

WHEREAS section 310.1 of the Election Act (R.S.Q., c. E-3.3) provides that the returning officer shall, for each polling station, appoint two persons to act as officers assigned to the list of electors, recommended by the candidates of the authorized parties whose candidates came first and second at the last election;

WHEREAS section 315.1 of the Election Act provides that the officers assigned to the list of electors shall have, in particular, the duty of informing the poll runners as to the electors who have exercised their right to vote;

WHEREAS, in the electoral divisions in which by-elections will be held on September 20, 2004, the number of officers assigned to the list of electors who are available on polling day is insufficient to comply with the provisions of section 310.1 of the Election Act;

WHEREAS returning officers will need to take special steps on polling day if they are unable to appoint two officers assigned to the list of electors in each polling station;

WHEREAS section 490 of the Election Act allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section and has taken the necessary steps to inform the other authorized parties, the candidates and the electors concerned;

The chief electoral officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 310.1, 314 and 315 of the said Act in order to authorize a returning officer to appoint only one officer assigned to the list of electors for each polling station, where he finds that the number of available officers is insufficient.

This decision shall take effect on the date of the orders-in-council enjoining the chief electoral officer to hold by-elections in the electoral divisions of Nelligan, Vanier, Laurier-Dorion and Gouin.

Québec, 16 September 2004

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

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## Decision

Election Act  
(R.S.Q., c. E-3.3)

### Chief electoral officer — Exercise of the right to vote by election personnel on polling day

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the exercise of the right to vote by election personnel on polling day

WHEREAS order-in-council number 794-2004, adopted on August 16, 2004, enjoined the chief electoral officer to hold by-elections on September 20, 2004, in the electoral divisions of Nelligan, Vanier and Laurier-Dorion;

WHEREAS order-in-council No. 796-2004, adopted on August 18, 2004, enjoined the chief electoral officer to hold a by-election on September 20, 2004, in the electoral division of Gouin;

WHEREAS problems have been encountered in recruiting the election personnel required for the holding of the polls in the electoral divisions where by-elections will be held on September 20, 2004;

WHEREAS the recruitment of election personnel was continuing as of the date of this decision and will continue until the day preceding polling day;

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

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

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

WHEREAS section 490 of the Election Act allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section and has taken the necessary steps to inform the other authorized parties, the candidates and the electors concerned;

The chief electoral officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 340 of the said Act and the Regulation respecting voting as follows:

1. The returning officer or his or her assistant shall issue an authorization to vote to every member of the election personnel who is entered on the list of electors of the electoral division in which he or she is performing his or her duties and has not exercised the right to vote in the advance poll;

2. The authorization to vote shall be presented to the member of the election personnel concerned on polling day, by the officer in charge of information and order.

3. A member of the election 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 election personnel on polling day in the voting place to which he or she was assigned.

This decision shall take effect on the date of the orders-in-council enjoining the chief electoral officer to hold by-elections in the electoral divisions of Nelligan, Vanier, Laurier-Dorion and Gouin.

Québec, 16 September 2004

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

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