

Municipal Affairs

Gouvernement du Québec

O.C. 1212-2004, 21 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 the 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 the 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 49 of the Act, the Government may fix the polling date for the advance general election; otherwise, the poll shall be held on 6 November 2005;

WHEREAS, under section 50 of the Act, the Government may, with regard to the advance 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 for the purposes of that election;

WHEREAS, in accordance with the second paragraph of section 50 of the Act, 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 Act respecting elections and referendums in municipalities, except sections 5 to 8, 10 and 12 to 41.3, apply to the organization and holding of the 2005 general election in the municipalities listed in the Schedule to this Order in Council, with the necessary modifications which include the following:

(1) unless the context indicates otherwise, “municipality” means, as the case may be:

(a) a central municipality, listed in the Schedule, whose territory is to correspond to the territory that will exist after the territory of a reconstituted municipality has been withdrawn; or

(b) a reconstituted municipality whose territory is to correspond to the territory of a former municipality listed in the Schedule;

(2) for the purpose of applying section 55.1 to a reconstituted municipality, the words “the municipality” are replaced by the words “the returning officer”;

(3) the persons referred to in paragraphs 1 to 4 of section 63 who are ineligible for office as members of the council of a central municipality are also ineligible for office as members of the council of a reconstituted municipality;

(4) despite the first paragraph of section 67, a person who holds office as a member of the council of the city is not ineligible for office as a member of the council of a reconstituted municipality if the person resides, according to section 61, in the territory of the reconstituted municipality;

(5) despite the first paragraph of section 70.1, the returning officer may, outside the election period, grant any contract involving an expenditure of \$25,000 or more after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be;

(6) for the purpose of applying the first paragraph of section 87 to a reconstituted municipality, the words “of the municipality” are replaced by the words “of the returning officer”;

(7) for the purpose of applying section 105 to a reconstituted municipality, the words “in the office of the municipality” are replaced by the words “in his or her office”;

(8) for the purpose of applying section 261 to a reconstituted municipality, the prohibition to which the person responsible for access to documents is subject is a prohibition to which the returning officer, the mandatary or the transition committee is subject until the reorganization of the city;

(9) for the purpose of applying the first paragraph of section 277 to a reconstituted municipality, the words “the council” are replaced by the words “the transition committee or the mandatary”;

(10) the persons referred to in section 284 and the association representing their interests who and which may not engage in partisan work connected with an election to an office on the council of a central municipality may also not engage in such work in connection with an election to an office on the council of a reconstituted municipality;

(11) for the purpose of applying section 285.2 to a reconstituted municipality, election posters and billboards may also be placed on the city’s property situated in the territory of the reconstituted municipality;

(12) despite section 314.1, the term of the current members of a borough council and of the city council runs until the reorganization of the city;

(13) for the purpose of applying Chapter XIII of Title I, the duties of the treasurer within the meaning of section 364 must be performed, in the case of a reconstituted municipality, by the returning officer. After polling and until the reorganization of the city, those duties are to be performed by the mandatary or the chair of the transition committee, or by any person designated by the mandatary or chair for that purpose;

(14) for the purpose of applying section 375 to a reconstituted municipality, the delegation may be made to the returning officer outside the election period;

(15) the second sentence of the second paragraph of section 380 is replaced by the following: “For the purposes of the designation of the delegate, the division into electoral districts may be taken into account upon its coming into force.”;

(16) for the purpose of applying the first paragraph of section 394 to a reconstituted municipality, the words “in the office of the municipality” are replaced by the words “in his or her office”;

(17) for the purpose of applying section 396 to Ville de Montréal, the offices of councillor referred to therein exclude the offices of borough councillor;

(18) for the purpose of applying the third paragraph of section 397 to a reconstituted municipality of 20,000 inhabitants or more whose division into electoral districts has not been approved by the date of coming into force of this Order in Council, the number of signatures that must accompany the application is 30;

(19) for the purpose of applying section 659.2 to a reconstituted municipality, the words “A municipality” are replaced by the words “The returning officer, the transition committee or the mandatary”;

THAT, unless he or she applies for a withdrawal of authorization, the leader of a party that was authorized by the chief electoral officer, prior to the coming into force of this Order in Council, to carry on activities in the territory of a city must, within 30 days of the coming into force of this Order in Council, inform the chief electoral officer of his or her choice as to the territory in which the party intends to carry on its activities;

THAT the electoral district division proposal made by a city under Order in Council 1109-2004 dated 2 December 2004 must be approved by the Minister of Municipal Affairs, Sports and Recreation, after consultation with the chief electoral officer, in order to come into force. In case of refusal, the division is the division established by the Government;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

(s. 1)

CENTRAL MUNICIPALITIES

- Ville de Cookshire-Eaton
- Ville de La Tuque
- Municipalité des Îles-de-la-Madeleine
- Ville de Longueuil
- Ville de Mont-Laurier
- Ville de Montréal
- Ville de Mont-Tremblant
- Ville de Québec
- Ville de Rivière-Rouge
- Ville de Sainte-Agathe-des-Monts
- Ville de Sainte-Marguerite-Estérel

**RECONSTITUTED MUNICIPALITIES
(FORMER MUNICIPALITIES)**

- Ville de Baie-d'Urfé
- Ville de Beaconsfield
- Ville de Boucherville
- Ville de Brossard
- Village de Cap-aux-Meules
- Cité de Côte-Saint-Luc
- Ville de Dollard-des-Ormeaux
- Cité de Dorval
- Ville d'Estérel
- Municipalité de Grosse-Île
- Ville de Hampstead
- Municipalité d'Ivry-sur-le-Lac
- Ville de Kirkland
- Municipalité de La Bostonnais
- Municipalité de Lac-Édouard
- Municipalité de Lac-Tremblant-Nord
- Municipalité de La Macaza
- Ville de L'Ancienne-Lorette
- Ville de L'Île-Dorval
- Ville de Montréal-Est
- Ville de Montréal-Ouest
- Ville de Mont-Royal
- Canton de Newport
- Ville de Pointe-Claire
- Municipalité de Saint-Aimé-du-Lac-des-Îles
- Municipalité de Saint-Augustin-de-Desmaures
- Ville de Saint-Bruno-de-Montarville
- Ville de Sainte-Anne-de-Bellevue
- Ville de Saint-Lambert
- Ville de Senneville
- Ville de Westmount