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Laws and Regulations

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Summary

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Decisions

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer — Election Act concerning a ruling from the Superior Court

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning a ruling from the Superior Court

WHEREAS order-in-council number 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS The Honourable Robert Mongeon, Superior Court of Québec judge, issued a ruling on April 4, 2014 (S.C., Montréal, n° 500-17-081795-141), concerning Mr. Brendan Edge, student at McGill University, residing at 4537, rue de Bullion, Montréal, H2T 1Y7;

WHEREAS the aforementioned ruling orders the Chief Electoral Officer, the returning officer of the electoral division of Mercier and the electoral officers to register Mr. Brendan Edge on the list of electors in the electoral division of Mercier, at his current place of residence, and to allow him to vote in this current general election, on April 7, 2014, on the grounds that he is a candidate in this same election in the electoral division of Chomedey;

WHEREAS the procedure established by the Election Act (c. E-3.3) to be entered on the list of electors prescribes that an application must be presented to the board of revisors, and this, by the elector himself, or by an elector who is the spouse or a relative of or a person cohabiting with the elector on the latter's behalf;

WHEREAS the time limits allowed by the Election Act to enter an elector on the list of electors expired on April 3, 2014 at 2 p.m.;

WHEREAS to exercise his right to vote, an elector must be entered on the list of electors of the electoral division of his domicile;

WHEREAS in spite of the provisions of the Election Act, the Chief Electoral Officer must comply with the aforementioned ruling;

WHEREAS the Chief Electoral Officer, due to the time limits, the imminence of polling day and the resources available to fulfil its mandate, has not appealed the ruling and will therefore comply with it;

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 informed the authorized parties represented in the National Assembly of the conclusions of the ruling by the Honourable Robert Mongeon, of the obligations of the Chief Electoral Officer, the returning officer, and the election officers in the electoral division of Mercier to comply and that the only means available to give effect to this ruling, is to resort to a decision taken pursuant to section 490 of the Election Act;

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 elector concerned;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt sections 226, 227 et 350 of this Act as follows:

(1) Section 226 of the Election Act (c. E-3.3) has been amended by adding the following paragraph:

“The Chief Electoral Officer produced an abstract of changes to implement the April 4, 2014 Superior Court ruling (500-17-081795-141), ordering the registration of a person on the list of electors in the electoral division of Mercier.”

(2) Section 227 of this Act is amended by adding the following paragraphs:

“No later than the day before polling day, the returning officer of the electoral division of Mercier shall transmit to each candidate the abstract of changes referred to in the second paragraph of section 226.

The abstract of changes shall be transmitted in a paper format.

The Chief Electoral Officer shall transmit the abstract of changes to the authorized parties represented in the National Assembly and to any other authorized party which requests it.”

(3) Subparagraphs (1) and (2) of section 350 of this Act do not apply to the person referred to in the second paragraph of section 226.

This decision shall take effect on April 5, 2014.

Québec, April 5, 2014

JACQUES DROUIN,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

3335

Decision

Election Act
(chapter 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 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS the number of people voting in the advance polls on March 30 and 31, 2014, was very high;

WHEREAS section 361 of the Election Act (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 sections 361 to 370.2 of this Act as follows:

1. In the case of one or several ballot boxes containing more than 300 ballots, the returning officer is authorized, as from 6:00 p.m. on polling day, to begin counting the whole advance ballots by the deputy returning officer and the poll clerk.

2. In the case of ballot boxes containing more than 600 ballots, the returning officer must appoint one or more teams of supplementary deputy returning officers and poll clerks to begin counting the ballots as from 6:00 p.m. on polling day.

3. The returning officer must take all necessary steps to ensure that the personnel assigned to count the ballots from the said ballot boxes are able to communicate the results of the count before the poll closes; the personnel in question and the representatives present must make an oath to this effect.

This decision shall take effect on April 3, 2014.

Québec, April 3, 2014.

JACQUES DROUIN,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

3333

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer

— Exercise of the duties of officer 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 officer assigned to the list of electors on polling day

WHEREAS order-in-council number 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS section 310.1 of the Election Act (c. E-3.3) stipulates that, in every polling station, the returning officer shall appoint one person to act as officer assigned to the list of electors, as recommended by the candidate of the authorized party that came third at the last election;

WHEREAS section 312 of the Election Act provides that recommendations for the appointment of election personnel must be received by the returning officer no later than the seventeenth day preceding polling day, and that if no recommendations are received, the returning officer shall make the appointment without any other formality;

WHEREAS the Chief Electoral Officer intends to make every effort to fill the positions of deputy returning officer and poll clerk and to build a sufficient reserve in case the persons appointed to those positions should withdraw;

WHEREAS the number of officers assigned to the list of electors available on polling day in certain electoral divisions is insufficient to comply with the provisions of section 310.1 of the Election Act;

WHEREAS special measures may be taken by the returning officers on polling day if it is not possible to place one person assigned to the list of electors at each polling station;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act if it comes to his attention that the said provision does not meet the demands of the situation subsequent to an exceptional circumstance;

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

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 310.1 of the Election Act to provide that the duties of the officer assigned to the list of electors shall be carried out by the poll clerk if it is impossible to ensure the presence of an officer at a polling station.

This decision shall take effect on April 4, 2014.

Québec, April 4, 2014

JACQUES DROUIN,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

3334

Decision

Election Act
(chapter 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 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS, following a matching error, 143 electors in a private residence for seniors, identified in the register constituted pursuant to the Act respecting health services and social services (c. S-4.2), who should have been registered in polling subdivision 506 of the electoral division of Jeanne-Mance—Viger, were not registered;

WHEREAS, pursuant to section 145 of the Election Act (c. E-3.3), upon the issue of an order instituting an election and as soon as the requests for changes to the permanent list of electors received before the issue of the order have been processed, the Chief Electoral Officer shall produce the list of electors and the list of electors entitled to exercise their right to vote outside Québec;

WHEREAS, when producing the list of electors following the issue of the order instituting the general election, the changes received and made to the permanent list of electors on the day on which the order was issued, concerning 256 electors, were not, due to an error, included in the lists of electors produced following the order, in accordance with section 145 of the Election Act;

WHEREAS, when producing the lists of electors following the issue of the order instituting the general election, 250 electors who attained 18 years of age on March 6, 2014, were not, due to an error, included in the lists of electors produced following the order, in accordance with section 145 of the Election Act;

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 these situations described above must apply to the board of revisors to correct the errors on the lists 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 concerned;

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 this Act:

(1) by inserting the following sections after section 209:

“**209.1.** If electors were not registered on the right list of electors because their domiciliary address was not matched with the right polling subdivision, the Chief

Electoral Officer or, on the Chief Electoral Officer’s request, a board of revisors makes the necessary corrections.

The Chief Electoral Officer informs the electors concerned and the authorized parties of any corrections made under the first paragraph.

209.2. Upon a request from the Chief Electoral Officer, the board of revisors shall process the requests for changes concerning electors in respect of whom changes made to the permanent list of electors were not, due to an error, included in the lists of electors before the issue of the order instituting the general election.

The Chief Electoral Officer informs the electors concerned and the authorized parties of any corrections made under the first paragraph.

(2) by replacing number “208” in subparagraph 4 of the first paragraph of section 340 by number “209.1”.

This decision shall take effect on March 12, 2014.

Québec, March 12, 2014

JACQUES DROUIN,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

3330

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer — Postponement of the vote in a residential facility in the electoral division of Côte-du-Sud

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the postponement of the vote in a residential facility in the electoral division of Côte-du-Sud

WHEREAS order-in-council number 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS, pursuant to section 301.6 of the Election Act (c. E-3.3), the returning officer sets up a polling station in every residential facility described in section 180, namely

residential and long-term care centres governed by the Act respecting health services and social services (c. S-4.2) and private seniors' residences listed in the register established under that Act;

WHEREAS, pursuant to section 301.7 of the Election Act, voting in residential facilities takes place on the eighth and seventh days before polling day;

WHEREAS, due to the weather prevailing on March 31, 2014 (the seventh day before polling day) in the electoral division of Côte-du-Sud, it was impossible for the polling station to visit the private seniors' residence Résidence Hélène-Lavoie located in Rivière-Ouelle;

WHEREAS the 40 electors domiciled in the said residence were unable 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 concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 301.7 of the Election Act as follows:

—The returning officer in the electoral division of Côte-du-Sud is hereby authorized to hold the poll between 9:00 a.m. and 9:00 p.m. on the sixth and fifth days before polling day, in the Résidence Hélène-Lavoie in Rivière-Ouelle.

This decision shall take effect on April 1, 2014.

Québec, April 1, 2014

JACQUES DROUIN,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

3331

Decision

Election Act
(chapter E-3.3)

Chief electoral officer — Postponement of the vote in certain residential facilities in the electoral divisions of Deux-Montagnes, Jeanne-Mance—Viger, Robert-Baldwin, Nelligan and Papineau

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the postponement of the vote in certain residential facilities in the electoral divisions of Deux-Montagnes, Jeanne-Mance—Viger, Robert-Baldwin, Nelligan and Papineau

WHEREAS order-in-council number 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS, pursuant to section 301.6 of the Election Act (c. E-3.3), the returning officer sets up a polling station in every residential facility described in section 180, namely residential and long-term care centres governed by the Act respecting health services and social services (c. S-4.2) and private seniors' residences listed in the register established under that Act;

WHEREAS, pursuant to section 301.7 of the Election Act, voting in residential facilities takes place on the eighth and seventh days before polling day;

WHEREAS some cases requiring total or partial quarantine which occurred in certain residential facilities in the electoral divisions of Deux-Montagnes, Jeanne-Mance—Viger, Robert-Baldwin, Nelligan and Papineau prevented the polling stations from visiting the said facilities in order to allow the electors domiciled therein to vote;

WHEREAS roughly 500 electors are affected by this situation;

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 concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 301.7 of the Election Act as follows:

1. The returning officers in the electoral divisions of Deux-Montagnes, Jeanne-Mance—Viger, Robert-Baldwin, Nelligan and Papineau are hereby authorized to hold the poll between 9:00 a.m. and 9:00 p.m. on the sixth, fifth, fourth and third days before polling day, in the following facilities:

— CHSLD Vigi Deux Montagnes (Deux-Montagnes);

— Centre d'hébergement de Saint-Eustache (Deux-Montagnes);

— Résidences Soleil Manoir Saint-Léonard (Jeanne-Mance—Viger);

— Maison Sunrise de Dollard-des-Ormeaux (Robert-Baldwin);

— Résidence Vent de l'Ouest (Nelligan);

— Centre d'hébergement Vallée-de-la-Lièvre (Papineau).

2. In the event that other quarantines should occur in residential facilities not mentioned in this decision, the returning officer in the electoral division concerned is hereby authorized to make the same voting arrangements, after obtaining authorization from the Chief Electoral Officer.

3. The Chief Electoral Officer shall notify the political parties and candidates in the electoral divisions concerned by paragraph 2.

This decision shall take effect on April 1, 2014.

Québec, April 1, 2014

JACQUES DROUIN,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

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

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