

Decision

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

**Chief Electoral Officer
— Counting of ballots from the vote of electors in
the electoral division in which they are domiciled
and the vote of electors outside the electoral
division**

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the counting of ballots from the vote of electors in the electoral division in which they are domiciled and the vote of electors outside the electoral division

WHEREAS order-in-council number 810-2012 issued on August 1, 2012, enjoined the Chief Electoral Officer to hold general elections in Québec on September 4, 2012;

WHEREAS, in accordance with the Agreement signed pursuant to section 489 of the Election Act (R.S.Q., c. E-3.3) by the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, voting at the office of the returning officer for electors in the electoral division in which they are domiciled and voting of electors outside their electoral division have both been exercised during the current electoral period;

WHEREAS, according to section 268 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, the counting of ballots for voting by electors in the electoral division in which they are domiciled takes place in the electoral division;

WHEREAS, according to section 280 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, the ballot box containing the ballots of electors who voted outside their electoral division must be sent to the Chief Electoral Officer at the end of the period stipulated for the exercise of the right to vote;

WHEREAS, according to the provisions of sections 360 and 370.9 of the Election Act, the counting of ballots from voting by electors outside their electoral division takes place at the office of the Chief Electoral Officer;

WHEREAS, during verification of the envelopes containing the ballots from voting by electors outside their electoral division, some ballots from voting by electors in the electoral division in which they are domiciled were found in the ballot boxes;

WHEREAS ballots from voting by electors outside their electoral division may, during the counting of votes, be found in ballot boxes containing the ballots from voting by electors in the electoral division in which they are domiciled;

WHEREAS steps must be taken to allow these ballots to be counted and the results to be submitted for the electoral divisions concerned;

WHEREAS section 490 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, allows the Chief Electoral Officer to amend a provision of the Act or of the Agreement where it comes to his attention that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, has decided to adapt the provisions of subdivision 3 of Division III of Chapter V of the Election Act, concerning the counting of ballots contained in a ballot box and ballots received in envelopes, as follows:

1. The persons who verify the envelopes before counting, the deputy returning officers and the poll clerks appointed to count the ballots from voting by electors in the electoral division in which they are domiciled and the ballots from voting by electors outside their electoral division must apply the procedure attached as an appendix to this decision where the ballots are found in a ballot box that is not the ballot box in which the said ballots should have been placed.

This decision shall take effect on September 3, 2012.

Québec, 3 September, 2012

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

Instructions for processing regular ballots found in a ballot box from a polling station outside the electoral division

At the Chief Electoral Officer's office, when pre-counting and counting ballots from outside the electoral division

If the person doing the pre-count finds a regular ballot in a ballot box from a polling station outside the electoral division, he or she must apply the following procedure:

— The person responsible for counting the special votes places the ballot in a sealed envelope, and puts it in the ballot box for the electoral division concerned.

— On the evening of the count, the person responsible notifies the counting team concerned that it must count the ballots contained in the envelope.

— To decide on the validity of the ballot, the deputy returning officer refers to the instructions for deputy returning officers and poll clerks on polling day (DGE-60, p. 40 and following), which the person responsible must make available.

— The poll clerk enters the vote, along with the other ballots from the electoral division concerned, on the statement of votes counted.

— The poll clerk writes a note in the counting register to the effect that the team has received and counted the ballots concerned.

— The ballots are placed, with the other ballots from outside the electoral division, in the appropriate envelope (instructions for deputy returning officers and poll clerks for the counting of ballots received in envelopes (DGE-63.6, p.14, F-3)).

Instructions for processing ballots from outside the electoral division found in a ballot box from an advance polling station

In the electoral division, on the evening of polling day

The person appointed by the returning officer brings:

— the list of candidates for the 125 electoral divisions

— instructions for deputy returning officers and poll clerks for the counting of ballots received from the returning officer in envelopes (DGE-63.6)

— blank statements of votes counted (DGE-76.2, available from the forms directory on the Extranet)

When a deputy returning officer-poll clerk team finds a ballot from outside the electoral division in a ballot box from a polling station at the office of the returning officer or from a mobile poll, it must apply the following procedure:

— The deputy returning officer counts the ballot before the others.

— The deputy returning officer informs the person appointed by the returning officer that an envelope containing a ballot from outside the electoral division has been found in the ballot box, and mentions the name of the riding shown on the envelope. The person appointed by the returning officer gives the deputy returning officer the list of candidates for that riding.

— To decide the validity of the ballot, the deputy returning officer consults the instructions for deputy returning officers and poll clerks for the counting of ballots received in envelopes (DGE-63.6, p.9).

— The poll clerk completes one or more blank statements of votes counted (DGE-76.2) provided by the person appointed by the returning officer. He or she enters the name of the elector's electoral division (as shown on the envelope and on the ballot).

— The deputy returning officer places the ballots concerned in a special envelope bearing the title "Ballots from outside the electoral division". He or she places this envelope, along with a copy of the statement of votes counted, in the ballot box identified for ballots from outside the electoral division. The deputy returning officer and poll clerk both initial the seal and invite the representatives to do so as well.

— The poll clerk hands the statement of votes counted (DGE-76.2) to the person appointed by the returning officer as soon as it has been completed.

— The person appointed by the returning officer hands the statement of votes counted to the returning officer.

— The returning officer sends the statement of votes counted by fax (1-866-680-1881 pr 418-646-5864) to the Roger-Lefrançois distribution centre, where ballots from outside the electoral division are counted.