

Municipal Affairs

Gouvernement du Québec

O.C. 1109-2004, 2 December 2004

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14)

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

Establishment of certain rules for the 2005 general election in certain municipalities

WHEREAS, following the referendum polls that were held on 20 June 2004 in certain cities contemplated by the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), an affirmative answer was given to the referendum question in several sectors concerned;

WHEREAS, under section 48 of that Act, in the case of a city whose territory includes, in whole or in part, at least one sector concerned where the answer given to the referendum question is deemed to be affirmative, a first general election must be held, in anticipation of the reorganization of the city, in every local municipality that is to continue to exist with a different territory or that is to be constituted;

WHEREAS, under section 50 of that Act, the Government may, with regard to that general election, establish rules on any matter governed by the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) or on any matter related to an election that is the subject of provisions in the constituting Act or the charter of the city or the other existing municipality concerned;

WHEREAS it is expedient to establish such rules particularly on the division into electoral districts of the territory of the local municipalities that are to continue to exist with a different territory or that are to be constituted;

WHEREAS, for certain cities whose territory includes one or more sectors concerned where the answer given to the referendum question was affirmative, the Government has appointed mandataries in respect of those

sectors who are to participate, together with the administrators and employees of the city or any other existing municipality and with any persons elected in advance in the reconstituted municipality, in the establishment of the conditions most conducive to facilitating the transition between the successive administrations;

WHEREAS it is expedient to assign certain powers to those mandataries for the purposes of the organization and holding of the 2005 general election in the municipalities that are to be constituted;

WHEREAS, in accordance with the second paragraph of section 50 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the chief electoral officer has been consulted on the rules;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the following rules be established:

1. Ville de Longueuil, Ville de Mont-Laurier, Ville de Montréal, Ville de Mont-Tremblant, Ville de Québec and Ville de Rivière-Rouge are exempt from the requirement to divide their territory into electoral districts for the purposes of the 2005 general election.

2. The division of territory into districts provided for in section 78 of Order in Council 1043-2001 dated 12 September 2001, concerning Municipalité des Îles-de-la-Madeleine, is without effect for the purposes of the 2005 general election and any by-election prior to the 2009 general election.

The foregoing also applies to the division of territory into electoral districts pursuant to section 73 of Order in Council 371-2003 dated 12 March 2003, concerning Ville de La Tuque.

3. For the purposes of the 2005 general election and any by-election prior to the 2009 general election, Ville de Longueuil and Ville de Québec must, not later than 15 December 2004, make a proposal to the Minister of Municipal Affairs, Sports and Recreation on the division into boroughs and electoral districts of their territory as it is to exist after the withdrawal of any sector concerned where an affirmative answer was given to the referendum question.

Ville de Montréal must, not later than 13 February 2005, make the same proposal to the Minister. That requirement does not exempt Ville de Montréal from making the report as provided in section 39.1 of the Charter of Ville de Montréal (R.S.Q., c. C-11.4) on the date set out in that section.

4. For the purposes of the 2005 general election and any by-election prior to the 2009 general election, Ville de Cookshire-Eaton, Ville de La Tuque, Ville de Mont-Laurier, Ville de Mont-Tremblant, Ville de Rivière-Rouge, Ville de Saint-Agathe-des-Monts, Ville de Sainte-Marguerite-Estérel and Municipalité des Îles-de-la-Madeleine must, if they wish to divide their territory into electoral districts, make a proposal to the Minister of Municipal Affairs, Sports and Recreation not later than 15 December 2004 on the division of their territory as it is to exist after the withdrawal of any sector concerned where an affirmative answer was given to the referendum question.

5. A councillor elected in a borough that corresponds exactly to one or more sectors concerned where an affirmative answer was given to the referendum question cannot take part in the deliberations and vote that pertain to the requirement in sections 3 and 4. The foregoing also applies to a councillor elected in a district entirely within such a sector.

6. For the purposes of the 2005 general election in certain sectors concerned where an affirmative answer was given to the referendum question and that are listed in the Schedule to this Order in Council, the mandatory appointed in respect of one of those sectors is to designate the person who will act as the returning officer. Subject to the second paragraph and the rules that may be established in an Order in Council made under section 50 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the returning officer exercises the powers and duties assigned by the Act respecting elections and referendums in municipalities to a municipality or to its council and to the returning officer.

For the purposes of that election and any by-election prior to the 2009 general election, the mandatory must also make a proposal to the Minister of Municipal Affairs, Sports and Recreation not later than 15 December 2004 on the division, where appropriate, of the territory of the sector concerned into electoral districts.

7. For the purposes of the 2005 general election and any by-election prior to the 2009 general election, the transition committee constituted for a city whose territory includes at least one sector concerned where an affirmative answer was given to the referendum question must, in respect of each sector concerned, make a proposal to the Minister of Municipal Affairs, Sports and Recreation not later than 15 December 2004 on the division, where appropriate, of the territory of the sector concerned into electoral districts.

8. Every proposal to divide the territory into electoral districts must be such that the number of districts is in keeping with section 9 of the Act respecting elections and referendums in municipalities and that their delimitation respects, as far as possible, the criteria set out in section 11 of that Act.

Each electoral district must be delimited in such manner that, according to the permanent list of electors, the number of electors in the district is not more than 15% above or below the quotient obtained by dividing the total number of electors of the city, sector concerned or borough, as the case may be, by the number of districts. That percentage is 25% in the case of a city, sector concerned or borough having fewer than 15,000 electors.

A proposal that departs from the rule in the first or second paragraph must be substantiated in writing.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

SECTORS CONCERNED

- Newport
- Saint-Aimé-du-Lac-des-Îles
- Lac-Tremblant-Nord
- La Macaza
- Ivry-sur-le-Lac
- Estérel

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