

## Decisions

### Decision, 25 April 2003

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

**Chief electoral officer**  
**— Electoral division of Champlain**  
**— Holding of a new election**

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 an election was held in accordance with the said order-in-council on April 14 in all electoral divisions, including the electoral division of Champlain;

WHEREAS a judicial recount took place in the electoral division of Champlain, under the chairmanship of Judge Richard Poudrier, a judge of the Court of Québec;

WHEREAS, on April 23, 2003, following the judicial recount, Judge Poudrier enumerated the votes expressed in favour of each candidate and certified the results of the poll;

WHEREAS, following the judicial recount, there was a tie vote between the first two candidates;

WHEREAS section 394 of the Election Act (R.S.Q., c. E-3.3) provides that, in the case of a tie vote, a new election must be held;

WHEREAS, pursuant to the provisions of the said section, nominations shall be filed not later than the second Monday following the day of the judge's decision, and the poll shall be held on the second subsequent Monday;

WHEREAS section 131 of the Election Act provides that, if polling day falls on a holiday, the poll shall be held on the following day;

WHEREAS, accordingly, nominations must be filed not later than 2:00 p.m. on May 5, 2003, at the office of the returning officer of the electoral division of Champlain, and the poll shall be held on May 20, 2003;

WHEREAS section 394 of the Election Act does not provide for all the terms and conditions of the new election, and it is appropriate to adapt the provisions of the Act due to the exceptional circumstances of the tie 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 the provisions of the Election Act as follows:

— The election period began on April 24, 2003, and shall end on May 20, 2003, at the time at which the polling stations close;

— For this election, there shall be no period during which publicity is prohibited pursuant to section 429.1 of the Election Act;

— Given that the deadlines stipulated in the Election Act must be adapted to suit the election period mentioned earlier, this shall be done by means of an election calendar published pursuant to section 133 of the said Act and attached to this decision;

— The manual of electors referred to in section 134 of the Election Act shall not be produced;

— Detainees shall vote by correspondence in accordance with the terms and conditions to be arranged with the authorities of the detention centres in question;

— The returning officer of the electoral division of Champlain shall be available for up to 480 hours for the purposes of the new election contemplated in this decision;

— The following decisions made by the chief electoral officer during the election period ending on April 14, 2003, shall apply to the new election in the electoral division of Champlain :

– Decision of March 20, 2003, concerning the application of sections 3 and 340 of the Election Act (electors who have left their domicile for their own safety);

– Decision of April 8, 2003, concerning the exercise of the duties of officers assigned to the list of electors ;

– Decision of April 11, 2003, concerning the remuneration of poll clerks; in this latter case, only the part of the decision establishing the remuneration of clerks shall apply.

This decision shall take effect on April 23, 2003.

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

Québec 25 April 2003



LE DIRECTEUR GÉNÉRAL  
DES ÉLECTIONS DU QUÉBEC

## Election Calendar

	SUNDAY	MONDAY	TUESDAY
A P R I L			
	<b>27</b> 23 <sup>rd</sup> day	<b>28</b> 22 <sup>nd</sup> day <ul style="list-style-type: none"> <li>- Last day for the returning officer to inform the CEO, the political parties and candidates of places where the boards of revisors and advance polling stations are established </li> <li>- Last day for recommendations of revisors and revising officers</li> </ul>	<b>29</b> 21 <sup>st</sup> day <ul style="list-style-type: none"> <li>- Last day to appoint of revisors and revising officers</li> <li>- Last day to send to each address notices containing the information relating to the inscription on the list of electors, the revision and the advance polling</li> </ul>
M A Y	<b>4</b> 16 <sup>th</sup> day	<b>5</b> 15 <sup>th</sup> day <ul style="list-style-type: none"> <li>- Last day (2:00 p.m.) for filing nomination paper</li> <li>- Posting up and transmitting of the notice of a poll to the candidates</li> </ul>	<b>6</b> 14 <sup>th</sup> day <ul style="list-style-type: none"> <li>- Last day for filing applications with the board of revisors</li> <li>- Last day for the withdrawal of a candidate in order for his name not to appear on the ballot paper</li> <li>- <b>Revision of the list of electors entitled to vote outside Québec</b> <ul style="list-style-type: none"> <li>• Last day to file an application for striking with the board of revisors</li> </ul> </li> <li>- Last day to send the list of candidates to each elector entitled to vote outside Québec</li> <li>- Last day for recommendations of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel</li> </ul>
	<b>11</b> 9 <sup>th</sup> day <ul style="list-style-type: none"> <li>- Mobile polling station in a hospital centre or a reception centre 9:00 a.m. to 1:00 p.m.</li> <li>- <b>Advance polling</b> 2:00 p.m. to 9:00 p.m. </li> <li>- Sending by the returning officer of the list of electors who have voted in the advance polls to each candidate</li> </ul>	<b>12</b> 8 <sup>th</sup> day <ul style="list-style-type: none"> <li>- Mobile polling station in a hospital centre or a reception centre 9:00 a.m. to 1:00 p.m.</li> <li>- <b>Advance polling</b> 2:00 p.m. to 9:00 p.m. </li> <li>- Sending by the returning officer of the list of electors who have voted in the advance polls to each candidate</li> </ul>	<b>13</b> 7 <sup>th</sup> day
M A Y	<b>18</b> 2 <sup>nd</sup> day <ul style="list-style-type: none"> <li>- Last day for the returning officer to send a reminder to each dwelling</li> </ul>	<b>19</b> 1 <sup>st</sup> day <b>Holiday *</b>	<b>20</b> <b>POLLING DAY</b> <ul style="list-style-type: none"> <li>— 9:30 a.m. to 8:30 p.m. </li> <li>— Publicity prohibited in the media</li> </ul>
	<b>25</b>	<b>26</b> <ul style="list-style-type: none"> <li>- Last day to apply for a judicial recount to a judge of the Court of Québec</li> </ul>	

New election due to a tie vote  
in the electoral division of Champlain  
(EA 394 and 490)

Poll : May 20, 2003

WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	
<b>23</b> 27 <sup>th</sup> day - Tie vote decided by a judge's decision - Notice of a new election	<b>24</b> 26 <sup>th</sup> day - Opening of the main office of the returning officer 9:00 a.m. to 10:00 p.m. <b>5</b> - Beginning of publicity for political parties and candidates - Production and transmission by the CEO to the returning officer of the list of electors, the list of electors entitled to vote outside Québec, the list of electors for whom a verification has been requested and the list of the addresses for which no electors' names are entered	<b>25</b> 25 <sup>th</sup> day	<b>26</b> 24 <sup>th</sup> day - First day (2:00 p.m.) for filing nomination paper	A P R I L
<b>30</b> 20 <sup>th</sup> day - First day for a private intervenor to file an application for authorization by the returning officer of his electoral division	<b>1</b> 19 <sup>th</sup> day - Revision • First day of work of the boards of revisors which sit from 10:00 a.m. to 9:00 p.m. and receive applications from 11:00 a.m. to 9:00 p.m. <b>5</b> - Revision of the list of electors entitled to vote outside Québec • First day of work of the board of revisors - Last day for receiving an application to exercise one's right to vote outside Québec	<b>2</b> 18 <sup>th</sup> day - Last day to transmit to the returning officer a list of the electors who have become entitled to vote outside Québec since the new election notice and sending of this list by the returning officer to each candidate	<b>3</b> 17 <sup>th</sup> day	
<b>7</b> 13 <sup>th</sup> day - Special revision • First day of work of the special board of revisors which sit from 10:00 a.m. to 9:00 p.m. and receive applications from 11:00 a.m. to 9:00 p.m. <b>5</b> - Last day for a private intervenor to file an application for authorization by the returning officer of his electoral division	<b>8</b> 12 <sup>th</sup> day - Revision • Last day of work of the boards of revisors - Last day to apply for voting in a mobile polling station - Last day for the returning officer to inform each candidate of places where polling stations are established - Last day for the returning officer to post and transmit to candidates the list of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel	<b>9</b> 11 <sup>th</sup> day	<b>10</b> 10 <sup>th</sup> day - Last day for the returning officer to transmit to each candidate the revised copies of the list of electors and the list of the electors who have become entitled to vote outside Québec since the new election notice - Last day to transmit the list of the authorizations granted to private intervenors by the returning officer to the political parties and candidates	M A Y
<b>14</b> 6 <sup>th</sup> day - Special revision • Last day for filing applications with the special board of revisors	<b>15</b> 5 <sup>th</sup> day - Special revision • Last day of work of the special board of revisors - Revision of the list of electors entitled to vote outside Québec • Last day of work of the board of revisors	<b>16</b> 4 <sup>th</sup> day - Transmitting of an abstract of the changes made to the revised list of electors to each candidate by the returning officer	<b>17</b> 3 <sup>rd</sup> day	
<b>21</b> - Addition of the votes at the main office of the returning officer	<b>22</b>	<b>23</b>	<b>24</b>	M A Y

\* Election Act, section 131. "...If polling day, falls on a holiday, the poll shall be held on the following day".

The Chief Electoral Officer  
Marcel Blanchet