

Decisions

Decision

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

Chief electoral officer — Information contained on the reminder card

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 the information contained on the reminder card

WHEREAS section 38 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 4) provides that the chief electoral officer is responsible for the organization and holding of the referendum poll and has the powers and duties assigned to a municipality or its clerk or secretary-treasurer by Title II of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2);

WHEREAS pursuant to section 42 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the public notice of referendum poll referred to in section 572 of the Act respecting elections and referendums in municipalities shall contain particulars of the polling station for the advance poll and the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list;

WHEREAS the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list will not be known until the boards of revisors have completed their work in the sectors concerned;

WHEREAS the Act respecting elections and referendums in municipalities provides that the board of revisors shall sit on set days and at set times during the period beginning on the date on which the public notice of revision is published and ending on the tenth day preceding the day set for the poll;

WHEREAS the chief electoral officer has chosen to have the boards of revisors sit as close as possible to the end of the period stipulated in the Act respecting elections and referendums in municipalities in order to foster the production of a referendum list that is as accurate as possible;

WHEREAS, pursuant to section 573 of the Act respecting elections and referendums in municipalities, a reminder card may be distributed to every person whose name is entered on the referendum list of the sector concerned, and whereas such distribution is mandatory if the municipality has 20,000 inhabitants or more;

WHEREAS, pursuant to the same section, the reminder card must contain all the particulars that must be set out in the public notice of referendum poll;

WHEREAS, pursuant to his powers and duties in the organization of a referendum poll, the chief electoral officer has decided that a reminder card will be distributed in every sector where a referendum poll is to be held;

WHEREAS it is not possible, within the time frames stipulated by the Act respecting elections and referendums in municipalities for the holding of the advance poll and the revision period fixed by the chief electoral officer, for the reminder card to contain the particulars on the advance poll and on the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list;

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

WHEREAS, by the effect of the reference in section 516.1 of the Act respecting elections and referendums in municipalities, section 90.5 applies to Title II of the said Act;

WHEREAS the chief electoral officer has first informed the Minister of Municipal Affairs, Sport and Recreation of the decision 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 the Act respecting elections and referendums in municipalities in order to stipulate that:

— the reminder card be distributed after the holding of the advance poll, and accordingly, that it should contain no particulars concerning the advance poll;

— that the notice of registration sent to every person entered on the referendum list contain particulars concerning the advance poll.

For the purposes of this decision, the Act respecting elections and referendums in municipalities is amended:

1. by adding the following at the end of subparagraph 2 of the first paragraph of section 126: “the notice shall also contain particulars concerning the holding of the advance poll;”;

2° by replacing the third paragraph of section 573 by the following paragraph:

“The reminder shall contain all the particulars that must be set out in the notice of referendum poll, except for the particulars concerning the advance poll; however, with the particulars relating to polling stations may concern only the polling station where the addressee is entitled to vote.”.

This decision shall come into force on April 22, 2004.

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

6306

Decision

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

Chief electoral officer — Revision of the referendum list in the Municipalité des Îles-de-la-Madeleine

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 the revision of the referendum list in the Municipalité des Îles-de-la-Madeleine

WHEREAS section 7 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), provides that the referendum list of the sector concerned shall be drawn up and shall come into force for the purposes of the registration process;

WHEREAS, pursuant to section 4 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, and by the effect of the reference in section 561 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the provisions of Division II of Chapter VI of Title I apply, adapted as required and provided they are consistent with Title II, to the preparation, revision and coming into force of the referendum list of the sector concerned;

WHEREAS, pursuant to section 125 of the Act respecting elections and referendums in municipalities, the clerk or secretary-treasurer shall give a public notice setting out the place, days and times for the making of applications to the boards of revisors for entry on, striking from or correction of the list of electors;

WHEREAS, pursuant to subparagraph 2 of the first paragraph of section 126 of the Act respecting elections and referendums in municipalities, the clerk or secretary-treasurer shall, not later than five days before the last day fixed for the making of applications to the board of revisors, forward to each person whose name is entered on the list of electors a note that reproduces the particulars concerning that person which appear on the list and that includes the particulars contained in the public notice of revision;