

Decision

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

Chief Electoral Officer

— Counting of advance poll ballots

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the counting of advance poll ballots

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 the advance poll was held on March 18 and 19, 2007;

WHEREAS the number of people voting in the advance poll was very high and atypical;

WHEREAS section 361 of the Election Act (R.S.Q., c. E-3.3) states that the deputy returning officer, assisted by the poll clerk, shall count the ballots after the close of polls;

WHEREAS in many electoral divisions, the counting of advance poll ballots risks being significantly delayed due to the high number of electors who exercised their right to vote;

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 upon him by section 490 of the Election Act, has decided to adapt section 361 of this Act as follows:

1. On polling day, the returning officer is authorized to start counting advance poll ballots before the close of the polls;

2. The counting of advance poll ballots cannot begin before 7 p.m.;

3. The returning officer must take all pertinent measures to ensure that no result of the counting of advance poll ballots is released before the close of the polls.

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

Québec, 23 March 2007

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

8104

Decision

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

Chief Electoral Officer

— Application of section 206

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of section 206

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 206 of the Election Act (R.S.Q., c. E-3.3) allows electors domiciled in a facility referred to in section 3, or electors residing in such a facility and who would like to avail themselves of the provisions of this section, to submit to the returning officer a written application for entry on, correction of, or striking off the list of electors;

WHEREAS section 3 states that an elector who resides in a facility maintained by an establishment that operates a hospital centre, a residential and long-term care centre or a rehabilitation centre as defined by the Act respecting health services and social services (R.S.Q., c. S-4.2) or a hospital centre or a reception centre as defined by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) may be considered as domiciled either in his domicile, or in this facility or centre;

WHEREAS electors are domiciled in retirement homes identified in the register prepared pursuant to the Act respecting health services and social services;

WHEREAS the Chief Electoral Officer has identified some cases where these retirement homes have been closed down or placed under total or partial quarantine due to risks of the spread of contagious diseases;

WHEREAS it is reasonable to believe that other cases of closure or total or partial quarantine of retirement homes due to risks of the spread of contagious diseases could be identified by the Chief Electoral Officer in the next few days;

WHEREAS electors domiciled in retirement homes identified by the Chief Electoral Officer cannot present before a board of revisors an application for entry on, correction of, or striking off the list of electors;

WHEREAS electors domiciled in retirement homes cannot avail themselves of section 206 of the Election Act;

WHEREAS electors domiciled in retirement homes identified by the Chief Electoral Officer may be unable to exercise their right to vote due to these exceptional circumstances;

WHEREAS these exceptional circumstances require the institution of special procedures in order to allow persons domiciled in the retirement homes identified by the Chief Electoral Officer to present to a board of revisors an application for entry on, correction of, or striking off the list of electors;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where so required by exceptional circumstances;

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 this Act in order to allow electors domiciled in retirement homes that he has identified to avail themselves of the provisions of section 206 of the Election Act.

For the purposes of the application of the present decision, section 206 of the Election Act is adapted by inserting, after the words “avail themselves of the provisions of this section,” the words “or an elector domiciled in a retirement home identified in the register prepared pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2).”.

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

Québec, 9 March 2007

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

8099

Decision

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

Chief Electoral Officer — Application of sections 239 and 241

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of sections 239 and 241

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 239 of the Election Act (R.S.Q., c. E-3.3) states that nomination papers shall bear the name and signature of the official agent;

WHEREAS section 241 of the Election Act states that a person offering himself as a candidate must attach to his nomination papers, if applicable, a letter from the leader of an authorized party recognizing him as a candidate of that party;

WHEREAS the limited and temporary isolation of the electoral division of Îles-de-la-Madeleine may make it impossible to produce nomination papers that comply with the Election Act within the prescribed deadlines;

WHEREAS this exceptional circumstance requires the institution of special procedures regarding the production of nomination papers;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where so required by exceptional circumstances;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the