

Decisions

Decision

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

Chief Electoral Officer

— Merging of polling subdivisions on polling day

Decision by the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act regarding the merging of polling subdivisions on polling day

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 301.6 of the Election Act (R.S.Q., c. E-3.3) states that an advance polling station has to be established in every residential facility referred to in section 180;

WHEREAS section 301.8 of the Election Act states that an elector domiciled in a residential facility who wishes to vote in an advance poll must vote in the advance polling station set up in that facility;

WHEREAS in certain cases, the residential facility where the polling station is set up constitutes a polling subdivision;

WHEREAS Sainte-Anne hospital (electoral division of Jacques-Cartier), the Robert-Giffard hospital centre (electoral division of Jean-Lesage) and the Émilie-Gamelin residential and long-term care centre (electoral division of Sainte-Marie–Saint-Jacques) are residential facilities each of which constitutes a polling subdivision;

WHEREAS electors domiciled in these facilities are almost exclusively non self-reliant persons or persons who are functionally dependent most of whom will probably exercise their right to vote during the advance poll in their facility;

WHEREAS section 302 of the Election Act states that the returning officer shall establish a polling station for each polling subdivision;

WHEREAS the number of electors in the residential facilities concerned who can go to the polling station on polling day does not make it possible to guarantee the secrecy of the vote and does not justify the setting up of a polling station for the exclusive use of these electors;

WHEREAS the Election Act does not allow the merging of two polling subdivisions in such a case;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the 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 steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt section 302 in order to authorize the returning officers of the three electoral divisions concerned to take the following measures for voting on polling day:

— the returning officer of the electoral division of Jacques-Cartier is authorized to merge the polling subdivision made up of Sainte-Anne hospital (sector 1, polling subdivision 12) with the closest polling subdivision;

— the returning officer of the electoral division of Jean-Lesage is authorized to merge the polling subdivision made up of Robert-Giffard hospital centre (sector 72, polling subdivision 82) with the closest polling subdivision;

— the returning officer of the electoral division of Sainte-Marie–Saint-Jacques is authorized to merge the polling subdivision made up of the Émilie-Gamelin residential and long-term care centre (sector 162, polling subdivision 36) with the closest polling subdivision.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 19 March 2007

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 — Remote polling subdivisions

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning remote polling subdivisions

WHEREAS order-in-council number 167-2007, issued on February 21, 2007, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 489.1 allows the Chief Electoral Officer, where circumstances so require, in particular by reason of the area or distance involved, to adapt the provisions concerning the revision process, the filing of nomination papers, the advance poll or the establishment of an identity verification panel, with the consent of the authorized parties represented in the National Assembly;

WHEREAS as a result of the Chief Electoral Officer's decision of February 23, 2007, section 489.1 has been modified in order to include provisions regarding officers assigned to the list of electors;

WHEREAS the distance, isolation and small number of electors in certain remote polling subdivisions contemplated by section 489.1 require the introduction of special procedures regarding the holding of a poll and the counting of votes;

WHEREAS the current version of section 489.1 does not allow the adaptation of the provisions of the Act regarding the holding of a poll and the counting of votes;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the 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 steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt section 489.1 of this Act in order to include provisions regarding the holding of a poll and the counting of votes.

For the purposes of this decision, section 489.1 of the Election Act shall read as follows:

“**489.1.** The chief electoral officer may, where circumstances so require, in particular by reason of the area or distance involved, adapt the provisions concerning the enumeration of electors or the revision process, the filing of nomination papers, the advance poll, the establishment of an identity verification panel, the holding of a poll and the counting of votes, with the consent of the authorized parties represented in the National Assembly.”

This decision replaces that of February 23, 2007 regarding officers assigned to the list of electors and shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 19 March 2007

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

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