

Decision

An Act respecting elections and referendums in municipalities (chapter E-2.2)

Chief electoral officer**— Powers conferred upon him under section 90.5 of the Act respecting elections and referendums in municipalities regarding counting the advance poll ballot papers in the municipality of Saint-Calixte**

Decision of the chief electoral officer by the powers conferred upon him under section 90.5 of the Act respecting elections and referendums in municipalities regarding counting the advance poll ballot papers in the municipality of Saint-Calixte

WHEREAS municipal by-election shall be held on February 21, 2021, in the municipality of Saint-Calixte;

WHEREAS Ministerial Order 2020-084 dated October 27, 2020, concerning the provisional measures to protect the health of the population in the current COVID-19 pandemic provides that any polling station during the election must open at 10 or 11 a.m. and close at 7:00 or 8:00 p.m., to distribute the foot traffic within that polling station;

WHEREAS section 185 of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2) provides that the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the advance poll ballot papers beginning at 8:00 p.m. on polling day;

WHEREAS section 229 of the Act respecting elections and referendums in municipalities provides that the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes after the close of the poll;

WHEREAS the municipality of Saint-Calixte has decided to close the polling station on polling day at 7:00 p.m.;

WHEREAS Ministerial Order 2020-084 does not provide for any concordance amendment to take into account the new polling station opening hours;

WHEREAS according to the current provisions of section 185 of the Act respecting elections and referendums in municipalities, the counting of the advance poll ballot papers may not begin before 8:00 p.m.;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities allows the Chief Electoral Officer to adapt a provision of the Act where he finds that, following an exceptional circumstance, the provision does not meet the requirements of the situation;

WHEREAS the Chief Electoral Officer has informed the Minister of Municipal Affairs and Land Occupancy of the decision he intends to make;

The Chief Electoral Officer, by the powers given to him under section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt section 185 of this Act as follows:

1. The preamble is integral to this decision;
2. The returning officer of the municipality of Saint-Calixte is authorized, on polling day, to count the advance poll ballot papers beginning at 7:00 p.m.;
3. The returning officer shall notify each recognized party or team and each independent candidate of this decision, as the case may be.

This decision shall take effect from the date of signing.

Québec City, 17 February 2021

PIERRE REID,
Chief Electoral Officer

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