

## Decisions

### Decision, 2 November 2001

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

#### **Chief electoral officer — Manual counting of ballot papers rejected in the cities of Québec, Trois-Rivières, Sherbrooke and Blainville**

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 manual counting of ballot papers rejected by the PerFas-TAB, modèle 100 electronic ballot boxes in the cities of Québec, Trois-Rivières, Sherbrooke and Blainville

WHEREAS municipal elections are scheduled to take place in Québec City, Trois-Rivières, Sherbrooke and Blainville on 4 November 2001 ;

WHEREAS, during the advanced polling held in each of the above-mentioned municipalities, it was noted that the PerFas-TAB 100 electronic ballot boxes rejected certain ballot papers, when inserted, notably because the elector's mark exceeded the oval space designed to receive the elector's vote on each of the ballot papers ;

WHEREAS, given this situation, provisions were taken during the advanced polling to keep these ballot papers and place them in envelopes identified for this purpose and submitted to each returning officer ;

WHEREAS the same situation might arise again on election day, 4 November 2001, in each of the above-mentioned cities and other ballot papers will likely be rejected by the electronic ballot boxes, when inserted ;

WHEREAS all of these ballot papers must be counted on polling day, 4 November 2001 ;

WHEREAS an agreement concerning the use of the new voting mechanisms for an election was entered into in each of the above-mentioned cities ;

WHEREAS this agreement makes no provision for enabling the returning officer and polling station staff to manually count the ballot papers rejected by the electronic ballot boxes ;

WHEREAS all of the provisions of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) related to manual counting of votes were replaced by provisions envisaging electronic compiling of the results ;

WHEREAS each of the agreements reached in the municipalities of Québec, Trois-Rivières, Sherbrooke and Blainville includes a provision similar to section 90.5 of the Act respecting elections and referendums in municipalities stating that should it come to the chief electoral officer's attention that a provision referred to in the said agreement does not meet the demands of the situation, this provision allows the chief electoral officer to adapt the provisions of the agreement ;

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, duly amended by each of the agreements of the cities of Québec, Trois-Rivières, Sherbrooke and Blainville, the chief electoral officer has decided to adapt the provisions of the agreements governing COMPILING OF RESULTS AND ADDITION OF VOTES contained in each of these agreements.

1. The preamble is an integral part of this decision.

#### **Advanced polling**

2. As regards ballot papers rejected by the electronic ballot boxes when inserted during the business hours for advanced polling, the returning officer for each of the cities in question may recover all of these ballot papers and ask for a manual count at a time and place he may decide on, provided that the said count is carried out after having informed and invited the representatives of the political parties and the independent candidates involved in the current election to attend.

3. The ballot papers rejected by the electronic ballot boxes, when inserted during the business hours for advanced polling, shall be counted by sufficient deputy returning officers and polling secretaries appointed to perform this duty by the returning officers of each of the above-mentioned cities.

4. For the purposes of the manual count that the returning officers of each municipality shall perform, the instructions given to the deputy returning officers and the polling secretaries responsible for the count shall reproduce the provisions of sections 231 and 232 of the Act respecting elections and referendums in municipalities, adapting them as required.

5. For the purposes of the manual count performed, section 233 of the Act respecting elections and referendums in municipalities, as replaced in the agreement for each municipality, shall guide the deputy returning officer in the decision to accept or reject a ballot paper and the provisions of the said section 233, as amended, shall apply *mutatis mutandis* to the manual counting.

6. The returning officer must take the necessary measures to instruct the polling secretaries who will assist the deputy returning officers in the manual counting of ballot papers for advanced polling stations so that they can draw up a statement of votes specific to the votes counted during the manual counting.

7. The results shown on the statement of votes specific to the votes counted during the manual counting shall be added, in keeping with the instructions of the returning officer, to the results compiled by the electronic ballot boxes so as to be integrated into the overall results for the 4 November 2001 election.

### **Polling day**

8. Each of the returning officers for the above-mentioned cities is also authorized to take measures to organize the manual counting of all ballot papers which, during polling station business hours on 4 November 2001, might be rejected by the electronic ballot boxes, when inserted.

9. The returning officer shall take the necessary measures so that the said ballot papers are collected keeping each elector's vote secret and gathered together at the time stipulated in the Act to proceed with counting, that they be counted in accordance with the same prescriptions and under the same conditions as the advanced ballot papers, and in keeping with the preceding provisions of this decision.

10. In this regard, all of the provisions of this decision concerning advanced polling apply *mutatis mutandis* to any ballot papers whose fate might be the same on polling day, 4 November 2001.

11. As soon as possible, the returning officer shall inform all parties authorized under Chapter XIII or teams recognized under Division III of this chapter and independent candidates concerned by this decision of the decision.

12. This decision shall come into effect on 2 November 2001.

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

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