

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 1058-2008, issued on November 5, 2008, enjoined the Chief Electoral Officer to hold general elections in Québec on December 8, 2008;

WHEREAS the various advance polls were held from November 28 to December 4, 2008;

WHEREAS the number of people voting in the advance polls was very high;

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 sections 361 to 370.2 of this Act as follows:

1. In the case of ballot boxes containing more than 300 ballots, the returning officer is authorized to begin counting ballots from the advance poll at 6:00 p.m. on polling day.

2. In the case of ballot boxes containing more than 600 ballots, the polling officer must appoint an additional deputy returning officer and poll clerk to begin counting the ballots at 6:00 p.m. on polling day.

3. The polling officer must take all necessary steps to ensure that the personnel assigned to count the ballots from the said ballot boxes are able to communicate the results of the count before the poll closes; the personnel in question and the representatives present must make an oath to this effect.

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

Québec, 4 December 2008

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

— Exercise of the duties of officer assigned to the list of electors on polling day

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 on polling day

WHEREAS Order-in-Council number 1058-2008, issued on November 5, 2008, enjoined the Chief Electoral Officer to hold general elections in Québec on December 8, 2008.

WHEREAS the Chief Electoral Officer and the leaders of the authorized parties represented at the National Assembly signed an agreement in November 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 general elections on December 8, 2008;

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 certain electoral divisions is insufficient to comply with the provisions of section 310.1 of the Election Act as replaced by the agreement;

WHEREAS special measures may be taken by the returning officers 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 officer 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 December 5, 2008

Québec, 5 December 2008

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