

Decisions

Decision

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

Chief electoral officer — Entry on the referendum list of qualified voters in the Ville de Québec

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 entry on the referendum list of qualified voters in the Ville de Québec

WHEREAS section 8 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14) provides that, not later than March 8, 2004, the chief electoral officer shall send the clerk or secretary-treasurer of the city the list of electors whose names were entered as of March 1, 2004, on the permanent list of electors for the sector concerned as defined in section 5 of the said Act;

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

WHEREAS the names of six hundred and nine electors domiciled in different sectors of the Ville de Québec do not appear on the list sent to the clerk of the Ville de Québec, and whereas the names of six hundred and three of the said electors are still not on the list following the revision period;

WHEREAS this omission is due to a matching error on the permanent list of electors that was discovered only after the revision period;

WHEREAS the revision period established by the clerk of the Ville de Québec ended on April 17, 2004;

WHEREAS the referendum lists for the various sectors of the Ville de Québec came into force on April 20, 2004;

WHEREAS it is no longer possible to enter the names of qualified voters on the referendum list;

WHEREAS the said qualified voters will be unable to exercise their right to request a referendum poll during the period in which the register is open, namely May 16 to 20, 2004, unless remedial action is taken;

WHEREAS the situation covered by this decision is similar to that mentioned in the third paragraph of section 21 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, which provides that a qualified voter who was allowed to make a request even though his or her name was not entered on the referendum list is not counted among the qualified voters whose names are entered on the list;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that if, subsequent to an error, a provision of 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, 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 section 100 of the said Act, as adapted in accordance with section 561, as well as sections 523, 545 and 547 of the said Act, as adapted by section 16 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, as follows:

1. The six hundred and three qualified voters to whom this decision refers are authorized to exercise their right to request the holding of a referendum poll during the period in which the register is open, namely May 16 to 20, 2004, notwithstanding the fact that their names are not entered on the referendum list for the sectors concerned in the Ville de Québec;

2. Upon receipt of the list of qualified voters to whom this decision applies, sent by the chief electoral officer, the clerk of the Ville de Québec shall take the necessary steps to allow these people to exercise their right to request the holding of a referendum poll during the period in which the register is open, namely May 16 to 20, 2004;

3. The qualified voters to whom this decision applies shall be informed by means of a notice sent by the chief electoral officer that, notwithstanding the fact that their names are not entered on the referendum list of the sector concerned, provisions have been made to allow them to exercise their right to request the holding of a referendum poll during the period in which the register is open, namely May 16 to 20, 2004;

4. A qualified voter who is allowed to exercise his or her right to request the holding of a referendum poll pursuant to this decision shall not be counted among the qualified voters whose names are entered on the referendum list of the sector concerned;

5. The clerk shall, at the earliest opportunity, inform every representative of a group of qualified voters appointed pursuant to section 564 of the steps taken to follow up on this decision.

This decision shall come into force on May 11, 2004.

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

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