

Decisions

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer — Election Act concerning a ruling from the Superior Court

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning a ruling from the Superior Court

WHEREAS order-in-council number 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS The Honourable Robert Mongeon, Superior Court of Québec judge, issued a ruling on April 4, 2014 (S.C., Montréal, n° 500-17-081795-141), concerning Mr. Brendan Edge, student at McGill University, residing at 4537, rue de Bullion, Montréal, H2T 1Y7;

WHEREAS the aforementioned ruling orders the Chief Electoral Officer, the returning officer of the electoral division of Mercier and the electoral officers to register Mr. Brendan Edge on the list of electors in the electoral division of Mercier, at his current place of residence, and to allow him to vote in this current general election, on April 7, 2014, on the grounds that he is a candidate in this same election in the electoral division of Chomedey;

WHEREAS the procedure established by the Election Act (c. E-3.3) to be entered on the list of electors prescribes that an application must be presented to the board of revisors, and this, by the elector himself, or by an elector who is the spouse or a relative of or a person cohabiting with the elector on the latter's behalf;

WHEREAS the time limits allowed by the Election Act to enter an elector on the list of electors expired on April 3, 2014 at 2 p.m.;

WHEREAS to exercise his right to vote, an elector must be entered on the list of electors of the electoral division of his domicile;

WHEREAS in spite of the provisions of the Election Act, the Chief Electoral Officer must comply with the aforementioned ruling;

WHEREAS the Chief Electoral Officer, due to the time limits, the imminence of polling day and the resources available to fulfil its mandate, has not appealed the ruling and will therefore comply with it;

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 informed the authorized parties represented in the National Assembly of the conclusions of the ruling by the Honourable Robert Mongeon, of the obligations of the Chief Electoral Officer, the returning officer, and the election officers in the electoral division of Mercier to comply and that the only means available to give effect to this ruling, is to resort to a decision taken pursuant to section 490 of the Election Act;

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 elector concerned;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt sections 226, 227 et 350 of this Act as follows:

(1) Section 226 of the Election Act (c. E-3.3) has been amended by adding the following paragraph:

“The Chief Electoral Officer produced an abstract of changes to implement the April 4, 2014 Superior Court ruling (500-17-081795-141), ordering the registration of a person on the list of electors in the electoral division of Mercier.”

(2) Section 227 of this Act is amended by adding the following paragraphs:

“No later than the day before polling day, the returning officer of the electoral division of Mercier shall transmit to each candidate the abstract of changes referred to in the second paragraph of section 226.

The abstract of changes shall be transmitted in a paper format.

The Chief Electoral Officer shall transmit the abstract of changes to the authorized parties represented in the National Assembly and to any other authorized party which requests it.”

(3) Subparagraphs (1) and (2) of section 350 of this Act do not apply to the person referred to in the second paragraph of section 226.

This decision shall take effect on April 5, 2014.

Québec, April 5, 2014

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

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Decision

Election Act
(chapter 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 206-2014, issued on March 5, 2014, enjoined the Chief Electoral Officer to hold general elections in Québec on April 7, 2014;

WHEREAS the number of people voting in the advance polls on March 30 and 31, 2014, was very high;

WHEREAS section 361 of the Election Act (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 one or several ballot boxes containing more than 300 ballots, the returning officer is authorized, as from 6:00 p.m. on polling day, to begin counting the whole advance ballots by the deputy returning officer and the poll clerk.

2. In the case of ballot boxes containing more than 600 ballots, the returning officer must appoint one or more teams of supplementary deputy returning officers and poll clerks to begin counting the ballots as from 6:00 p.m. on polling day.

3. The returning 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 April 3, 2014.

Québec, April 3, 2014.

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

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