

## Decisions

### Decision, 10 April 2003

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

#### **Chief electoral officer — Exercise of voting rights by election officers on polling day**

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the exercise of voting rights by election officers on polling day

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 significant difficulties were encountered in several electoral divisions with regard to the recruitment of the election officers required to hold the poll;

WHEREAS the recruitment of election officers is underway on the date of this decision, and will continue until the day preceding polling day;

WHEREAS a number of the election officers recruited will not have exercised their right to vote in the advance poll;

WHEREAS these election officers cannot leave their positions on polling day to exercise their right to vote in the polling subdivision in which their domicile is located;

WHEREAS provisions are required to enable these election officers to exercise their right to vote;

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 340 of the Act and the Vote Regulation as follows:

1. The returning officer or his assistant shall issue an authorization to vote to every election officer entered on the list of electors in the electoral division in which he performs his duties who has not exercised his right to vote in the advance poll.

2. The authorization to vote shall be issued to the election officers concerned on the day of the poll, by the officer in charge of information and order.

3. An election officer who has obtained an authorization shall present it to the deputy returning officer and declare under oath:

a) that he is indeed the person who obtained it;

b) that he did not exercise his right to vote in the advance poll because he intended to vote on polling day;

c) that he was unaware, prior to closure of the advance polling station, that he would be performing the duties of election officer on polling day in the polling station to which he is assigned.

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

Québec, 10 April 2003

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

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