

Decisions

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 1267-2018, issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS the number of people voting in the advance polls between September 21 and September 27, 2018, was very high;

WHEREAS section 361 of the Election Act (CQLR, 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 360 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. 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 is effective as of the date on which it is signed.

Québec, September 27, 2018

PIERRE REID,
Chief Electoral Officer

103714

Decision

Election Act
(chapter 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 1267-2018, issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS the Service québécois de changement d'adresse (SQCA) allows electors to give notice of their change of address to various government ministries and organizations, including Élections Québec, up to six months in advance;

WHEREAS electors who give notice of their change of address through the SQCA for their registration on the permanent list of electors of Élections Québec must indicate their new domiciliary address and the effective date of the change of address;

WHEREAS some electors who gave notice of their change of address through the SQCA for the permanent list of electors indicated that their change of address would be effective after August 23, 2018 and not later than September 17, 2018;

WHEREAS in accordance with section 2 of the Election Act (CQLR, c. E-3.3), electors must be entered on the list of electors for the polling subdivision where they are domiciled on the fourteenth day preceding polling day, which is September 17, 2018;

WHEREAS, pursuant to section 145 of the Election Act, upon the issue of an order instituting an election and as soon as the requests for changes to the permanent list of electors received before the issue of the order have been processed, the Chief Electoral Officer shall produce the list of electors and the list of electors entitled to exercise their right to vote outside Québec;

WHEREAS when the lists of electors were produced following the order of August 23, 2018, 4,762 changes of address received through the SQCA in which electors indicated an effective date occurring after August 23 and not later than September 17, 2018 could not be integrated into the lists of electors produced in accordance with section 145 of the Election Act;

WHEREAS the electors concerned were not informed of this situation when they gave notice of their change of address through the SQCA;

WHEREAS the application of the provisions regarding the production of lists of electors involves the electors concerned by the above situation having to go through the board of revisors of their electoral division to make their change of address on the lists of electors to be used for the current poll;

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 sections after section 208:

“**208.1** At the request of the Chief Electoral Officer, a board of revisors shall process the requests for a change of address that are to come into effect after August 23, 2018 and not later than September 17, 2018 that were made by electors through the Service québécois de changement d’adresse and that could not be integrated into the list of electors prior to the issue of the order instituting the holding of a general election.”

“Regardless of section 207, the board of revisors is not bound to advise electors whose change of address request has been subject to a decision.”

This decision is effective as of the date on which it is signed.

Québec, August 31, 2018

PIERRE REID,
Chief Electoral Officer

103716

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer

— Exercise of the duties of officer assigned to the list of electors on polling day

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the exercise of the duties of officer assigned to the list of electors on polling day

WHEREAS order-in-council number 1267-2018 issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS section 310.1 of the Election Act (CQLR, c. E-3.3) 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 that came third at the last election;

WHEREAS section 312 of the Election Act provides that recommendations for the appointment of election personnel must be received by the returning officer no later than the seventeenth day preceding polling day, and that if no recommendations are received, the returning officer shall make the appointment without any other formality;

WHEREAS the Chief Electoral Officer intends to make every effort to fill the positions of deputy returning officer and poll clerk and to build a sufficient reserve in case the persons appointed to those positions should withdraw;

WHEREAS the number of officers assigned to the list of electors available on polling day in certain electoral divisions is insufficient to comply with the provisions of section 310.1 of the Election Act;