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Coming into force of Acts

Gouvernement du Québec

O.C. 241-2007, 28 March 2007

An Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40)

WHEREAS the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40) was assented to on 13 December 2005;

WHEREAS section 49 of the Act provides that its provisions come into force on the date or dates to be set by the Government, except sections 11 and 48 which come into force on 13 December 2005;

WHEREAS, under Order in Council 225-2006 dated 29 March 2006, sections 1, 2 and 19, paragraph 1 of section 22, paragraph 2 of section 27 and sections 30 and 33 to 37 of the Act came into force on 12 April 2006;

WHEREAS, under Order in Council 744-2006 dated 16 August 2006, sections 3 to 7, 12, 13, 18, 21, section 25 to the extent that it enacts the title of Division III.1 and section 70.3 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01) and sections 26, 29, 32, 39 to 41, 46 and 47 of the Act came into force on 30 August 2006, and section 14 of the Act came into force on 1 January 2007;

WHEREAS it is expedient to set 11 April 2007 as the date of coming into force of sections 9, 15 to 17, 20, paragraph 3 of section 22, section 23 to the extent that it enacts sections 60.1 to 60.3 of the Act respecting prescription drug insurance, section 28 to the extent that it enacts sections 84.1, 84.2 and 84.4 of the Act respecting prescription drug insurance, and sections 38, 42, 44 and 45 of the Act;

WHEREAS it is expedient to set 1 October 2007 as the date of coming into force of section 8 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT sections 9, 15 to 17, 20, paragraph 3 of section 22, section 23 to the extent that it enacts sections 60.1 to 60.3 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), section 28 to the extent that it enacts sections 84.1, 84.2 and 84.4 of the Act respecting prescription drug insurance, and sections 38, 42, 44 and 45 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40) come into force on 11 April 2007;

THAT section 8 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions come into force on 1 October 2007.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8101

Decisions

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Merging of polling subdivisions on polling day

Decision by the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act regarding the merging of polling subdivisions on polling day

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 301.6 of the Election Act (R.S.Q., c. E-3.3) states that an advance polling station has to be established in every residential facility referred to in section 180;

WHEREAS section 301.8 of the Election Act states that an elector domiciled in a residential facility who wishes to vote in an advance poll must vote in the advance polling station set up in that facility;

WHEREAS in certain cases, the residential facility where the polling station is set up constitutes a polling subdivision;

WHEREAS Sainte-Anne hospital (electoral division of Jacques-Cartier), the Robert-Giffard hospital centre (electoral division of Jean-Lesage) and the Émilie-Gamelin residential and long-term care centre (electoral division of Sainte-Marie–Saint-Jacques) are residential facilities each of which constitutes a polling subdivision;

WHEREAS electors domiciled in these facilities are almost exclusively non self-reliant persons or persons who are functionally dependent most of whom will probably exercise their right to vote during the advance poll in their facility;

WHEREAS section 302 of the Election Act states that the returning officer shall establish a polling station for each polling subdivision;

WHEREAS the number of electors in the residential facilities concerned who can go to the polling station on polling day does not make it possible to guarantee the secrecy of the vote and does not justify the setting up of a polling station for the exclusive use of these electors;

WHEREAS the Election Act does not allow the merging of two polling subdivisions in such a case;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt section 302 in order to authorize the returning officers of the three electoral divisions concerned to take the following measures for voting on polling day:

— the returning officer of the electoral division of Jacques-Cartier is authorized to merge the polling subdivision made up of Sainte-Anne hospital (sector 1, polling subdivision 12) with the closest polling subdivision;

— the returning officer of the electoral division of Jean-Lesage is authorized to merge the polling subdivision made up of Robert-Giffard hospital centre (sector 72, polling subdivision 82) with the closest polling subdivision;

— the returning officer of the electoral division of Sainte-Marie–Saint-Jacques is authorized to merge the polling subdivision made up of the Émilie-Gamelin residential and long-term care centre (sector 162, polling subdivision 36) with the closest polling subdivision.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 19 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8095

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Remote polling subdivisions

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning remote polling subdivisions

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 489.1 allows the Chief Electoral Officer, where circumstances so require, in particular by reason of the area or distance involved, to adapt the provisions concerning the revision process, the filing of nomination papers, the advance poll or the establishment of an identity verification panel, with the consent of the authorized parties represented in the National Assembly;

WHEREAS as a result of the Chief Electoral Officer's decision of February 23, 2007, section 489.1 has been modified in order to include provisions regarding officers assigned to the list of electors;

WHEREAS the distance, isolation and small number of electors in certain remote polling subdivisions contemplated by section 489.1 require the introduction of special procedures regarding the holding of a poll and the counting of votes;

WHEREAS the current version of section 489.1 does not allow the adaptation of the provisions of the Act regarding the holding of a poll and the counting of votes;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt section 489.1 of this Act in order to include provisions regarding the holding of a poll and the counting of votes.

For the purposes of this decision, section 489.1 of the Election Act shall read as follows:

“**489.1.** The chief electoral officer may, where circumstances so require, in particular by reason of the area or distance involved, adapt the provisions concerning the enumeration of electors or the revision process, the filing of nomination papers, the advance poll, the establishment of an identity verification panel, the holding of a poll and the counting of votes, with the consent of the authorized parties represented in the National Assembly.”

This decision replaces that of February 23, 2007 regarding officers assigned to the list of electors and shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 19 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8100

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Counting of advance poll ballots

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the counting of advance poll ballots

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS the advance poll was held on March 18 and 19, 2007;

WHEREAS the number of people voting in the advance poll was very high and atypical;

WHEREAS section 361 of the Election Act (R.S.Q., c. E-3.3) states that the deputy returning officer, assisted by the poll clerk, shall count the ballots after the close of polls;

WHEREAS in many electoral divisions, the counting of advance poll ballots risks being significantly delayed due to the high number of electors who exercised their right to vote;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 361 of this Act as follows:

1. On polling day, the returning officer is authorized to start counting advance poll ballots before the close of the polls;

2. The counting of advance poll ballots cannot begin before 7 p.m.;

3. The returning officer must take all pertinent measures to ensure that no result of the counting of advance poll ballots is released before the close of the polls.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 23 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8104

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Application of section 206

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of section 206

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 206 of the Election Act (R.S.Q., c. E-3.3) allows electors domiciled in a facility referred to in section 3, or electors residing in such a facility and who would like to avail themselves of the provisions of this section, to submit to the returning officer a written application for entry on, correction of, or striking off the list of electors;

WHEREAS section 3 states that an elector who resides in a facility maintained by an establishment that operates a hospital centre, a residential and long-term care centre or a rehabilitation centre as defined by the Act respecting health services and social services (R.S.Q., c. S-4.2) or a hospital centre or a reception centre as defined by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) may be considered as domiciled either in his domicile, or in this facility or centre;

WHEREAS electors are domiciled in retirement homes identified in the register prepared pursuant to the Act respecting health services and social services;

WHEREAS the Chief Electoral Officer has identified some cases where these retirement homes have been closed down or placed under total or partial quarantine due to risks of the spread of contagious diseases;

WHEREAS it is reasonable to believe that other cases of closure or total or partial quarantine of retirement homes due to risks of the spread of contagious diseases could be identified by the Chief Electoral Officer in the next few days;

WHEREAS electors domiciled in retirement homes identified by the Chief Electoral Officer cannot present before a board of revisors an application for entry on, correction of, or striking off the list of electors;

WHEREAS electors domiciled in retirement homes cannot avail themselves of section 206 of the Election Act;

WHEREAS electors domiciled in retirement homes identified by the Chief Electoral Officer may be unable to exercise their right to vote due to these exceptional circumstances;

WHEREAS these exceptional circumstances require the institution of special procedures in order to allow persons domiciled in the retirement homes identified by the Chief Electoral Officer to present to a board of revisors an application for entry on, correction of, or striking off the list of electors;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where so required by exceptional circumstances;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt this Act in order to allow electors domiciled in retirement homes that he has identified to avail themselves of the provisions of section 206 of the Election Act.

For the purposes of the application of the present decision, section 206 of the Election Act is adapted by inserting, after the words “avail themselves of the provisions of this section,” the words “or an elector domiciled in a retirement home identified in the register prepared pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2).”.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 9 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8099

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Application of sections 239 and 241

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of sections 239 and 241

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 239 of the Election Act (R.S.Q., c. E-3.3) states that nomination papers shall bear the name and signature of the official agent;

WHEREAS section 241 of the Election Act states that a person offering himself as a candidate must attach to his nomination papers, if applicable, a letter from the leader of an authorized party recognizing him as a candidate of that party;

WHEREAS the limited and temporary isolation of the electoral division of Îles-de-la-Madeleine may make it impossible to produce nomination papers that comply with the Election Act within the prescribed deadlines;

WHEREAS this exceptional circumstance requires the institution of special procedures regarding the production of nomination papers;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where so required by exceptional circumstances;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the

said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt the provisions of sections 239 and 241 of this Act as follows:

1. The returning officer of the electoral division of Îles-de-the-Madeleine may accept to receive by fax a document bearing the name and signature of the official agent of a person who files his nomination papers within the deadline prescribed by the Act. This document shall be an integral part of the nomination papers.

2. The returning officer of the electoral division of Îles-de-the-Madeleine may accept to receive by fax a letter from the leader of an authorized party recognizing a person who has filed his nomination papers as the candidate of this party. This document shall be an integral part of the nomination papers.

3. The official agent of a person who files his nomination papers must transmit the original copy of the document referred to in subparagraph 1 to the office of the returning officer of the electoral division of Crémazie latest at 2 p.m. on the sixteenth day before polling day.

4. The leader of the authorized party must send the original copy of the document referred to in subparagraph 2 to the office of the returning officer of the electoral division of Crémazie latest at 2 p.m. on the sixteenth day before polling day.

5. The returning officer of the electoral division of Crémazie must transmit to the returning officer of the electoral division of Îles-de-the-Madeleine the original documents that he receives in application of subparagraphs 3 and 4 as soon as they are received. These documents shall be an integral part of the nomination papers.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 10 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8096

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Application of sections 294, 295, 296, 298 and 299

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of sections 294, 295, 296, 298 and 299

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS sections 294, 295, 296, 298 and 299 of the Election Act (R.S.Q., c. E-3.3) outline conditions required for inmates to vote;

WHEREAS there are electors in temporary detention or in closed custody pursuant to the Youth Criminal Justice Act (S.C. 2002, c. 1);

WHEREAS these electors are in temporary detention or in closed custody in facilities that report to establishments that operate child and youth protection centres as defined by the Act respecting health services and social services (R.S.Q., c. S-4.2);

WHEREAS the Chief Electoral Officer has been informed by these electors about a request aimed at enabling them to exercise their right to vote;

WHEREAS the provisions of the Election Act regarding voting by inmates may not apply to electors in temporary detention or in closed custody;

WHEREAS the deadline stipulated in section 296 of the Election Act does not permit the setting up in a timely manner of the procedure required to enable these electors to exercise their right to vote;

WHEREAS these electors will be unable to exercise their right to vote if the pertinent provisions of the Election Act are not adapted;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where so required by exceptional circumstances;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the

said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt sections 294, 295, 296, 298 and 299 of this Act in order to include provisions regarding electors in temporary detention or in closed custody in facilities that report to establishments that operate child and youth protection centres, as well as to extend by seven days the deadline for sending the list of electors and the originals of the signatures of these electors to the Chief Electoral Officer.

For the purposes of the application of the present decision, sections 294, 295, 296, 298 and 299 of the Election Act will read as follows:

“**294.** An elector who is an inmate, in temporary detention or in closed custody is presumed to be domiciled at the address of his domicile on the date of imprisonment, temporary detention or placement in closed custody.

295. To vote, an elector who is an inmate, in temporary detention or in closed custody must be entered on the list of electors of his detention facility or of the facility that reports to an establishment that operates a child and youth protection centre where he is being held.

The revision referred to in section IV of chapter III does not apply to an elector who is an inmate, in temporary detention or in closed custody.

296. During general elections, the warden of a detention facility or the manager of a facility that reports to an establishment that operates a child and youth protection centre draws up the list of inmates in temporary detention or in closed custody in his establishment or facility who are electors. The list must include the name, domiciliary address, sex and date of birth of each elector.

The warden or manager asks each elector who is an inmate, in temporary detention or in closed custody whether he wishes to be registered on the list of electors, and if so, has the elector confirm and sign the relevant information.

He must send this list of electors as well as the original of the signatures of electors who are inmates, in temporary detention or in closed custody to the Chief Electoral Officer latest the ninth day before polling day.

298. An elector who is an inmate, in temporary detention or in closed custody votes on a ballot paper according to the model without counterfoil or stub provided in schedule III.

Sections 290 to 293 apply to the exercise of this right to vote, with the necessary adaptations.

299. To encourage and facilitate voting by electors who are inmates, in temporary detention or in closed custody, the Chief Electoral Officer may make any appropriate agreement with the authorities responsible for detention facilities established under an Act of the Parliament of Canada or the Parliament of Québec, or with the authorities responsible for facilities that operate child and youth protection centres established under an act of the Parliament of Québec.”

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 9 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8098

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Entry of certain electors on the list of electors

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the entry of certain electors on the list of electors

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS in certain electoral divisions electors were registered in error due to problems in matching their domiciliary addresses in a polling subdivision that does not correspond to that of their domicile;

WHEREAS the Chief Electoral Officer is able to identify these situations;

WHEREAS the Election Act states that electors must exercise their right to vote in the polling subdivision that corresponds to their domiciliary address.

WHEREAS outside an election period the Chief Electoral Officer is able to correct such situations without imposing any special procedure on the electors concerned;

WHEREAS pursuant to the provisions of the Election Act regarding the revision of the list of electors in an election period, any application for entry on, correction of, or striking off the list of electors must be presented to a board of revisors;

WHEREAS the application of these provisions means that the electors affected by the situation described above must apply to the board of revisors to correct the errors on the list of electors that will be used in the forthcoming elections;

WHEREAS such errors must not have the effect of imposing on the electors concerned special procedures for the errors to be corrected;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt the provisions of section 205 of this Act in order to add the following paragraphs:

“The Chief Electoral Officer may present to the board of revisors concerned the applications for entry, correction, or striking off on behalf of electors who were entered on the list of electors in a polling subdivision that does not correspond to that of their domicile due to a matching error.

The board of revisors that receives such an application analyzes it and makes the required corrections based on the directives issued for this purpose by the Chief Electoral Officer.

The Chief Electoral Officer informs the electors concerned about the application that he has presented to the board of revisors.”.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 9 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8097

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Exercise of the duties of officers assigned to the list of electors on polling day

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the exercise of the duties of officers assigned to the list of electors on polling day

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 310.1 of the Election Act provides that, in every polling station, the returning officer shall appoint two persons to act as officers assigned to the list of electors, recommended by the candidates of the authorized parties whose candidates came first and second at the last election;

WHEREAS section 315.1 of the Election Act provides that the officers assigned to the list of electors shall have the duty of informing the poll runners as to the electors who have exercised their right to vote;

WHEREAS, in many electoral divisions, the number of officers assigned to the list of electors on polling day will be insufficient to comply with the provisions of section 310.1 of the election Act;

WHEREAS special provisions must be made by returning officers on polling day in situations where it is impossible for them to have two officers assigned to the list of electors in every polling station;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 310.1, 314 and 315 in order to authorize returning officers to take one of the following steps if they observe that the number of officers assigned to the list of electors is insufficient:

— appoint a single officer for each polling station;

— where it is impossible to ensure the presence of at least one officer in a polling station, have the duties of the officer performed by the deputy returning officer and the poll clerk.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 19 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8091

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Exercise of voting rights by election officers on polling day

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the exercise of voting rights by election officers on polling day

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS significant difficulties were encountered in several electoral divisions with regard to the recruitment of the election officers required to hold the poll;

WHEREAS the recruitment of election officers is underway on the date of this decision, and will continue until the day preceding polling day;

WHEREAS many election officers who are recruited did not exercise their right to vote during the advance poll or may have had their name entered on the list of electors or made a correction to their entry through a special board of revisors;

WHEREAS these election officers cannot leave their positions on polling day to exercise their right to vote in the polling subdivision in which their domicile is located;

WHEREAS provisions are required to enable these election officers to exercise their right to vote;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 225, 301.2, 312.1, 340 and the Vote Regulation in order to outline procedures that will enable the election officers concerned to exercise their voting right.

Advance polling station in the office of the returning officer

1. The returning officer shall open an advance polling station reserved for election officers entered on the list of electors of the electoral division in which they exercise their functions and who did not exercise their right to vote during the advance poll.

2. The advance polling station reserved for election officers is open from 9 a.m. to 5 p.m. the second day before polling day and from 9 a.m. to 2 p.m. the day before polling day.

3. The returning officer may not set up such an advance polling station in his office, especially due to the area of his electoral division or due to the number of persons affected by this decision. In such a case, he must obtain the authorization of the Chief Electoral Officer.

4. The advance polling station reserved for election officers is made up of the deputy returning officer and the poll clerk who will also serve as members of the identity verification panel.

Authorization to vote

1. The returning officer or his deputy shall issue an authorization to vote to any election officer who is entered on the list of electors of the electoral division in which he exercises his functions and for whom the special board of revisors has made an entry or a correction or who has not exercised his right to vote during the advance poll, including in the advance polling station reserved for election officers.

2. The authorization to vote shall be issued to the election officers concerned on the day of the poll, by the officer in charge of information and order.

3. An election officer who has obtained an authorization shall present it to the deputy returning officer and declare under oath:

(a) that he is indeed the person who obtained it;

(b) that he did not exercise his right to vote in the advance poll because he intended to vote on polling day.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 19 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8092

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Identification of electors on polling day

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the identification of electors on polling day

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS that problems may arise regarding security and the conduct of the election in polling stations on March 26, 2007;

WHEREAS the security of electors who exercise their right to vote and the good conduct of the election must be guaranteed;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance or emergency, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 335.2 and 337 of this Act as follows:

1. Anyone who appears at a polling station or at an identity verification panel must have his face uncovered.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 23 March 2007

MARCEL BLANCHET,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

8103

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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