

## Decisions

### Decision

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

#### **Chief electoral officer — Entry of qualified voters on the referendum lists of the wrong polling subdivisions**

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 of qualified voters on the referendum lists of the wrong polling subdivisions

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 pursuant to section 101 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the clerk or secretary-treasurer shall draw up the referendum list by adding to the names of the persons entered on the list sent by the chief electoral officer the names of those persons entitled to be entered on the list as the owners of buildings or business establishments;

WHEREAS pursuant to section 102 of the Act respecting elections and referendums in municipalities, the list shall be drawn up according to the location of the immovables, by road, range or other sector, in the order of the numbers of the immovables, including those of apartments or other premises, or if not, in the order of the cadastral numbers;

WHEREAS pursuant to section 104 of the Act respecting elections and referendums in municipalities, the clerk or secretary-treasurer shall divide the referendum list into polling subdivisions;

WHEREAS the chief electoral officer has asked the clerks and secretary-treasurers to divide the referendum lists of each sector according to the polling subdivisions used in provincial elections, in order to use those same subdivisions for the referendum polls;

WHEREAS following the addition of qualified voters to the referendum list as provided for in section 101 of the Act respecting elections and referendums in municipalities, and following the entries made during the revision period, the entries of 690 qualified voters in the sectors of Grenville, Anjou, Beaconsfield, Dollard-des-Ormeaux, Dorval, Kirkland, L'Île-Bizard, Montréal, Montréal-Est, Pierrefonds, Roxboro, Sainte-Anne-de-Bellevue, Sainte-Geneviève, Saint-Laurent, Westmount, Tremblay, Ascot, Sutton Canton, Sutton Ville, La Plaine, Lachenaie, Terrebonne, Val-d'Or, Dubuisson, Vassan, Adstock, Cap-aux-Meules, Fatima, Grande-Entrée, Grosse-Île, Hâvre-aux-Maisons, L'Étang-du-Nord, Matane, Petit-Matane, Saint-Jérôme-de-Matane, Saint-Luc-de-Matane, Mont-Joli, L'Annonciation, Marchand, Sainte-Véronique, Rouyn-Noranda, Cadillac, Bellecombe, Montbeillard, Évain, McWatters, Mont-Brun and D'Alembert do not correspond geographically to the polling subdivisions in which the addresses justifying their quality as qualified voters are located;

WHEREAS pursuant to section 33 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, no new referendum list shall be drawn up for a referendum poll in a given sector;

WHEREAS pursuant to section 38 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the chief electoral officer is responsible for organizing and holding the referendum poll;

WHEREAS, if remedial action is not taken, certain qualified voters will have to travel significant distances to be able to exercise their right to vote in the referendum poll;

WHEREAS the measures provided for in this decision will have no impact on the quality of the qualified voters entered on the referendum list of the sectors concerned, or on the number of entries on each 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 sections 101 to 104 of the said Act, as adapted in accordance with section 561, as follows:

“The referendum list for the sectors of Grenville, Anjou, Beaconsfield, Dollard-des-Ormeaux, Dorval, Kirkland, L'Île-Bizard, Montréal, Montréal-Est, Pierrefonds, Roxboro, Sainte-Anne-de-Bellevue, Sainte-Genève, Saint-Laurent, Westmount, Tremblay, Ascot, Sutton Canton, Sutton Ville, La Plaine, Lachenaie, Terrebonne, Val-d'Or, Dubuisson, Vassan, Adstock, Cap-aux-Meules, Fatima, Grande-Entrée, Grosse-Île, Hâvre-aux-Maisons, L'Étang-du-Nord, Matane, Petit-Matane, Saint-Jérôme-de-Matane, Saint-Luc-de-Matane, Mont-Joli, L'Annonciation, Marchand, Sainte-Véronique, Rouyn-Noranda, Cadillac, Bellecombe, Montbeillard, Évain, McWatters, Mont-Brun and D'Alembert is amended by the transfer of the entries of the qualified voters contemplated by this decision from the polling subdivisions in which they currently appear to the polling subdivisions of the sectors attached to the addresses that justify their quality as qualified voters.”

The new polling subdivision to which the entry of each qualified voter contemplated by this decision is attached shall be indicated in the notice of entry referred to in subparagraph 2 of section 126 of the Act respecting elections and referendums in municipalities, and in the reminder card mentioned in section 573 of the said Act, as amended by the decision of the chief electoral officer dated April 22, 2004, concerning the information contained on the reminder card.

This decision shall come into force on May 20, 2004.

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