

Decisions

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer — Voting by certain electors domiciled or lodged in a palliative care hospice

Decision of the Chief Electoral Officer pursuant to the powers granted under section 490 of the Election Act concerning voting by certain electors domiciled or lodged in a palliative care hospice

WHEREAS order-in-council number 1067-2019, issued on October 28, 2019, called on the Chief Electoral Officer to hold a by-election on Monday, December 2, 2019, in the Jean-Talon electoral division;

WHEREAS some electors in the Jean-Talon electoral division are domiciled or lodged in a palliative care hospice that is covered by the Act respecting end-of-life care (CQLR, ch. S-32.0001) and located in this electoral division;

WHEREAS these electors will be unable to leave the hospice in order to exercise their voting rights;

WHEREAS the provisions of the Election Act (CQLR, ch. E-3.3) concerning the advance poll in lodging facilities, hospitals and rehabilitation centres and the domicile of electors cannot be applied to electors domiciled or lodged in a palliative care hospice;

WHEREAS the electors in the Jean-Talon electoral division domiciled or lodged in a palliative care hospice may be unable to exercise their voting rights in connection with the by-election held on December 2, 2019 if the provisions of the Election Act are not modified;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to modify a provision of the Act if he notes that, due 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 said section of the Act and has taken the steps required to inform the other authorized parties, candidates and electors concerned;

The Chief Electoral Officer, pursuant to the powers granted under section 490 of the Election Act, has decided to modify the first paragraph of section 135.1 and sections 301.15 to 301.18 of the Act to include provisions concerning electors in the Jean-Talon electoral division who are domiciled or lodged in a palliative care hospice located in that electoral division.

For application purposes, the first paragraph of section 135.1 and sections 301.15 to 301.18 of the Election Act shall read as follows:

“**135.1.** The owner, manager, operator, superintendent, caretaker or person in charge of a residential building, a private seniors’ residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or a lodging facility operated by an organization for the purpose of ensuring the safety of individuals and their children or a palliative care hospice must allow and facilitate access to the building, residence or facility by persons in charge of distributing notices or documents from the Chief Electoral Officer or the returning officer.

“**301.15.** This subdivision applies to electors domiciled or lodged in a palliative care hospice as defined in the Act respecting end-of-life care (CQLR, ch. S-32.0001).

“**301.16.** The returning officer sets up a mobile polling station in a palliative care hospice.

The mobile advance poll is held on the tenth, ninth, sixth, fifth and fourth days before polling day. The returning officer shall determine the day and hours each polling station is to visit electors. On the last day, voting ends at 2:00 p.m.

“**301.17.** An elector described in section 301.15 may vote at a mobile polling station in a palliative care hospice if the elector:

- (1) addressed a request to that effect to the returning officer not later than the sixth day before polling day;
- (2) is registered on the list of electors for the polling subdivision of the elector’s domicile; and
- (3) is unable to leave the hospice on the scheduled polling days due to his or her state of health.

“**301.18.** Sections 301.10, 301.11, the second paragraph of section 301.12 and sections 301.13 and 301.14 apply to mobile polling stations in a palliative care hospice, with the necessary modifications.”

This decision shall take effect on the date on which it is signed.

Québec City, 8 November 2019

PIERRE REID,
Chief Electoral Officer

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