision process; and provide information regarding the dates, times, and locations of advance polling (hereinafter, the "**Notice of Entry**"), as provided for in sections 197 and 301

of the *Election Act* and as appears from a model document produced by Élections Québec and filed as **Exhibit AP-08**.

- b. **The Provincial Election Guide:** To every dwelling in Québec, a document informing citizens on such matters as voting procedures, the list of electors and its revision, the rules relating to the financing of political parties and independent candidates, the rules relating to the control of election expenses (hereinafter, the “**Provincial Election Guide**”), as provided for in section 134 of the *Election Act* and as appears from a model document produced by Élections Québec and filed as **Exhibit AP-09**. The Provincial Election Guide explains how electors may register on the list of electors or update one’s registration; advises them that they must register or make any amendment no later than two weeks before polling day; describes alternative voting methods and locations, including advance voting, voting at an educational institution and, upon application made no later than two weeks before polling day, voting at home or at the home of a caregiver; outlines accessibility measures for persons with reduced mobility; explains how electors may obtain sign language interpretation services on polling day upon application made no later than two weeks before polling day; and provides information about employment opportunities related to the conduct of elections, as appears from Exhibit AP-09.
- c. **The Reminder Card:** To every dwelling where at least one person is registered on the list of electors, a document informing the electors of the place, date and hours of the polling, the number of their polling station, and the particulars that will be contained in the ballot paper, including the name and surname of each candidate (hereinafter, the “**Reminder Card**”), as provided for in sections 135 and 324 of the *Election Act* and as appears from a model document produced by Élections Québec and filed as **Exhibit AP-10**.

- 41. Significantly, people who are not registered on the list of electors and do not live in the same dwelling as registered electors will not receive the Reminder Card. The information provided by the Notice of Entry is therefore crucial to ensure eligible electors may continue to receive crucial details on where and when to vote on polling day.
- 42. The question of timing, and in particular the advance distribution of the Notice of Entry and the Provincial Election Guide, is also essential for the meaningful exercise of the right to vote. In particular:

- a. Electors must be informed of their right to request special accommodations from the returning officer to exercise it within the prescribed time limit. This includes, for instance, the right to apply, no later than the 14th day before polling day, to vote at a domiciliary polling station located at the elector's residence or at the residence of the person acting as the elector's caregiver where the elector is unable to move about for health reasons, as provided for in section 301.19 of the *Election Act* and as appears from Exhibit AP-09.
 - b. Electors must have a meaningful opportunity to apply to the *ordinary* board of revisors responsible for revising the list of electors, which sits from the 21st day to the 12th day preceding polling day, given that any application for revision must be filed or received no later than the 14th day preceding polling day, as provided for in sections 193 and 197 of the *Election Act*.
 - c. Although electors who fail to meet that deadline may still apply to the *special* board of revisors from the 13th day to the 4th day preceding polling day, this process is significantly less accessible and convenient. Indeed, such applications must be made in person by the elector concerned, whereas applications for registration or amendments to the list of electors submitted within the prescribed time before the ordinary board of revisors may be made both in person and online, as provided for in section 206 of the *Election Act* and as appears from Exhibit AP-08 and the Directive D-21 of the Board of Revisors, filed as **Exhibit AP-11**. Importantly, an elector who has not been entered on the list of electors for the polling subdivision in which they are domiciled by the conclusion of the sittings of the special board of revisors will be deprived of the opportunity to vote on polling day, since the list of electors is finalized three days before polling day, as provided for in sections 226 and 227 of the *Election Act*.
43. Crucially, the Provincial Election Guide and the Notice of Entry were sent together to every address in Québec during the week of September 14, 2026, according to Élections Québec's press release titled "2026 provincial election: information documents will be sent in French only", published on September 1, 2026 and filed as **Exhibit AP-12**. The Reminder Card will be or has been sent to households where at least one person is entered on the list of electors, as appears from Exhibit AP-12.
44. As discussed in greater detail below, it is only because an elector instituted urgent proceedings seeking provisional and permanent injunctive relief and declaratory relief that the Reminder Card will be or has been sent in English at all.

45. By the time the English version of the Reminder Card is received by Class Members, it is nonetheless too late for them to benefit from alternative voting measures such as advance voting and voting at an educational institution, and to request accommodation measures such as sign language interpretation or voting at home or at the home of a caregiver, which requires an application made no later than two weeks before polling day.

B. For the First Time in its History, Élections Québec Distributed Essential Electoral Documents Exclusively in French

46. On August 27, 2026, upon the recommendation of the Premier, the Government of Québec directed the Chief Electoral Officer to hold an election on October 5, 2026, in 127 electoral divisions throughout Québec for the purpose of constituting a new National Assembly, as appears from Orders in Council Nos. 1356-2026 and 1357-2026, filed as **Exhibit AP-13**.

47. On September 1, 2026, Élections Québec published a press release which included the following statement:

For the first time in a general election, electors will receive information documents in French only. The documents sent will include a QR code that will facilitate access to information in English on the Élections Québec website. As a result, anglophones and allophones will be able to consult the information in that language, if needed.

Previously, Élections Québec used French and English to inform electors about how they could exercise their right to vote. It must now give priority to French due to the amendments that *An Act respecting French, the official and common language of Québec* (PDF – in French) made to the *Charter of the French Language*.

as appears from Exhibit AP-12.

48. This marked a clear and abrupt departure from Élections Québec's longstanding practice and from the internal language policy it had previously adopted. Under that former policy, Élections Québec expressed its intention to comply with the *Charter of the French Language* insofar as possible and consistently with its mission—to safeguard the free exercise of every elector's right to vote and every person's right to stand as a candidate in an election, as appears from Élections Québec's Language Policy, dated June 2019 and filed as **Exhibit AP-14**.

49. The policy expressly recognized that, during election periods, Élections Québec could adopt special measures where necessary to avoid compromising the exercise of the right to vote or the right to stand as a candidate. Such measures included mailing in both English and French the Notice of Entry, Provincial Election Guide and the Reminder Card:

Notre principale responsabilité est d'assurer le libre exercice du droit de vote de tous les électeurs et du droit de soumettre sa candidature. Le droit de vote et le droit de soumettre sa candidature sont garantis par la Charte québécoise des droits et libertés de la personne.

Au Québec, l'Assemblée nationale a adopté la Charte de la langue française et en a déterminé les modalités d'application. De façon habituelle, les orientations de l'institution s'inscrivent dans l'esprit de cette charte.

Cependant, lors des scrutins, nous sommes dans l'obligation d'adopter des mesures linguistiques particulières afin de ne pas compromettre l'exercice des droits garantis par la Charte des droits et libertés de la personne, soit celui du droit de vote et de soumettre sa candidature.

[Our emphasis]

as appears from Exhibit AP-14.

50. More specifically, two criteria had been established for providing printed documents in both French and English. First, the document had to be informational rather than strictly administrative in nature, and had to be essential or useful to the exercise of the right to vote or to stand as a candidate:

9.1.1 Critères de traduction

Les critères de traduction sont d'abord d'ordre légal, judiciaire ou quasi judiciaire. Viennent ensuite des critères de nature, de cible et d'objet auxquels le document doit répondre. C'est ainsi qu'il doit s'agir soit d'un document essentiel ou utile à l'exercice d'un droit garanti par la Charte des droits et libertés de la personne du Québec, soit d'un document d'information et non d'un document strictement administratif. Le document doit de plus être destiné à un électeur, à un candidat ou à un membre du personnel électoral et non à une personne morale. Il doit également porter sur un droit ou une obligation à remplir pour exercer pleinement et librement ce droit ou cette obligation.

[Our emphasis]

as appears from Exhibit AP-14.

51. Second, bilingual versions were provided where the document met the first criterion and the time limits prescribed by electoral legislation were too short to allow, among other things, an elector or candidate to request an English version of the document. The following were cited as examples: the Provincial Election Guide, the Notice of Entry, and the Reminder Card:

9.1.2 Admissibilité au bilinguisme

L'admissibilité au bilinguisme est consentie lorsqu'un document satisfait aux critères précédents, quand les délais prescrits par les lois électorales sont trop courts pour permettre à un électeur, à un candidat ou à un membre du personnel électoral de faire une demande pour obtenir une version anglaise du document. Citons à titre d'exemples le Manuel de l'électeur, l'avis d'inscription et la carte de rappel. Cette catégorie comprend également le courrier adressé au nom des électeurs dont la langue de communication est inconnue, par exemple l'avis de convocation par une commission de révision.

Le bilinguisme est également autorisé lorsque la production de deux versions distinctes du document engendre des difficultés administratives qui entravent le travail préparatoire à un scrutin ou son déroulement.

En ce qui concerne le matériel électoral, le document bilingue doit se présenter sous deux formes typographiques: le français en caractères romains et l'autre langue en caractères italiques.

[Our emphasis]

as appears from Exhibit AP-14.

52. This departure from Élections Québec's longstanding practice stems from amendments made to the *Charter of the French Language* by *Bill 96*, which were adopted on June 1st, 2022 and came into force on June 1st, 2023.
53. Section 13.1 and subsection 13.2(1) of the *Charter of the French Language* provide for the exclusive use of French language by the civil administration, which includes Élections Québec:

13.1. The civil administration shall, in an exemplary manner, use the French language, promote its quality, ensure its development in Québec and protect it.

In the same manner, the civil administration shall take the means necessary to make sure it fulfils the obligations incumbent on it under this Act, in particular as regards obligations to citizens. For that purpose, it shall, among other things, adopt exemplarity objectives and establish indicators to measure the achievement of those objectives.

13.2. For the purposes of section 13.1, an agency of the civil administration uses the French language in an exemplary manner if, in all its activities,

- (1) it uses exclusively that language when writing in a situation that is not governed by a provision of sections 14 to 19, 21 to 21.12, 22, 22.1 and 27; [...]

54. Section 22.3 of the *Charter of the French Language*, however, authorizes the Minister to adopt certain derogations by regulation:

22.3. An agency of the civil administration may depart from paragraph 1 of section 13.2 by using another language in addition to French in its written documents

- (1) where health, public safety or the principles of natural justice so require; or

(2) to accomplish one of the following purposes:

(a) providing services in English to a person declared eligible to receive instruction in English under the provisions of Division I of Chapter VIII, other than sections 84.1 and 85;

(b) providing services to bodies referred to in section 95 or to Aboriginal persons;

(c) providing services to welcome immigrants within Québec society during the first six months following their arrival in Québec;

(d) providing services and maintaining relations outside Québec;

(e) providing tourist services; or

(f) any other purpose, compatible with the objectives of this Act, determined by regulation of the Minister.

[Our emphasis]

55. Through section 1 of the *Regulation*, the Minister has determined specific circumstances in which an agency of the civil administration may use a language other than French notwithstanding the requirements of subsection 13.2(1) of the *Charter of the French Language*.

56. However, the Minister has not provided a derogation permitting Élections Québec to distribute essential electoral information in both French and English during election periods, as appears from Exhibit AP-03. The absence of such a derogation in the *Regulation*, despite the Minister's express statutory authority to establish one, prevents Élections Québec from sending crucial electoral information to Class Members in English.

57. Before December 1, 2025, Élections Québec could rely on a temporary mission-based exception permitting the use of another language where necessary to fulfil its institutional mandate. Élections Québec itself interpreted that exception as allowing the distribution of some bilingual electoral documents, during election periods, in order to avoid compromising the effective exercise of the constitutionally guaranteed right to vote and the right to stand as a candidate, as appears from Élections Québec's *Directive particulière relative à l'utilisation d'une autre langue que le français*, filed as **Exhibit AP-15**.

58. Since that exception expired, however, the absence of any derogation applicable to Élections Québec has prevented it from continuing the practice.

C. An Interlocutory Injunction Compelled Elections Québec to Send the Reminder Card in Both English and French

59. Following Élections Québec's press release, Exhibit AP-12, which announced that the Provincial Election Guide, the Notice of Entry and the Reminder Card would be distributed exclusively in French for the first time, the law firm IMK LLP sent a demand letter to Élections Québec on behalf of Mr. Geoffrey Chambers, as appears from the email from IMK to Jean-François Blanchet and the enclosed demand letter, dated September 3, 2026 and filed as **Exhibit AP-16**.

60. The demand letter formally called upon Élections Québec to *inter alia*: (i) disclose the timeline of its efforts to obtain an exemption from the application of the *Charter of the French Language*, the Government of Québec's response to those efforts,

and the reasons why the issue had not been publicly disclosed until September 1, 2026; and (ii) distribute English versions of all three essential electoral documents at the same time as their French versions, as appears from Exhibit AP-16.

61. Faced with the imminent distribution of essential electoral information exclusively in French and the rapidly approaching 2026 General Election, Mr. Chambers instituted urgent proceedings seeking provisional and permanent injunctive relief and declaratory relief, as appears from Mr. Chambers' Amended Originating Application for Provisional Interlocutory Injunction, Permanent Injunction and Declaratory Judgment, filed as **Exhibit AP-17**.
62. On September 16, 2026, the Honourable Sylvain Lussier, J.S.C., granted in part the application for a provisional interlocutory injunction. The Court found a strong *prima facie* case that the exclusive distribution in French of the Provincial Election Guide, the Notice of Entry and the Reminder Card infringed the democratic rights protected by section 3 of the *Canadian Charter*:

[57] Il est raisonnable de conclure de ces propos et de l'importance du droit démocratique de voter que l'information destinée à l'électeur vise aussi à l'informer sur comment, où et quand voter, en plus de le renseigner sur qui sont les candidats de sa circonscription et à quel parti ils appartiennent.

[...]

[60] L'effet pratique est de priver cette partie importante de la population du Québec de l'information nécessaire à l'exercice de son droit de vote dans sa langue. Certes, un grand nombre de ces concitoyens comprennent le français. Mais pas tous.

[...]

[77] Le Tribunal est d'opinion, à cette étape-ci du dossier, que le droit à l'information nécessaire à l'exercice du droit de vote érigé en droit fondamental par l'article 3 de la *Charte canadienne* comprend le droit de la communauté anglophone à recevoir cette information en anglais.

[78] Le Tribunal conclut de cette revue de la jurisprudence que le demandeur a non seulement une question sérieuse à faire valoir mais encore, qu'il bénéficie d'une forte apparence de droit selon laquelle les droits démocratiques de la communauté anglo-qubécoise garantis par la *Charte canadienne* sont atteints, par l'interprétation que fait le gouvernement

québécois des dispositions de la *CDLF* et son refus de continuer à inclure le DGE dans le *Règlement* sur les exemptions.

as appears from the Superior Court judgement on the application for a provisional interlocutory injunction, dated September 16, 2026 and filed as **Exhibit AP-18**.

63. By the time the Court intervened, however, redistributing English versions of the Provincial Election Guide and the Notice of Entry was not considered logistically or financially practicable. Because Élections Québec could not identify in advance which households included electors unable to read French, any corrective mailing would have required redistribution to all Québec households, at significant additional cost, as appears from Exhibit AP-18. This is also confirmed by the amended affidavit of Ms. Cynthia Gagnon, Director of Institutional Communications Services at Élections Québec, filed before the Superior Court in response to the originating application for provisional interlocutory injunction, permanent injunction and declaratory judgment on September 9, 2026, and filed in support of this application for authorization as **Exhibit AP-19**.
64. The Reminder Card, however, had not yet entered production. The Court therefore found that a bilingual version could still be prepared and mailed within the electoral timetable, as appears from Exhibit AP-18.
65. The Court accordingly ordered Élections Québec to distribute the Reminder Card in both French and English and temporarily suspended subsection 13.2(1) of the *Charter of the French Language* for that purpose.
66. On September 21, 2026, the Honourable Sylvain Lussier, J.S.C., granted a safeguard order to prolong the suspension of the relevant provisions of the *Charter of the French Language* until 11:59 p.m. on October 5, 2026.
67. On September 23, 2026, the Attorney General of Québec filed an application for leave to appeal and a declaration of appeal at the Court of Appeal of Québec.
68. As a result, and despite a citizen-led intervention to protect the democratic rights of Class Members, the Provincial Election Guide and the Notice of Entry remained available only in French, leaving Class Members in a permanent deficit of information prior to the election and without the ability to remedy the harms caused by the Defendant's conduct.
69. The urgent judicial intervention therefore mitigated, but did not cure, the infringement of Class Members' constitutional rights. It secured bilingual distribution of the Reminder Card only, a document containing substantially less

information than the Provincial Election Guide and the Notice of Entry, and which was distributed too late to assist electors with several time-sensitive steps in the electoral process.

70. In fact, by the time the bilingual Reminder Card was distributed, several key deadlines related to the voting process had already expired or were imminent. The Reminder Card could therefore provide only limited prospective assistance and could not restore the opportunities that Class Members had already lost as a result of receiving the earlier electoral communications exclusively in French.

71. Class Members therefore remained without timely access in English to information concerning, *inter alia*, whether and how they were registered on the electoral list, how to verify or correct their registration, applicable deadlines for doing so, advance voting options, available voting accommodations, including for disability, and the deadlines for requesting them, as well as other procedural information necessary to prepare for and effectively exercise their right to vote.

D. The Defendant Violated Class Members' Right to Vote

Right to Vote Under Section 3 of the Canadian Charter

72. Section 3 of the *Canadian Charter* guarantees to every citizen the right to vote in an election of members of the House of Commons or of a legislative assembly.

73. Section 3 protects more than the formal right to “cast a ballot.” To give meaningful effect to its underlying purposes — namely, to ensure that every citizen has a genuine *opportunity* to participate in the electoral process and in the political life of the country through the selection of their elected representatives — the courts have recognized that section 3 implicitly protects a range of additional rights. These rights, which aim to protect the conditions necessary to the meaningful exercise of one’s right to vote, include the protection against unequal or inequitable treatment in the electoral process and the ability to exercise the right to vote in an informed manner.

74. These ancillary rights flow from the broad, liberal, and purposive interpretation that must be given to section 3 and safeguard the right to vote in a manner commensurate with the fundamental importance of individual participation in the selection of elected representatives in a free and democratic society. They also protect the foundational principles of equality and fairness necessary to make electoral participation meaningful and to sustain public confidence and legitimacy in the electoral system.

75. As a result, even in cases that fall short of explicit legislative disenfranchisement or where an elector ultimately manages to “cast a ballot” despite barriers, there may still be an infringement of the rights guaranteed by section 3. This will notably be the case — as it is here — where the impugned law or government action interferes with or adversely impacts the conditions necessary for each citizen to play a meaningful role in the electoral process and in democratic life.

The Exclusive Use of French in the Notice of Entry and the Provincial Election Guide Violated the Class Members’ Right to Vote

76. In this case, the fact that the Notice of Entry and the Provincial Election Guide were mailed to electors exclusively in French interfered with Class Members’ right to a meaningful opportunity to participate in the electoral process and in democratic life and violated the rights guaranteed by section 3 of the *Canadian Charter* as a result.

77. Class Members with no or limited proficiency in French have been denied timely and intelligible access to essential electoral information, including information concerning registration on the electoral list, polling locations, advance voting, accommodations available in relation to disability and other issues, and applicable deadlines.

78. The failure to provide access to that information in a language Class Members can understand and act upon with confidence imposed a concrete barrier to the exercise of their democratic rights and their ability to participate effectively in the electoral process.

79. Such barriers are incompatible with, and infringe upon, the protections guaranteed by section 3 of the *Canadian Charter*.

80. Moreover, this unprecedented differential treatment between electors who read French and those who do not creates a significant barrier to equal participation in the electoral process.

81. Electors who read French received, in a timely manner and in a language they understand, information essential to the effective exercise of their right to vote. Electors who do not read French, by contrast, are denied equivalent access to that information, and are thereby disadvantaged in registering on the electoral list, verifying or correcting their registration, requesting available accommodations, voting in advance, and otherwise participating fully and effectively in the democratic process.

82. This differential treatment is incompatible with the principles of electoral equality and fairness that underpin section 3 of the *Canadian Charter*. It impairs the ability of affected electors to participate in the electoral process on equal terms with others and undermines public confidence in the electoral system.
83. By affording some electors with timely and comprehensible access to essential electoral information while denying equivalent access to others because of the language in which that information is provided, the Defendant has undermined the equality of opportunity to participate in the electoral process that lies at the core of section 3.

The QR Code did Not Prevent the Violation of Class Members' Right to Vote

84. In an ostensible attempt to mitigate these unconstitutional barriers, Élections Québec included a QR code to facilitate access information in English on its website, as appears from Exhibit AP-12.
85. This attempted workaround did not cure the substantial unconstitutional barriers imposed on Class Members' right to vote.
86. Online material does not ensure that electors will receive the same information that would have been contained in the Provincial Election Guide and in the Notice of Entry had those documents continued to be translated, printed and distributed in both French and English, as they had been in previous elections.
87. Indeed, the decision to provide essential electoral information to Class Members by QR code crystallizes a clear difference in treatment between the quality of information made available to them and that available to francophone electors.
88. While the French-language Provincial Election Guide directs electors by QR code to an English version available online, the Guide contains only general, non-individualized information.
89. The Notice of Entry, by contrast, contains elector-specific information and instructions. While the need for complete, intelligible and timely access to those documents is therefore even greater.
90. There is no assurance that electors who are able to access the online materials will receive all of the same individualized information, instructions and deadlines that would otherwise have been provided directly to them by mail in English.
91. Requiring Class Members to locate, access and reconstruct essential electoral information online therefore does not provide an equivalent substitute for receiving

the prescribed electoral documents directly, in a timely manner and in a language they can understand.

92. Moreover, access through a QR code necessarily presupposes both sufficient technological literacy and access to an Internet-connected device equipped with a camera. Electors who lack either cannot reasonably be expected to access the information in this manner.

93. Statistics demonstrate that a significant number of Quebecers lack either the digital literacy or the technological resources required to access information through a QR code, as evidenced by a study titled “Portrait de la fracture numérique au Québec” published by the Académie de la transformation numérique of the University of Laval in 2025 and filed as **Exhibit AP-20**.

94. Exhibit AP-20 further reports that, in 2025, in the province of Québec:

- 5% of adults do not own a smartphone, computer or tablet (p. 51);
- 5% of adults do not use Internet (p. 57);
- 6% of adults do not have home Internet (p. 52);
- 38% of adults require assistance from others to use digital technologies and, among them, 16% report being dependent on someone else to carry out essential tasks online (p. 2, 6, 33).

95. This reality is particularly acute among *older age groups*, as revealed by Exhibit AP-20 and as recognized in paragraph 9 of the injunction judgment, Exhibit AP-18:

- For adults aged 75 and over:
 - 21% do not own a smartphone, computer or tablet (p. 51);
 - 23% do not have home Internet (p. 52);
 - 43% do not have home Internet because they do not believe they possess the knowledge required to use it (p. 53);
 - 20% do not use Internet (p. 57);
 - 19% navigate on Internet in English (p. 58)
 - 58% require assistance from others to use digital technologies (p. 33).

- For adults aged 65 to 74:
 - 12% do not own a smartphone, computer or tablet (p. 51);
 - 13% do not have home Internet (p. 52);
 - 22% do not have home Internet because they do not believe they possess the knowledge required to use it (p. 53);
 - 12% do not use Internet (p. 57);
 - 14% navigate on Internet in English (p. 58);
 - 45% require assistance from others to use digital technologies (p. 33).
- For adults aged 55 to 64:
 - 4% do not own a smartphone, computer or tablet (p. 51);
 - 5% do not have home Internet (p. 52);
 - 21% do not have home Internet because they do not believe they possess the knowledge required to use it (p. 53);
 - 5% do not use Internet (p. 57);
 - 28% navigate on Internet in English (p. 58);
 - 43% require assistance from others to use digital technologies (p. 33).

96. As recognized at paragraph 62 of the injunction judgment, Exhibit AP-18, English-speaking seniors face substantial barriers to accessing information and services in a language they can understand and/or through technological means.

97. Numbers published by the Institut de la statistique du Québec also demonstrate that elderly individuals aged 75 years and over are less likely to use a smartphone or have access to the Internet at home than the rest of the population, according to a website excerpt titled “Proportion des individus selon le type d’appareil utilisé pour accéder à Internet, Québec, 2022” and a website excerpt titled “Proportion des individus qui ont accès à Internet à la maison, Québec, 2022”, filed collectively as **Exhibit AP-21**.

98. Another excerpt from the Institut de la statistique du Québec, titled “Proportion des personnes ayant rencontré des problèmes lors de l’utilisation des services

gouvernementaux en ligne, Québec, 2020 et 2022”, published on January 16, 2026 and filed as **Exhibit AP-22**, is also consistent with the information reported in Exhibit AP-20.

99. Exhibit AP-22 mentions that, among adults living in the province of Québec aged 65 and over who used online government services in 2022:

- 58.7% experienced at least one difficulty;
- 28% had difficulty finding the correct website;
- 35.3% had difficulty locating the information they were seeking;
- 10% had difficulty accessing the website;
- 28.7% had difficulty obtaining client support;
- 13.3% encountered technical issues;
- 10.7% were left with incomplete or outdated information;
- 2.8% lacked access to a device capable of accessing the website; and
- 11.1% expressed concerns regarding safety or privacy.

100. Exhibit AP-20 also establishes that the lack of either digital literacy or technological resources required to access information through a QR code is also particularly acute among lower-income groups of the Québec population:

- For adults whose annual household income is below \$25,000:
 - 24% do not own a smartphone, computer or tablet (p. 51);
 - 30% do not have home Internet (p. 52);
 - 26% do not have home Internet because they do not believe they possess the knowledge required to use it (p. 53);
 - 24% do not use the Internet (p. 57);
 - 26% navigate the Internet in English (p. 58).

101. Moreover, available evidence suggests that the technological and digital barriers associated with the use of QR codes are likely to be more prevalent within the Class than within the Québec population as a whole.
102. As Exhibit AP-20 demonstrates, within the Québec population as a whole, individuals with lower income levels are significantly less likely to possess the technological means, Internet access, or digital literacy required to access information through a QR code.
103. Anglophones and allophones in Québec are also more likely than francophones to live below the poverty line, as reported by Claire Loewen in her article *Québec allophones, anglophones more likely than francophones to live below poverty line, study finds*, published on January 2, 2018 in *CBC News* and filed as **Exhibit AP-23**.
104. Indeed, allophones are also among the most socio-economically vulnerable groups in Québec, as appears from Exhibit AP-23. It follows that the technological and digital barriers identified in Exhibit AP-20 are likely to be more prevalent within the Class.
105. While it is true that Élections Québec has indicated that “certain electors are able to obtain information in English when they contact Élections Québec”, as appears from Exhibit AP-12, these categories of electors are limited to persons declared eligible to receive instruction in English and Indigenous people — a definition which excludes a large number of allophone electors and Class Members.
106. Additionally, even the subset of individuals eligible for phone support face a significant barrier to the meaningful exercise of their rights, as they are forced to proactively contact Élections Québec to receive the same information that their French-speaking fellow citizens received directly by mail.
107. Paragraph 63 of the injunction judgment, Exhibit AP-18, also states that the existence of this measure is likely insufficient to ensure that every Class Member will receive the electoral information contained in the documents in a complete and timely manner.
108. In short, a substantial number of Class Members lack the technological tools, Internet connectivity, or digital literacy required to make effective use of a QR code. While the QR-code alternative fails to cure the infringement of Class Members’ voting rights even for those who possess the necessary technology and digital skills, its inadequacy is even more acute for those who cannot realistically access the information in this manner — a significant proportion of the Class.

Rather than ensuring equal access to essential electoral information, this approach imposes additional barriers on some electors but not others, thereby impairing Class Members' meaningful participation in the electoral process and undermining electoral equality and equal access to democratic participation.

The Infringement Upon Class Members' Right to Vote Cannot be Justified Under Section 1 of the Canadian Charter

109. The Regulation, enacted by the Minister, is constitutionally deficient insofar as it fails to exempt Élections Québec from the “duty of exemplarity” for the purpose of providing essential electoral information in both French and English during election periods. This omission infringes Class Members' rights under section 3 of the *Canadian Charter* and cannot be justified under section 1.
110. Even assuming, without admitting, that prohibiting Élections Québec from mailing electoral documents in English pursues the protection and promotion of the French language, and that this objective is pressing and substantial, the measure fails the proportionality analysis under *R. v. Oakes*, [1986] 1 S.C.R. 103.
111. Indeed, in the circumstances of the present case, denying Class Members timely access, in English, to information necessary to exercise their right to vote is incompatible with the very notion of a free and democratic society.
112. First, the rational connection requirement is not met. Providing English versions alongside the French documents would not displace, diminish, or prevent the use of French. The French versions would remain Élections Québec's official communications and would continue to be distributed to every elector. Indeed, the historic practice of Élections Québec demonstrates that this option was fully available to the Defendant.
113. Second, the measure does not minimally impair the right to vote. The restriction goes well beyond what is reasonably necessary to pursue the stated objective. Less rights-impairing alternatives were readily available, including bilingual documents, French-first presentation, or separate English versions clearly identified as translations.
114. Third, the deleterious effects plainly outweigh any salutary benefits. The restriction deprives Class Members of timely and intelligible access to essential information concerning registration, polling locations, voting methods, accommodations, and applicable deadlines, thereby impairing their ability to exercise their right to vote independently and effectively.

115. By contrast, permitting a narrow exception for essential electoral communications would preserve the general duty of exemplarity while avoiding a serious impairment of democratic rights.

E. The Defendant Knew that Sending the Notice of Entry, the Provincial Election Guide, and the Reminder Card in French Only Would Violate Class Members' Right to Vote

116. The Defendant was aware, long before the 2026 General Election, of the serious consequences that the absence of a permanent exemption for Élections Québec under the *Regulation* would have on the exercise of Class Members' rights under section 3 of the *Canadian Charter*.

117. Indeed, following the introduction of *Bill 96* in May 2021, representatives of Élections Québec repeatedly warned government officials that, absent an exemption permitting the distribution of essential electoral documents in both French and English, the institution's ability to safeguard the voting rights of all electors would be compromised.

118. Six meetings were held between Élections Québec and the Minister's staff: on October 29, 2021, February 18, 2022, April 14, 2023, October 13, 2023, March 11, 2025, and September 12, 2025, as appears from the affidavit of Ms. Suzanne Naud, Director of the Communications, Research and Democracy Education Directorate at Élections Québec, filed before the Superior Court in response to the originating application for provisional interlocutory injunction, permanent injunction and declaratory judgment, and filed in support of this application for authorization as **Exhibit AP-24**.

119. Élections Québec also sent two letters to the French Language Commissioner to request the addition of a permanent exemption to the Regulation in order to allow Élections Québec to communicate with electors in both French and English during election periods, on July 3, 2023 and October 31, 2024, as appears from Exhibit AP-24.

120. On April 8, 2025, Élections Québec sent a letter to the then-Minister, Mr. Jean-François Roberge, regarding the draft *Regulation*, as appears from Exhibit AP-24. It was submitted during the 45-day consultation period following publication of the draft regulation, during which the institution was invited to make representations, as appears from the Draft Regulation published in the Gazette Officielle du Québec on February 26, 2025 and filed as **Exhibit AP-25**.

121. In that letter, Élections Québec stated:

(...) Enfin, puisque nos activités en période électorale sont intrinsèquement liées au respect du droit de vote et du droit de se porter candidat, qui sont garantis par les chartes des droits et libertés nous nous devons de mentionner les possibles recours visant la validité de l'élection si nous devons appliquer intégralement les dispositions de la Charte de la langue française.

En conséquence, Élections Québec demande d'ajouter une exception permanente au RDR au sujet de ses activités en période électorale, notamment pour ses communications écrites et orales. Le libellé de cette exception pourrait être le suivant :

Assurer le respect du droit de vote et du droit de poser sa candidature lors d'une élection provinciale, municipale ou scolaire ou d'un référendum.

as appears from the letter from Élections Québec to the Minister, dated April 8, 2025 and filed as **Exhibit AP-26**.

122. On June 26, 2025, Élections Québec received a letter from Deputy Assistant Minister Ms. Nataly Marcoux, which stated:

Quant aux élections générales québécoises, qui auront lieu à l'automne 2026, les dispositions de temporisation auront cessé d'avoir effet. Les travaux à ce sujet sont en cours et des discussions entre nos deux organisations devront avoir lieu.

Il faut noter en terminant que depuis l'entrée en vigueur de l'ensemble des dispositions relatives au devoir d'exemplarité de l'État de la *Charte de la langue française*, les élections ne peuvent être menées en utilisant le français et l'anglais, comme c'était le cas auparavant. Il s'agit d'un choix du législateur.

as appears from the letter from Ms. Nataly Marcoux to Élections Québec, dated June 26, 2025 and filed as **Exhibit AP-27**.

123. Despite having been repeatedly warned of the detrimental effects that the expiry of the temporary mission-based exemptions and the resulting application of the *Regulation* would have on Class Members' rights under section 3 of the *Canadian Charter*, the Minister and his officials refused to take corrective action.

124. Furthermore, although Élections Québec repeatedly sought a permanent exemption from section 13.2(1) of the *Charter of the French Language*, once it became clear that those efforts were likely to fail, it failed to alert the public in a timely manner of the fact that it would be prevented from distributing essential electoral documents in English during the 2026 General Election.
125. The Minister's conduct is all the more troubling given the historical and political context of the facts in litigation and the politically asymmetrical effects of the failure to provide essential English-language materials to electors.
126. It is uncontroversial and well known that the linguistic and cultural communities that make up the Class have historically shown markedly lower levels of support for the governing party, the Coalition Avenir Québec (hereinafter, "CAQ"), than francophone electors. The impugned measures therefore restrict the voting rights of electors who are substantially more likely to support other political parties, while leaving the Government's principal electoral base largely unaffected.
127. Indeed, various media reports suggest that many anglophones and allophones in Québec feel alienated by the CAQ government. In particular, these communities are frequently reported as feeling unheard, left behind and unwelcome as a result of government policies relating to language, education, immigration and secularism, as reported by Benjamin Shingler and Kate McKenna in their article *Québec's election campaign has just begun, but many anglophones already feel sidelined*, published on August 29, 2022 in *CBC News* and by Vincent Larin in his article *Les anglophones, inquiets et indécis*, published on September 20, 2022 in *La Presse*, filed collectively as **Exhibit AP-28**.
128. A study indicated that in 2018, 80.9% of anglophones and 69.8% of allophones voted for the Québec Liberal Party, as documented by Marc Pomerleau and Esmaeil Kalantari in their research note *The Languages of the 2022 Provincial Election in Québec*, published in the *Canadian Political Science Review* in 2025 and filed as **Exhibit AP-29** at p. 12.
129. As for the 2026 General Election, an overwhelming majority of Class Members are expected to support either the Liberal Party or the Conservative Party of Québec, as reported by Harry North in his article *Québec's Anglos, Allophones Overwhelmingly Back Liberals, Reject Sovereignist Parties, New Poll Finds*, published on August 24, 2026 in *The Gazette* and filed as **Exhibit AP-30**.

VI. THE APPLICANT'S INDIVIDUAL CASE AND HER ABILITY TO REPRESENT CLASS MEMBERS

130. As mentioned above, Ms. Fraser lives in the neighbourhood of Saint-Henri, located in the Southwest borough of the city of Montréal.
131. Ms. Fraser was born on September 1st, 1959. She has lived in the province of Québec for the last 62 years and has been living in the Southwest of Montréal since then.
132. Ms. Fraser's first language is English, and she received her education in English. Throughout her life, she has made several attempts to learn French but has never been able to do so. Although she is able to read a few words in French, she has a very limited reading proficiency.
133. Ms. Fraser has been working for the Director of Youth Protection of Québec for more than 30 years. She is currently a recall educator at Batshaw Youth and Family Centres, and a full-time educator for Inuulitsivik Health Centre where she serves the English-speaking Inuit community.
134. Ms. Fraser believes that civic participation in the democratic electoral process is essential. As a result, she has voted in almost every election since she reached adult age. She intends to vote in the 2026 General Election.
135. In the context of provincial general elections, Ms. Fraser relied in the past years on the English-language or bilingual electoral documents provided by Élections Québec. She usually goes to vote on polling day, although she has cast her ballot during advance voting days on a few occasions.
136. In September 2026, Ms. Fraser was surprised when she received the Provincial Election Guide and the Notice of Entry in French exclusively, as to the best of her recollection she has always received bilingual versions of both documents for previous general elections. The Provincial Election Guide that Ms. Fraser received is filed as **Exhibit AP-31**, and the Notice of Entry that she received is filed as **Exhibit AP-32**.
137. Ms. Fraser could not fully read the information contained in the Provincial Election Guide and the Notice of Entry, but she could decipher a few dates, including September 27, 2026, September 28, 2026, and October 5, 2026. Even though she knew that the 2026 General Election was approaching and inferred that the purpose of these documents was likely to inform her of the different dates and locations to vote, she put the documents aside as she could not fully understand

what they said, with the intention of having her bilingual daughter read them to her.

138. When she opened and reviewed these documents, she did not notice the QR code on them.

139. Ms. Fraser's spouse also does not understand French. As a result, he could not translate the information contained in the French-language documents into English for Ms. Fraser.

140. On September 29, 2026, Ms. Fraser received the Reminder Card in both French and English, filed as **Exhibit AP-33**. It was only after having read the English version of the Reminder Card that she could be completely sure that polling day is on October 5, 2026.

141. Ms. Fraser was frustrated when she realized that the Provincial Election Guide and the Notice of Entry were sent exclusively in French, a language in which she has only very limited reading proficiency. This made her feel alienated from the democratic electoral process in Québec – as if she doesn't matter because she is an anglophone.

142. Ms. Fraser finds this decision by the Government unacceptable, as it made her feel like a second-class citizen in her own province. She is disappointed that her ability to receive important electoral information in a language that she understands has been undermined – she believes that this is a basic right that every elector should be entitled to.

143. Ms. Fraser plans to go to the polls on October 5, 2026, with her youngest daughter who speaks French. She has heard that workers at polling stations have been instructed to only speak in French to electors, unless they can demonstrate that they fit within the categories of individuals exempted from the application of the *Charter of the French Language*, and is concerned that she will not be able to communicate with the workers if she goes alone.

144. The experience of Ms. Fraser is representative of that of many Class Members who have been deeply affected by the impugned measures.

145. Ms. Fraser is able to ensure an adequate representation of Class Members for the following reasons:

- a. She has a very good understanding of this case and of her role as a representative;

- b. She has a good understanding of legal proceedings, having previously testified in court regarding child protection matters as part of her work for the Director of Youth Protection of Québec;
- c. She undertakes the role of representative in good faith, for the sole purpose of seeking justice for Class Members;
- d. She is willing to devote the time necessary to accomplish all the formalities and tasks related to this class action;
- e. She has no conflict of interest with other Class Members;
- f. She is committed to working closely with her lawyers to ensure that this class action will proceed smoothly and in a timely manner;
- g. She is represented by a law firm with extensive experience in the field of class actions and public interest litigation.

VII. THE COMPOSITION OF THE CLASS MAKES IT DIFFICULT OR IMPRACTICABLE TO APPLY THE RULES GOVERNING MANDATES TO INSTITUTE PROCEEDINGS ON BEHALF OF OTHERS OR JOINDER OF PROCEEDINGS

146. As indicated above, the proposed Class likely includes hundreds of thousands of individuals.

147. It is impossible for the Applicant to contact all Class Members and, a fortiori, to obtain a mandate from each of them.

148. The principles of proportionality, access to justice, and the sound administration of justice also favour proceeding by way of a class action.

VIII. THE CLAIMS OF THE CLASS MEMBERS RAISE IDENTICAL, SIMILAR OR RELATED ISSUES OF FACT OR LAW

149. The identical, similar, or related issues that the Applicant seeks to have determined on a collective basis are the following:

- i. Did the requirement that the Notice of Entry and the Provincial Election Guide be distributed exclusively in French infringe Class Members' right to vote under section 3 of the *Canadian Charter*?
- ii. If so, is that infringement justified under section 1 of the *Canadian Charter*?

- iii. Are Class Members entitled to damages pursuant to subsection 24(1) of the *Canadian Charter*? If so, in what amount?
- iv. Does the *Canadian Charter* require that section 1 of the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research* be read as including an exception permitting the use of a language other than French where necessary to safeguard the right to vote and the right to stand as a candidate in an election?
- v. In light of the evidence adduced at trial, are any other remedies, including declaratory or injunctive relief, just, appropriate, and/or necessary to protect the rights of the Class Members?

IX. THE RELIEF SOUGHT

150. The conclusions sought by this class action are as follows:

GRANT the Applicant's action on behalf of all Class Members;

DECLARE that section 1 of the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research*, CQLR, c. C-11, r. 5.1, infringes section 3 of the *Canadian Charter of Rights and Freedoms*;

DECLARE that this infringement is not justified under section 1 of the *Canadian Charter of Rights and Freedoms*;

DECLARE that section 1 of the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research*, CQLR, c. C-11, r. 5.1, must be read as allowing the Impleaded Party the Chief Electoral Officer of Québec (Directeur général des élections du Québec) to depart from paragraph 13.2 (1) of the *Charter of the French language*, CQLR, c. C-11, and as allowing the use of English in addition to French in information and materials destined for electors;

ORDER the Defendant to pay damages to the Applicant and to each Class Member pursuant to the *Canadian Charter of Rights and Freedoms*, in amounts to be determined, together with interest from the date of the Application for Authorization to Institute a Class Action and the additional indemnity provided for in article 1619 of the *Civil Code of Québec*;

ORDER the Defendant to provide such other relief as may be just and appropriate in the circumstances;

ORDER the collective recovery of the Class Members' claims;

THE WHOLE with costs, including expert fees, notice costs, and, where applicable, the fees of the claims administrator.

X. THE APPLICANT PROPOSES THAT THE CLASS ACTION BE HEARD BEFORE THE SUPERIOR COURT SITTING IN THE DISTRICT OF MONTRÉAL

151. The Applicant proposes that this class action be brought before the Superior Court sitting in the District of Montréal for the following reasons.

152. The Applicant's domicile is located in Montréal.

153. It is reasonable to believe that a large number of Class Members reside in Montréal or in its surrounding areas.

154. In addition, the Applicant's counsel practise in this judicial district.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the Applicant's Application;

AUTHORIZE the bringing of a class action against the Defendant;

APPOINT the Applicant as representative for the purpose of bringing this class action on behalf of the following class:

All Québec electors in the 2026 General Election who resided in Québec when Élections Québec sent the Provincial Election Guide (Guide pour l'élection provinciale) and the Notice of Entry (Avis d'inscription), who can read English but do not master French sufficiently to read those documents.

IDENTIFY the following as the principal questions of fact or law to be dealt with collectively:

- i. Did the requirement that the Notice of Entry and the Provincial Election Guide be distributed exclusively in French infringe Class Members' right to vote under section 3 of the *Canadian Charter*?
- ii. If so, is that infringement justified under section 1 of the *Canadian Charter*?
- iii. Are Class Members entitled to damages pursuant to subsection 24(1) of the *Canadian Charter*? If so, in what amount?

- iv. Does the *Canadian Charter* require that section 1 of the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research* be read as including an exception permitting the use of a language other than French where necessary to safeguard the right to vote and the right to stand as a candidate in an election?
- v. In light of the evidence adduced at trial, are any other remedies, including declaratory or injunctive relief, just, appropriate, and/or necessary to protect the rights of the Class Members?

IDENTIFY the following conclusions as those sought in relation thereto:

GRANT the Applicant's action on behalf of all Class Members;

DECLARE that section 1 of the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research*, CQLR, c. C-11, r. 5.1, infringes section 3 of the *Canadian Charter of Rights and Freedoms*;

DECLARE that this infringement is not justified under section 1 of the *Canadian Charter of Rights and Freedoms*;

DECLARE that section 1 of the *Regulation respecting the derogations to the duty of exemplarity of the civil administration and the documents drawn up or used in research*, CQLR, c. C-11, r. 5.1, must be read as allowing the Impleaded Party the Chief Electoral Officer of Québec (Directeur général des élections du Québec) to depart from paragraph 13.2 (1) of the *Charter of the French language*, CQLR, c. C-11, and as allowing the use of English in addition to French in information and materials destined for electors;

ORDER the Defendant to pay damages to the Applicant and to each Class Member pursuant to the *Canadian Charter of Rights and Freedoms*, in amounts to be determined, together with interest from the date of the Application for Authorization to Institute a Class Action and the additional indemnity provided for in article 1619 of the *Civil Code of Québec*;

ORDER the Defendant to provide such other relief as may be just and appropriate in the circumstances;

ORDER the collective recovery of the Class Members' claims;

THE WHOLE with costs, including expert fees, notice costs, and, where applicable, the fees of the claims administrator.

DECLARE that all Class Members who have not requested exclusion shall be bound by any judgment to be rendered in the class action in the manner provided by law;

SET the opt-out deadline at sixty (60) days following the publication of the notice to Class Members, upon the expiry of which all Class Members who have not exercised their right to opt out shall be bound by any judgment to be rendered;

ORDER the publication of a notice to Class Members in accordance with the terms and conditions to be determined by the Court;

THE WHOLE with legal costs, including the costs of publishing the notice to Class Members.

MONTREAL, October 1st, 2026



TRUDEL JOHNSTON & LESPÉRANCE

Counsel for the Applicant

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Our reference: 1522-1

SUMMONS
(Articles 145 and following C.C.P)

Filing of a judicial application

Take notice that the plaintiff has filed this *Application for authorization to institute a class action and to obtain the status of representative* in the office of the Superior Court of Québec in the judicial district of Montréal.

Exhibits supporting the application

In support of the *Application for authorization to institute a class action and to obtain the status of representative*, the plaintiff intends to use the following exhibits:

Exhibit AP-01: Statistics Canada, *Key facts on the English language in Quebec in 2021*;

Exhibit AP-02: Statistics Canada Census Profile, *2021 Census of Population for the Province of Quebec*;

Exhibit AP-03: Ministerial Order 2023-001 dated May 10, 2023; Ministerial Order 2025-001 dated May 5, 2025 (collectively);

Exhibit AP-04: Élections Québec, *Rapport annuel de gestion 2024-2025*;

Exhibit AP-05: Élections Québec, *Mission, values, and mandates*;

Exhibit AP-06: Élections Québec, Organizational chart (August 13, 2026);

Exhibit AP-07: Ministère de la Langue française, Liste des organismes de l'Administration (February 5, 2026);

Exhibit AP-08: Élections Québec, Notice of Entry;

Exhibit AP-09: Élections Québec, Provincial Election Guide;

Exhibit AP-10: Élections Québec, Reminder Card;

Exhibit AP-11: Élections Québec, Directive D-21 of the Board of Revisors;

- Exhibit AP-12:** Élections Québec, *2026 provincial election - information documents will be sent in French only* (September 1st, 2026);
- Exhibit AP-13:** Orders in Council Nos. 1356-2026 and 1357-2026 (August 27, 2026);
- Exhibit AP-14:** Élections Québec, Language Policy (June 2019);
- Exhibit AP-15:** Élections Québec, *Directive particulière relative à l'utilisation d'une autre langue que le français* (May 2024);
- Exhibit AP-16:** Email from IMK to Jean-François Blanchet and enclosed demand letter (September 3, 2026);
- Exhibit AP-17:** Amended Originating Application for Provisional Interlocutory Injunction, Permanent Injunction and Declaratory Judgment (September 9, 2026);
- Exhibit AP-18:** *Chambers c. Procureur général du Québec*, 2026 QCCS 3402;
- Exhibit AP-19:** Amended affidavit of Ms. Cynthia Gagnon, Director of Institutional Communications Services at Élections Québec, filed before the Superior Court in response to the originating application for provisional interlocutory injunction (September 9, 2026);
- Exhibit AP-20:** Académie de la transformation numérique of the University of Laval, « Portrait de la fracture numérique au Québec » (2025);
- Exhibit AP-21:** Institut de la statistique du Québec, « Proportion des individus selon le type d'appareil utilisé pour accéder à Internet, Québec, 2022 »; Institut de la statistique du Québec, « Proportion des individus qui ont accès à Internet à la maison, Québec, 2022 » (collectively);
- Exhibit AP-22:** Institut de la statistique du Québec, « Proportion des personnes ayant rencontré des problèmes lors de l'utilisation des services gouvernementaux en ligne, Québec, 2020 et 2022 » (January 16, 2026);

- Exhibit AP-23:** Claire Loewen (CBC News), *Québec allophones, anglophones more likely than francophones to live below poverty line, study finds* (January 2, 2018);
- Exhibit AP-24:** Affidavit of Ms. Suzanne Naud, Director of the Communications, Research and Democracy Education Directorate, filed before the Superior Court in response to the originating application for provisional interlocutory injunction, permanent injunction and declaratory judgment (September 8, 2026);
- Exhibit AP-25:** Draft Regulation of the *Règlement modifiant le Règlement concernant les dérogations au devoir d'exemplarité de l'Administration et les documents rédigés ou utilisés en recherche*, Gazette Officielle du Québec;
- Exhibit AP-26:** Letter from the Chief Electoral Officer to the Minister of the French Language (April 8, 2025);
- Exhibit AP-27:** Letter from Ms. Nataly Marcoux to the Chief Electoral Officer (June 26, 2025);
- Exhibit AP-28:** Benjamin Shingler and Kate McKenna (CBC News), *Québec's election campaign has just begun, but many anglophones already feel sidelined* (August 29, 2022); Vincent Larin (La Presse), *Les anglophones, inquiets et indécis* (September 20, 2022) (collectively);
- Exhibit AP-29:** Marc Pomerleau and Esmaeil Kalantari, "The Languages of the 2022 Provincial Election in Quebec", *Canadian Political Science Review* (2025);
- Exhibit AP-30:** Harry North (The Gazette), *Quebec's Anglos, Allophones Overwhelmingly Back Liberals, Reject Sovereignist Parties, New Poll Finds* (August 24, 2026);
- Exhibit AP-31:** Provincial Election Guide in French received by Ms. Fraser;
- Exhibit AP-32:** Notice of Entry in French received by Ms. Fraser;
- Exhibit AP-33:** Reminder Card in French and English received by Ms. Fraser.

These exhibits are available upon request.

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the Courthouse of Montréal situated at 1, Notre-Dame St. East, Montréal (Québec), H2Y 1B6 within 15 days of service of this application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgment may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- Negotiate a settlement;
- Propose mediation to resolve the dispute;
- Defend the application and, in the cases required by the Code of Civil Procedure, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of this summons. However, in family matters or if you have no domicile, residence or establishment in Québec, it must be filed within 3 months after service; or
- Propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Where to file the judicial application

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence, it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the plaintiff or the defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

Transfer of the application to the Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Convening a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing that, the protocol is presumed to be accepted.

Application accompanied by a notice of presentation

Applications filed in the course of a proceeding and applications under Book III or V of the Code of Civil Procedure—excluding applications pertaining to family matters under article 409 and applications pertaining to securities under article 480—as well as certain applications under Book VI of the Code of Civil Procedure, including applications for judicial review, must be accompanied by a notice of presentation, not by a summons. In such circumstances, the establishment of a case protocol is not required.

NOTICE OF PRESENTATION

To: ATTORNEY GENERAL OF QUÉBEC, having an office at 1, Notre-Dame Street East, Suite 8.00, City and District of Montréal, Province of Québec, H2Y 1B6

and

CHIEF ELECTORAL OFFICER OF QUÉBEC (DIRECTEUR GÉNÉRAL DES ÉLECTIONS DU QUÉBEC), having an office at 1045, Wilfrid-Pelletier Avenue, Suite 200, City and District of Québec, Province of Québec, G1W 0C6

TAKE NOTICE that the present *Application for authorization to institute a class action and to obtain the status of representative*, dated October 1st, 2026, will be presented at the Superior Court at the Courthouse of Montréal, located at 1, Notre-Dame St. East, Montréal (Quebec), H2Y 1B6, at a date, time and room to be determined by the Coordinating Judge for the Class Action Division.

DO ACT ACCORDINGLY.

MONTREAL, October 1st, 2026



TRUDEL JOHNSTON & LESPÉRANCE

Counsel for the Applicant

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Our reference: 1522-1

DISTRICT OF **MONTREAL**
(Class Actions)
SUPERIOR COURT

FAITH FRASER

Applicant

v.

ATTORNEY GENERAL OF QUÉBEC

Defendant

and

**CHIEF ELECTORAL OFFICER OF QUÉBEC (DIRECTEUR
GÉNÉRAL DES ÉLECTIONS DU QUÉBEC)**

Impleaded Party

Our Reference: 1522-1

BT 1415

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A
CLASS ACTION AND TO OBTAIN THE STATUS OF
REPRESENTATIVE**
(Art. 575 C.C.P.)

ORIGINAL

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