

Gouvernement du Québec

O.C. 847-2005, 14 September 2005

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

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

Establishment of certain rules for the purposes of 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 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 other 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 such rules were already established by the Government under Order in Council 1212-2004 dated 21 December 2004;

WHEREAS it is expedient to amend that Order in Council and establish new rules;

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 and Regions:

THAT Order in Council 1212-2004 dated 21 December 2004 be amended

(1) by inserting the following after subparagraph 2 of the first paragraph of the operative part:

“(2.1) section 61 is amended by adding the following paragraph:

“The following are also eligible for office as a member of the council of the central municipality:

(1) every person who is entitled to have his or her name entered on the list of electors of the central municipality and has resided, continuously or not, in the territory of the city for at least 12 months on 1 September 2005;

(2) every person who is entitled to have his or her name entered on the list of electors of a reconstituted municipality and has resided, continuously or not, in the territory of the city for at least 12 months on 1 September 2005. The address of the person shall be, for the purposes of section 156, the place where the council of the central municipality sits;”;

(2) by inserting “or the council of a borough” after “city” in subparagraph 4 of the first paragraph of the operative part;

(3) by replacing “the city” in subparagraph 12 of the first paragraph of the operative part by “the city. As of the day after polling day and until the reorganization of the city, section 314.2 ceases, subject to any inconsistent provision, to apply to the councils”;

(4) by striking out “Village de Cap-aux-Meules” in the Schedule;

THAT the returning officer of the central municipality be required to transmit, not later than 2 October 2005, to the returning officer of the reconstituted municipality every valid application for entry or power of attorney received by the city pursuant to section 55.1 of the Act respecting elections and referendums in municipalities in respect of an immovable or business establishment situated in the territory of the reconstituted municipality and that such an application or power of attorney be deemed to have been transmitted to the returning officer of the reconstituted municipality in accordance with the fourth paragraph of that section;

THAT the tariff of remuneration or allowances payable to the election officers for the organization and holding of the advance general election in each of the sectors concerned of Estérel, Ivry-sur-le-Lac, La Bostonnais, Lac-Édouard, Lac-Tremblant-Nord, La Macaza, Newport and Saint-Aimé-du-Lac-des-Îles be the following:

(1) for an election officer who has no employment relationship with the city: the tariff in force in the city or, in the absence of such a tariff, the tariff in the Schedule;

(2) for an election officer who has an employment relationship with the city: the tariff fixed in the Regulation respecting the tariff of remuneration payable for municipal elections and referendums, made by Minister's Order dated 18 June 1998;

THAT the council of the future Ville de Montréal-Ouest be composed of the mayor and four councillors;

THAT section 197 of the Act respecting elections and referendums in municipalities, replaced by section 6.14 of the Agreement concerning new methods of voting for an election using computerized polling stations and "Perfas-Tab" ballot boxes, signed on 28 May 2003 and on 9 and 10 June 2003 by Ville de Montréal, the chief electoral officer and the Minister of Municipal Affairs, Sports and Recreation (2003, *G.O.* 2, 1962), be amended by adding the following after subparagraph 7 of the second paragraph:

"(8) a space reserved for identification of the polling subdivision, where applicable."

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

1. The remuneration to which the election officers are entitled is indicated after their respective functions:

(1) the returning officer: \$34.21 for each hour spent performing duties, up to a maximum of 345 hours;

(2) the election clerk: 75% of the remuneration of the returning officer;

(3) an assistant to the returning officer: 75% of the remuneration of the returning officer;

(4) a deputy returning officer: \$10.26 for each hour spent performing duties;

(5) a poll clerk: \$9.20 for each hour spent performing duties;

(6) an officer in charge of information and order: \$10.26 for each hour spent performing duties;

(7) a chairman of an identity verification panel: \$10.26 for each hour spent performing duties;

(8) a member of an identity verification panel: \$7.70 for each hour spent performing duties;

(9) a permanent aide: \$12.83 for each hour spent performing duties;

(10) a casual aide: \$8.99 for each hour spent performing duties;

(11) a member of a board of revisors: \$11.55 for each hour the member sits;

(12) the secretary of a board of revisors: \$10.39 for each hour the board sits; and

(13) a revising officer of a board of revisors: \$10.39 for each hour spent performing duties.

The election officers are entitled to proportional remuneration for each part of an hour.

2. Every person who is to perform a duty referred to in section 1 and who, with a view to receiving training for that purpose, attends a meeting called by the chief electoral officer, the clerk or secretary-treasurer or the chief polling officer, or by any other person under the authority of those persons, is entitled to an expense allowance.

The amount of the allowance is established according to the duration of the person's presence at the meeting, up to a maximum of three and one-half hours, on the basis of the hourly rate of remuneration payable for the duty.

3. Every person who must travel in the performance of duties referred to in section 1 is entitled to reimbursement of travel expenses in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents adopted by the Conseil du trésor.

4. Every person who performs duties that entitle the person to more than one rate of remuneration is entitled only to the highest remuneration.