

Decisions

Decision

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

Chief electoral officer — Exercise of the right to vote by referendum personnel on voting day

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 exercise of the right to vote by referendum personnel on voting day

WHEREAS, following the registration process set out 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 89 sectors 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 significant problems have been encountered in recruiting the referendum personnel required for the holding of the polls in several sectors;

WHEREAS the recruitment of referendum personnel was continuing as of the date of this decision and will continue in the coming days;

WHEREAS several members of the referendum personnel yet to be recruited will not have exercised their right to vote in the advance poll;

WHEREAS the said members of the referendum personnel will be unable to leave their posts on polling day to go and exercise their right to vote in the polling subdivisions in which they are domiciled;

WHEREAS provisions are required to allow the said members of the referendum personnel to exercise their right to vote;

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 567 of the Act respecting elections and referendums in municipalities, the provisions of Subdivisions 2 to 6 of Division IV of Chapter VI of Title I apply to referendums, adapted as required and provided they are compatible;

WHEREAS, with regard to the exceptional circumstance arising from the problem of recruiting referendum personnel, the said provisions do not allow personnel recruited after the holding of the advance poll to vote in a polling subdivision other than that in which they are domiciled;

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 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 219 of the said Act as follows:

1. The person in charge of the poll may authorize a member of the referendum personnel to vote where the member's name appears on the referendum list of the sector in which he or she is performing his or her duties, where he or she has not exercised the right to vote in the advance poll and where he or she is assigned to a polling place other than the one in which he or she is able to exercise the right to vote;

2. The authorization to vote shall be presented to the member of the referendum personnel concerned by the person in charge of the poll or by the officer in charge of information and order.

3. A member of the referendum personnel who has obtained such an authorization shall present it to the deputy returning officer and shall declare under oath that he or she:

(a) is the person who obtained it;

(b) has not exercised the right to vote in the advance poll on the grounds that he or she intended to vote on polling day;

(c) was unaware, prior to the closing of the advance poll, that he or she would be performing the duties of a member of the referendum personnel on polling day in the voting place to which he or she was assigned.

This decision shall take effect on June 16, 2004.

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