

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 Argenteuil and LaFontaine

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 Argenteuil and LaFontaine

WHEREAS Order-in-Council number 458-2012, issued on May 9, 2012, enjoined the Chief Electoral Officer to hold by-elections in the electoral divisions of Argenteuil and LaFontaine on June 11, 2012;

WHEREAS section 310.1 of the Election Act 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 whose candidate came third at the last election;

WHEREAS the number of officers assigned to the list of electors currently available on polling day in the electoral divisions of Argenteuil and LaFontaine may not be sufficient to comply with the provisions of section 310.1 of the Election Act 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 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 and candidates concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 310.1 of the Election Act in order to allow the returning officers in the electoral divisions of Argenteuil and LaFontaine to ask the 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 take effect on the date of the order enjoining the Chief Electoral Officer to hold by-elections in the electoral divisions of Argenteuil and LaFontaine.

Québec, June 8, 2012

JACQUES DROUIN,
*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

— Entry of certain electors on the list of electors

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the entry of certain electors on the list of electors

WHEREAS order-in-council number 458-2012, issued on May 9, 2012, enjoined the Chief Electoral Officer to hold by-elections in the electoral divisions of Argenteuil and LaFontaine on June 11, 2012;

WHEREAS in the electoral division of Argenteuil electors were registered in error due to problems in matching their domiciliary addresses in a polling subdivision that does not correspond to that of their domicile;

WHEREAS the Election Act states that electors must exercise their right to vote in the polling subdivision that corresponds to their domiciliary address;

WHEREAS outside an election period the Chief Electoral Officer is able to correct such situations without imposing any special procedure on the electors concerned;

WHEREAS pursuant to the provisions of the Election Act regarding the revision of the list of electors in an election period, any application for entry on, correction of, or striking off the list of electors must be presented to a board of revisors;

WHEREAS the application of these provisions means that the electors affected by the situation described above must apply to the board of revisors to correct the errors on the list of electors that will be used in the forthcoming elections;

WHEREAS such errors must not have the effect of imposing on the electors concerned special procedures for the errors to be corrected;

WHEREAS similar errors are likely to be also found in the electoral division of LaFontaine;

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 concerned;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt the provisions of this Act:

(1) by inserting the following section after section 209:

“**209.1** If electors were not registered on the right list of electors because their domiciliary address was not matched with the right polling subdivision, the Chief Electoral Officer or, on the Chief Electoral Officer’s request, a board of revisors makes the necessary corrections.

The Chief Electoral Officer informs the electors concerned and the authorized parties of any corrections made under the first paragraph.”;

(2) by replacing number “208” in subparagraph 4 of the first paragraph of section 340 by number “209.1”.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold by-elections in the electoral divisions of Argenteuil and LaFontaine.

Québec, June 8, 2012

JACQUES DROUIN,
*Chief Electoral Officer and
Chairman of the Commission de
la représentation électorale*

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