

Decisions

Decision

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

Chief Electoral Officer — Application of section 3 of the Act

Decision of the Chief Electoral Officer pursuant to the powers conferred by section 490 of the Election Act with regard to the application of section 3

WHEREAS Order in Council 985-2001, dated 29 August 2001, orders the Chief Electoral Officer to institute by-elections on Monday, October 1, 2001, in the electoral divisions of Blainville, Jonquière, Labelle and Laviolette;

WHEREAS section 3 of the Election Act (R.S.Q., c. E-3.3) provides that electors who have left their domicile temporarily to ensure their safety or the safety of their children may avail themselves of the provisions of the said section;

WHEREAS the said section entitles electors to be considered to be domiciled in the place where they reside, for the purposes of the said section, rather than in the place of their domicile;

WHEREAS the procedure provided for in the Act for the application of the said section prescribes that electors must file an application with a board of revisers, stating the address at which they are residing temporarily and enclosing a document on which their name and that address appear;

WHEREAS the address of the temporary residence of the electors in the situation described above must remain confidential for obvious reasons of safety, and whereas the electors are therefore unable to present a document on which that address appears;

WHEREAS the general provisions of the Act that apply in cases of revision are not adapted to the situation described herein, and do not allow the purpose of section 3 to be achieved;

WHEREAS the solution implemented must be such that it does not allow for identification of the situation in which the electors find themselves;

WHEREAS for the same reasons sections 337 and 338 concerning the exercise of the right to vote must be adapted;

WHEREAS section 490 of the Election Act empowers the Chief Electoral Officer to adapt a provision of the Act in exceptional circumstances;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to apply the provisions of section 490;

The Chief Electoral Officer, by virtue of the powers conferred by section 490 of the Election Act, has decided to adapt the provisions of section 3, 202 and 206, 337 and 338 of the said Act as follows:

1. Electors who have left their domicile to ensure their safety or the safety of their children and who wish to vote in a polling subdivision other than the polling subdivision of their domicile may obtain a special authorization to vote from the returning officer of the electoral division in which they reside temporarily.

2. The electors must file an application with the returning officer of the electoral division in which they reside temporarily by presenting an identification document including a photograph that indicates their name and date of birth, and by declaring on oath that they have left their domicile for reasons of safety not later than the Wednesday of the week preceding the week of the poll.

3. The returning officer or deputy returning officer shall ask the electors to complete an application to have the address of their domicile struck off the list temporarily or permanently, according to the wish expressed by the electors.

4. If the electors are domiciled in the electoral divisions of Blainville, Jonquière, Labelle or Laviolette, the address shall be struck off at the office of the returning officer concerned, and shall not be forwarded to a board of revisers.

5. If the electors are domiciled in an electoral division other than the divisions listed in the preceding paragraph, an application to have an address struck off permanently shall be forward to the Chief Electoral Officer for processing.

6. The returning officer or deputy returning officer shall give the electors an authorization to vote at the polling station or, in the Blainville electoral division, the place of voting, specified in the authorization.

7. The electors shall be admitted to vote at the specified polling office or place of voting upon presentation of the authorization issued to them, swearing that they are the elector whose name appears in the authorization and establishing their identity in accordance with the second paragraph of section 337 of the Election Act. The first and third paragraphs of that section shall not apply. Section 338 of the Election Act, adapted as required, shall apply.

8. This decision takes effect on the date of the Order in Council ordering the Chief Electoral Officer to institute by-elections in the electoral divisions of Blainville, Jonquière, Labelle and Laviolette.

Sainte-Foy, September 7, 2001

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

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