

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 Maple Grove and Melocheville 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 entry of qualified voters on the referendum lists of the Maple Grove and Melocheville 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 (S.Q. 2003, c. 14), referendum polls will be held in the sectors of Maple Grove and Melocheville 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, during transmission to the chief electoral officer of the referendum lists drawn up for the purposes of the registration process in the sectors of Maple Grove and Melocheville, an error resulted in the exclusion from the lists of the names of nine qualified voters from the Maple Grove sector and eight qualified voters from the Melocheville sector who were already registered on the referendum lists of the said sectors;

WHEREAS, as a result of this error, the qualified voters in question will not be able to exercise their right to vote unless remedial action is taken;

WHEREAS the revision period ended on June 5, 2004;

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 allow for the correction of the error that occurred during transmission of the referendum lists of the Maple Grove and Melocheville sectors to the chief electoral officer;

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 as follows:

1. The persons in charge of the poll in the Maple Grove and Melocheville sectors are authorized, upon receipt from the chief electoral officer of the list of the nine qualified voters in the Maple Grove sector and the eight qualified voters in the Melocheville sector contemplated in this decision, to enter the names of the said qualified voters on their respective referendum lists;

2. Following the entry on the lists of the names of the nine qualified voters in the Maple Grove sector and of the eight qualified voters in the Melocheville sector, the persons in charge of the poll in those two sectors shall produce a statement of changes to the referendum list and shall take the steps required to inform the qualified voters concerned;

3. The statement of changes in each sector shall be sent to the representatives of any groups of qualified voters appointed pursuant to section 564.

This decision shall come into force on June 9, 2004.

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