

Decisions

Decision

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

Chief electoral officer — Qualified voters who have changed domiciles

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities concerning qualified voters who have changed domiciles

WHEREAS under section 8 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14) the chief electoral officer must, not later than 8 March 2004, send clerks or secretary-treasurers of the cities governed by that Act a list of the electors whose names are entered, on 1 March 2004, on the permanent list of electors for each sector as defined in section 5 of that Act;

WHEREAS the chief electoral officer sent that list on 4 March 2004;

WHEREAS pursuant to the fourth paragraph of section 9 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the chief electoral officer may advise clerks or secretary-treasurers of the changes made to the permanent list of electors with regard to qualified voters who have changed domiciles since 1 March 2004;

WHEREAS the changes that have occurred in the permanent list of electors as a result of changes in domicile registered since 1 March 2004 may not, under the current provisions of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities and of the Act respecting elections and referendums in municipalities, be incorporated into the list of qualified voters drawn up by clerks or secretary-treasurers or processed, if no application is made by the qualified voter, by the board of revisors established in each sector concerned;

WHEREAS since the list of electors entered on the permanent list of electors on 1 March 2004 was sent, a substantial number of changes of domicile has been entered on the permanent list of electors for the cities

governed by the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, a fact that constitutes an exceptional circumstance;

WHEREAS the changes have a major impact on the accuracy of the referendum list to be used during the consultation process provided for in Chapter II of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities;

WHEREAS pursuant to section 4 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities and as a result of section 561 of the Act respecting elections and referendums in municipalities, the provisions of Division II of Chapter VI of Title I apply, adapted as required and so far as consistent with Title II, to the preparation, revision and coming into force of the referendum list of each sector concerned;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities prescribes that, where a provision referred to in Chapters V to VII.1, Division I of Chapter XII and Chapters XIII and XIV of Title I, does not meet the demands of the resultant situation, in particular subsequent to an exceptional circumstance, the chief electoral officer may adapt the provision in order to achieve its object;

WHEREAS as a result of section 516.1 of the Act respecting elections and referendums in municipalities, section 90.5 applies to Title II of that Act;

WHEREAS the chief electoral officer has just informed the Minister of Municipal Affairs, Sports and Recreation of the decision that he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt, in accordance with section 561 of that Act, the Act respecting elections and referendums in municipalities to allow the board of revisors established in each sector concerned to process, even if no application has been made by qualified voters, in accordance with the second paragraph of sections 134 and 136, the information relating to changes of domicile that have occurred since 1 March 2004 and has been entered on the permanent list of electors.

For the purposes of this decision, the Act respecting elections and referendums in municipalities is amended by adding the following subparagraph to the first paragraph of section 121 :

“(3) the information transmitted by the chief electoral officer concerning changes of domicile that occurred after 1 March 2004 and that are within the competence of the board.”

This decision shall take effect on 2 April 2004.

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

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