

Decisions

Decision

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

Chief Electoral Officer

— Counting of advance poll ballots

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 counting of advance poll ballots

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

WHEREAS the advance poll was held on October 25, 2009 and, in certain municipalities, on October 26, 2009;

WHEREAS the number of people voting in the advance poll was very high in many municipalities;

WHEREAS section 185 of the Act respecting elections and referendums in municipalities states that the deputy returning officer, assisted by the poll clerk, shall count the ballots at 8:00 p.m. on polling day;

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

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities 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 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 185 and 229 of the said Act as follows:

1. The preamble is an integral part of this decision;
2. On polling day beginning at 6:00 p.m., the returning officer is authorized to have the advance poll votes counted for ballot boxes containing more than 300 ballots and other ballot boxes deemed appropriate;
3. It is imperative that the people present in the counting room remain there until 8:00 p.m., even if the ballots are all already counted;
4. The returning officer must take all necessary measures to ensure these people have no contact with the outside before the polls close, to ensure there is no disclosure of results;
5. To this end, the returning officer must:
 - (a) Arrange a closed-door location with no disruptions or traffic;
 - (b) Ensure that no one present uses a cell phone or Blackberry type mobile phone or other means of communication;
 - (c) Have all people present (deputy returning officers, poll clerks, representatives) swear the following oath:

“I, (first name and last name), do solemnly swear that I will not divulge the results of the advance polls to anyone before the closing of the polls.”;

6. 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 October 28, 2009.

Québec, 28 October 2009

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

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