

Decisions

Decision

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

Chief Electoral Officer — Issuing of an authorization to vote to certain electors in the Municipality of Cacouna

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 issuing of an authorization to vote to certain electors in the Municipality of Cacouna

WHEREAS a by-election will be held in the Municipality of Cacouna on November 5, 2006;

WHEREAS, in September 2006 and in accordance with section 100 of the Act respecting elections and referendums in municipalities, the Chief Electoral Officer provided the list of electors whose names are entered on the permanent list of electors and who are entitled to have their names entered on the municipal list to be used in the election;

WHEREAS, due to a technical error, thirty-five electors domiciled on Beaulieu Street and who were entered on the list of electors are not entered on the revised list of electors that will be used for the November 5, 2006 by-election;

WHEREAS the revision period for the Municipality of Cacouna ended on October 24, 2006;

WHEREAS the said electors will be unable to exercise their right to vote;

WHEREAS it is pertinent to permit the said electors to vote;

WHEREAS section 219 of the Act respecting elections and referendums in municipalities allows certain electors to obtain an authorization to vote from the returning officer, under certain conditions;

WHEREAS the said section, as currently worded, does not allow the returning officer to grant such authorization to an elector whose name does not appear on the revised list of electors or on any document of a board of revisors;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that if, subsequent to an error, a provision of the Act does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object;

WHEREAS the Chief Electoral Officer has first informed the Minister of Municipal Affairs and Regions 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 the Act respecting elections and referendums in municipalities in order to authorize the returning officer of the Municipality of Cacouna to take the following steps:

1. The preamble forms an integral part of this decision.
2. The returning officer of the Municipality de Cacouna is authorized to issue an authorization to vote to the thirty-five electors domiciled on Beaulieu Street who present themselves at the polling station and who should have been entered on the revised list of electors;
3. Every elector who obtains an authorization to vote will be authorized to vote after presenting his authorization to the deputy returning officer and after taking an oath declaring that he is the person who obtained it and that he has the right to vote at the on-going election. A note should be included in the poll book.
4. The returning officer shall take the steps required to notify the deputy returning officers and poll secretaries working in the polling stations of the content of this decision and the measures required to apply it.
5. The returning officer shall, at the earliest opportunity, notify every independent candidate concerned by this decision.

This decision shall take effect on October 30, 2006.

Québec, 30 October 2006

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