

Decisions

Decision

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

Chief electoral officer — Registration of legal persons qualified to vote on the referendum list of the Aylmer, Buckingham, Hull and Masson-Angers sectors

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 registration of legal persons qualified to vote on the referendum list of the Aylmer, Buckingham, Hull and Masson-Angers sectors

WHEREAS following the registration process contemplated in Division II of Chapter II of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), referendum polls will be held in the sectors of Aylmer, Buckingham, Hull and Masson-Angers on June 20, 2004;

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

WHEREAS section 33 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities provides that, for the purposes of the referendum poll, no new referendum list of the sector concerned shall be drawn up and, unless the chief electoral officer considers that the length of the period between the registration process and the poll does not justify it, the list that was used for the registration process shall again be revised;

WHEREAS the referendum list for each sector in which a referendum poll is to be held will be revised on June 3, 4 and 5, 2004;

WHEREAS, during transmission to the chief electoral officer of the referendum lists drawn up for the purposes of the registration process in the sectors of Aylmer, Buckingham, Hull and Masson-Angers, an error resulted in the exclusion from the lists of the names of 175 legal persons qualified to vote and already registered on the

referendum lists of the said sectors, with only the names of the individuals designated to represent the said legal persons appearing on the lists;

WHEREAS, as a result of this error, certain legal persons that are qualified to vote may not be able to exercise their right to vote unless remedial action is taken;

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, 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 lists of the sectors concerned;

WHEREAS the provisions of Division II of Chapter VI of Title I of the Act respecting elections and referendums in municipalities do not permit a board of revisors to correct errors in the entry of qualified voter on the referendum list unless an application to that effect is made by a qualified voter;

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 the said Act in order to provide that the boards of revisors in the sectors of Aylmer, Buckingham, Hull and Masson-Angers may complete the registrations of the 175 legal persons already entered on the referendum lists of their respective municipalities in the absence of applications to that effect from qualified voters.

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

“(3) the information transmitted by the chief electoral officer concerning the registration of legal persons qualified to vote and falling under the jurisdiction of the board of revisors.”

This decision shall come into force on June 4, 2004.

MARCEL BLANCHET,
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Chair of the Commission de la représentation
électorale*

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