

Decisions

Decision

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

Chief electoral officer — Entry of the names of certain persons on the municipal lists of electors

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 entry of the names of certain persons on the municipal lists of electors

WHEREAS general municipal elections are scheduled to take place on November 1, 2009;

WHEREAS the Chief Electoral Officer sent in the beginning of September to each returning officer, in accordance with section 100 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) a list of the electors whose names were entered on the permanent list of electors and who are entitled to have their names entered on the municipal list of electors to be used in the election;

WHEREAS, due to a computer error, the names of persons who were newly registered with the Régie de l'assurance maladie du Québec were included in the lists sent to returning officers even though the persons concerned were not qualified electors on September 1, 2009;

WHEREAS, pursuant to section 54 of the Act respecting elections and referendums in municipalities, only persons who were qualified electors on September 1, 2009, are entitled to be on the list of electors;

WHEREAS, following this error, 846 persons were entered on the list of electors of 128 municipalities even though they were not qualified electors;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an error, it does not meet the demands of the resultant situation;

WHEREAS the Chief Electoral Officer has first informed the Minister of Municipal Affairs, Regions and Land Occupancy 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 sections 100.1, 101, 105, 121 and 134 of the said Act as follows:

1. The preamble is an integral part of this decision;

2. Upon receipt of the list of persons to whom this decision applies, the returning officer shall take following steps, depending on the specific situation in the municipality in question:

(a) If the list of electors of the municipality has not been deposited on the date of this decision, in accordance with sections 101 and 105 of the Act respecting elections and referendums in municipalities, the returning officer shall remove the names of the persons concerned;

(b) If the list of electors of the municipality has been deposited on the date of this decision and if the revision of the list has not yet begun, the returning officer shall remove the names of the persons concerned, shall deposit a new list of electors no later than October 2, 2009 and shall inform every party or recognized ticket, as the case may be, and every independent candidate;

(c) If the returning officer cannot deposit a new list of electors by October 2, 2009, if the notices of registration contemplated in section 126 have been sent or if the revision of the municipality's list of electors has begun, the returning officer shall forward the list of persons concerned to the board of revisors.

The provisions of sections 100.1, 121(2°) and 134 shall apply, adapted as required, to the list contemplated in the first paragraph.

The returning officer shall inform every party or recognized ticket, as the case may be, and every independent candidate.

This decision shall come into effect on September 29, 2009.

Québec, September 29, 2009

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