

Decisions

Decision, 20 March 2003

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

Chief Electoral Officer — Application of sections 3 and 340

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 3 and 340

WHEREAS order-in-council number 370-2003, issued on March 12, 2003, enjoined the Chief Electoral Officer to hold general elections in Québec on April 14, 2003;

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

WHEREAS the said section grants such electors the right to choose to be considered as being domiciled at the place in which they are residing for the purposes stipulated above, rather than at the place of their domicile;

WHEREAS section 340 of the Election Act was amended on December 20, 2001 (Act to amend the Election Act and the Referendum Act (2001, c. 72)) in order to provide that the returning officer or his assistant may issue an authorization to vote, in the form prescribed by regulation, to any elector who has left his domicile to ensure his safety or the safety of his children, and who wishes to avail himself of the provisions of section 3;

WHEREAS section 9 of the Voting Regulation (1989, G.O. 2, 1975) prescribes the form to be used by the returning officer or his assistant when issuing an authorization to vote to an elector, in accordance with section 340 of the Election Act;

WHEREAS the prescribed form cannot be used as it currently stands for electors who have left their domiciles to ensure their safety or the safety of their children, because the address of the elector's domicile must be entered;

WHEREAS the address of the domicile of an elector contemplated by sections 3 and 340 of the Election Act must remain confidential for obvious reasons of safety;

WHEREAS section 9 of the Voting Regulation could not be amended prior to the order-in-council enjoining the Chief Electoral Officer to hold general elections in Québec on April 14, 2003;

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 the provisions of section 9 of the Voting Regulation in order to provide that the address of the domicile of an elector who has left his domicile for his own safety or the safety of his children need not appear on the authorization to vote.

For the purposes of this decision, section 9 of the Voting Regulation reads as follows:

“9. An elector whose name does not appear on the copy of the list of electors used at the polling station although it is on the revised list of electors in the possession of the returning officer or whose name was the object of an entry or correction duly accepted by the Board of Revisors, or who has left his domicile to ensure his safety or the safety of his children and wishes to avail himself of the provisions of section 3 of the Election Act, may obtain an authorization to vote in Form 50, attached hereto, from the Returning Officer or his assistant. In the latter case, the address of the elector's domicile shall not appear.”

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

Québec, 20 March 2003

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