

Decision, 11 April 2003

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

**Chief electoral officer
— Remuneration of poll clerks**

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the election act, concerning the remuneration of poll clerks

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 137 of the Election Act (R.S.Q., c. E-3.3) provides that the tariff of remuneration of election officers shall be fixed by government regulation;

WHEREAS section 137 of the said Act provides that the chief electoral officer may, in an election period, increase the amounts fixed by the tariff without exceeding the amount established by government regulation;

WHEREAS the Regulation respecting the tariff of remuneration and expenses of election officers states that the maximum amount of additional expenses brought about by such an increase may not exceed \$250,000;

WHEREAS the said Regulation provides that a poll clerk is entitled to a remuneration equivalent to 75% of the remuneration of a deputy returning officer, namely an hourly remuneration of \$7.85;

WHEREAS, subsequent to an error of interpretation, the remuneration to be paid to poll clerks exceeds the amounts stipulated in the Regulation;

WHEREAS the persons concerned have already been informed of the remuneration to be paid to them;

WHEREAS it is impossible to remedy the situation without risk to the proper operation of the poll;

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 section 137 of the Election Act and the Regulation respecting the tariff of remuneration and expenses of election officers as follows:

1. The hourly remuneration of all poll clerks is hereby fixed at \$9.35.
2. The maximum amount of additional expenses provided for in the Regulation is hereby fixed at \$450,000.

This decision shall take effect on the date of the order enjoining the chief electoral officer to hold general elections in Québec.

Québec, 11 April 2003

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

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