

## Decisions

### Decision, 26 October 2001

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

#### Chief electoral officer — Exercise of the right to vote in mobile polling stations

Decision of the chief electoral officer by virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities concerning exercise of the right to vote in mobile polling stations

WHEREAS municipal elections are scheduled to take place in Montréal on 4 November 2001;

WHEREAS, in a decision handed down on 19 October 2001, the chief electoral officer authorized returning officers to set up mobile boards of revisors and mobile polling stations in facilities maintained by an establishment operating a residential and long-term care centre or rehabilitation centre within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2);

WHEREAS pursuant to this decision, a large number of electors in these establishments made use of the mobile board of revisors and asked to be able to vote in mobile polling stations;

WHEREAS possibly, many of these electors will need assistance to exercise their right to vote;

WHEREAS the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) states that electors who are unable to mark their ballot paper themselves may be assisted either by their spouse or a relative, in the presence of the deputy returning officer and the poll clerk;

WHEREAS this provision does not allow someone, who is not the elector's relative or spouse, to assist more than one elector;

WHEREAS this situation threatens to prevent some of the electors in these establishments from exercising their right to vote;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities allows the chief electoral officer to adapt a provision of the Act when warranted by an exceptional circumstance;

WHEREAS the provisions of the Act respecting elections and referendums in municipalities applicable to assisting electors are not adapted to the situation described herein;

WHEREAS the chief electoral officer previously informed the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make;

By virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities, the chief electoral officer has decided to adapt the provisions of section 226 of the Act as follows:

1. The preamble is an integral part of this decision.
2. For the purposes of mobile polling to be held in the establishments contemplated by the chief electoral officer's 19 October 2001 decision, section 226 of the Act respecting elections and referendums in municipalities shall read as follows:

“**226.** An elector who declares under oath that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted either

- (1) by a person who is the elector's spouse or a relative within the meaning of section 131;
- (2) by another person, in the presence of the deputy returning officer and the poll clerk;
- (3) by the poll clerk and the deputy returning officer.

The person referred to in subparagraph 2 of the first paragraph shall declare under oath that he has not assisted another elector during the poll.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

An indication that an elector has availed himself of this section shall be entered in the poll book.”.

3. This decision shall come into effect on 26 October 2001.

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

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### **Decision, 31 October 2001**

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

#### **Chief electoral officer — Issuing of an authorization to vote for electors of electoral district no. 1**

Decision of the chief electoral officer by virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities concerning the issuing of an authorization to vote for electors of electoral district no. 1, located in administrative district no. 1 of Québec City

WHEREAS municipal elections are scheduled to take place in Québec City on 4 November 2001;

WHEREAS, subsequent to a technical error that occurred during the revision of the list of electors, twenty-two electors residing at 980, rue Richelieu, in electoral district no. 1, located in administrative district no. 1, were struck off and entered on the list of electors for electoral district no. 4 of this same administrative district;

WHEREAS the business hours of the boards of revisors had ended at the date of this decision;

WHEREAS, subsequent to this error, the above-mentioned twenty-two electors will be unable to exercise their right to vote in the electoral district in which they are domiciled;

WHEREAS section 219 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) allows certain electors to obtain an authorization to vote, under certain conditions;

WHEREAS this section does not allow an elector to be authorized to vote if his name was mistakenly struck off and entered on the electoral list other than that of his domicile;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that, when a provision of the Act does not meet the demands of the situation subsequent to an error, the Chief Electoral officer may adapt this provision for this purpose;

WHEREAS the chief electoral officer previously informed the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make;

By virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities, the chief electoral officer has decided to adapt the provisions of section 219 of the Act as follows:

1. The preamble is an integral part of this decision.
2. The returning officer for the City of Québec is authorized to issue an authorization to vote to the twenty-two electors mentioned in the preamble in order to enable them to exercise their right to vote in electoral district no. 1 of administrative district no. 1.
3. The authorization to vote may be issued as of this decision.
4. An elector with such authorization shall be admitted to vote after making a declaration under oath by virtue of section 219 of the Act.
5. The returning officer shall take the necessary measures to inform the polling station of electoral district no. 4, where the twenty-two electors are entered, that they have been authorized to vote by virtue of this decision in electoral district no. 1.
6. As soon as possible, the returning officer shall inform all parties authorized under Chapter XIII, teams recognized under Division III of this chapter and independent candidates concerned by this decision.
7. This decision shall come into effect on 31 October 2001.

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

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