

## Decisions

### Decision

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

#### Chief Electoral Officer

#### — Exercise of the duties of officer assigned to the list of electors for the by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, as replaced by the agreement entered into under section 489 of the said Act, concerning the exercise of the duties of officer assigned to the list of electors for the by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull

WHEREAS Order-in-Council number 346-2008, issued on April 9, 2008, enjoined the Chief Electoral Officer to hold by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull on May 12, 2008.

WHEREAS the Chief Electoral Officer and the leaders of the authorized parties represented at the National Assembly signed an agreement in March 2008 (hereinafter referred to as “the agreement”) in accordance with section 489 of the Election Act (R.S.Q., c. E-3.3), concerning the appointment of a single officer assigned to the list of electors at each polling station for the by-elections in the electoral divisions of Bourget and Pointe-aux-Trembles;

WHEREAS the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly signed an addendum to the agreement in April 2008, stipulating that the provisions of the agreement should also apply to the by-election held in the electoral division of Hull;

WHEREAS section 310.1 of the Election Act, as replaced by the agreement, stipulates that, in every polling station, the returning officer shall appoint one person to act as officer assigned to the list of electors, as recommended by the candidate of the authorized party that came third at the last election;

WHEREAS the number of officers assigned to the list of electors available on polling day in the electoral division of Hull is insufficient to comply with the provisions of section 310.1 of the Election Act as replaced by the agreement;

WHEREAS the number of officers assigned to the list of electors currently available on polling day in the electoral divisions of Bourget and Pointe-aux-Trembles may not be sufficient to comply with the provisions of section 310.1 of the Election Act as replaced by the agreement if any of the persons appointed to perform the duties of officer assigned to the list of electors decide to withdraw;

WHEREAS special measures may be taken by the returning officers concerned on polling day if it is not possible to place one person assigned to the list of electors at each polling station;

WHEREAS section 490 of the Election Act, as replaced by the agreement, allows the Chief Electoral Officer to adapt a provision of the Act or of the agreement if it comes to his attention that the said provision does not meet the demands of the situation subsequent to an exceptional circumstance;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented at the National Assembly of his intention to use the provisions of the said section, and has taken the necessary steps to inform the other authorized parties, candidates and electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act as replaced by the agreement, has decided to adapt section 310.1 of the Election Act as replaced by the agreement, in order to allow the returning officers in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull to ask the deputy returning officer and poll clerk to perform the duties of officer assigned to the list of electors if it is impossible to ensure the presence of an officer at a polling station.

This decision shall come into force on May 8, 2008

Québec, 8 May 2008

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

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