

WHEREAS the Ville de Montréal must make an expeditious decision on holding an advance poll on the last day before polling day, with respect to planning for the work and additional expenses involved in hold such a poll;

WHEREAS the urgency of the situation precludes the Chief Electoral Officer from making a regulation in accordance with section 3 of the Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic due to the time required for publication in the Gazette officielle du Québec and for such a regulation to take effect.

WHEREAS the Chief Electoral Officer has first informed the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Health and Social Services in writing of the decision he intends to make.

The Chief Electoral Officer, pursuant to the powers conferred on him by section 4 of the Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic, has decided to adapt sections 182, 183, 185 and 204 of the Act respecting elections and referendums in municipalities, as amended by sections 22, 23 and 25 of the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic, as follows:

1. The preamble forms an integral part of this decision.
2. Provided that the attachment of polling subdivisions on the last day before polling day is the same as on polling day, the returning officer of the Ville de Montréal is authorized to use the same ballot box for both these voting days.
3. The returning officer of the Ville de Montréal shall, in the circumstances referred to in subparagraph 2, apply the procedure for opening and closing ballot boxes set out in the special directive issued by the Chief Electoral Officer.
4. On both these voting days, the returning officer of the Ville de Montréal is also authorized to use the same election officers.
5. Accordingly, sections 182, 183, 185 and 204 of the Act respecting elections and referendums in municipalities, as amended by sections 22, 23 and 25 of the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic, do not apply where a poll is held on the last day before polling day.

6. The returning officer shall inform each party and each independent candidate of this decision.

This decision shall take effect from the date of signing.

Québec City, June 1, 2021

PIERRE REID
Chief Electoral Officer

105371

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer — Voting at Le Sommet de la Rive private seniors' residence

Decision of the Chief Electoral Officer under the powers conferred on him by section 4 of the Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic in relation to voting at Le Sommet de la Rive private seniors' residence

WHEREAS a municipal general election is scheduled to take place on November 7, 2021;

WHEREAS the Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic (SQ 2021, c. 8) was adopted by the Assemblée nationale on March 25, 2021, and was assented to on the same day;

WHEREAS, under section 3 of said Act, the Chief Electoral Officer may, by regulation, to facilitate the conduct of the election, modify a provision of Divisions I, III and V of Chapter V, of Chapters VI, XIII and XIV of Title I and of sections 659.2 and 659.4 of the Act respecting elections and referendums in municipalities (CQLR, c. E-2.2), a provision of a regulation made under that Act or any of those provisions that applies to the election for the office of warden of a regional county municipality under section 210.29.2 of and Schedule I to the Act respecting municipal territorial organization (CQLR, c. O-9);

WHEREAS the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic (2021, G.O. 2, No. 17B, 1307B) came into force on May 15, 2021;

WHEREAS, under section 4 of the Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic, the Chief Electoral Officer may, where he ascertains that applying a provision referred to in section 3 of the Act, including a provision modified under that section, does not facilitate the conduct of the election and that the urgency of the situation precludes the Chief Electoral Officer from making a regulation in accordance with that section, the Chief Electoral Officer may adapt the provision to achieve its object;

WHEREAS, under sections 174 and 179 of the Act respecting elections and referendums in municipalities, as amended by sections 17 and 20 of the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic, an advance poll must be held on the seventh day before polling day, that is to say on October 31, 2021, and this advance polling station must be open from 9:30 a.m. to 8 p.m.;

WHEREAS, under section 177 of the Act respecting elections and referendums in municipalities, as amended by section 17 of the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic, the returning officer of the Ville de Montréal has the discretion to attach any polling subdivision to any advance polling station as necessary;

WHEREAS the returning officer of the Ville de Montréal has established a polling subdivision for electors domiciled at LE SOMMET DE LA RIVE private seniors' residence, located at 3501 Gaétan-Laberge Blvd., Verdun, Montréal, Québec, H4G 0A2;

WHEREAS the returning officer of the Ville de Montréal has informed the Chief Electoral Officer that the advance polling station that was to be established at this residence on October 31, 2021, was unable to proceed on site and allow the electors domiciled in the residence to vote due to a COVID-19 outbreak and the total lockdown ordered by the Direction régionale de santé publique de Montréal;

WHEREAS approximately 196 electors are affected by this situation;

WHEREAS the electors of this polling subdivision are prohibited from leaving their apartments.

WHEREAS the urgency of the situation precludes the Chief Electoral Officer from making a regulation in accordance with section 3 of the Act to facilitate the conduct of the 7 November 2021 municipal general

election in the context of the COVID-19 pandemic due to the time required for publication in the Gazette officielle du Québec and for such a regulation to take effect.

WHEREAS the Chief Electoral Officer has provided prior written notification of the decision he intends to make to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Minister of Health and Social Services.

The Chief Electoral Officer, under the powers conferred on him by section 4 of the Act to facilitate the conduct of the 7 November 2021 municipal general election in the context of the COVID-19 pandemic, has decided to adapt sections 79.1, 173.4, 174, 177.1, 178, 179, 180, 182, 184, 185 and 204 of the Act respecting elections and referendums in municipalities, as amended by sections 2, 14, 15, 18, 19, 20, 21, 22, 24 and 25 of the Regulation amending certain municipal provisions to facilitate the conduct of the municipal general election of November 7, 2021, in the context of the COVID-19 pandemic, as follows:

1. The preamble forms an integral part of this decision.
2. The returning officer of the Ville de Montréal is authorized to hold a special poll at LE SOMMET DE LA RIVE private seniors' residence, located at 3501 Gaétan-Laberge Blvd., Verdun, Montréal, Québec, H4G 0A2, on November 6, 2021, at the times to be determined by the returning officer.
3. Electors domiciled in this private seniors' residence and entered on the list of electors may vote at this special polling station, which shall visit each apartment to allow all interested electors to cast their votes.
4. The operator of LE SOMMET DE LA RIVE shall ensure that the special polling station has access to the electors domiciled in the residence.
5. The deputy returning officer and poll clerk of the special polling station shall be appointed at the returning officer's discretion. These election officers need not be recommended by an authorized party.
6. No candidates or candidate's representatives may be present at this special polling station.
7. The deputy returning officer and the poll clerk, as well as any other election officers assigned to this polling station, where applicable, may be accompanied by a person designated by a Montréal-area CIUSSS. These persons will need to be adequately protected against COVID-19 and follow the specific health guidelines established by public health authorities for the conduct of this special poll.

8. Electors voting in this special polling station who declare that they are unable to mark their ballot paper themselves may be assisted by the deputy returning officer and the poll clerk or by the person designated by a Montréal-area CIUSSS to accompany them. The designated person may assist more than one elector in the residence.

9. The following rules shall govern the opening and closing of this special polling station:

a) Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall deliver the following items to the deputy returning officer, in a sealed ballot box, after affixing his initials or a printed mark bearing his initials to the seals,

(1) the copy of the list of electors comprising the electors who are entitled to vote at the polling station;

(2) a poll book;

(3) the required number of ballot papers which, for each office in respect of which a poll is held at the station, shall not be greater than the number of electors entitled to vote at the station, plus 25;

(4) the forms and other documents necessary for the poll and the counting of the votes;

The returning officer shall also deliver to the deputy returning officer any other materials required for the poll.

b) After the close of the special polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who have voted;

(2) the number of ballot papers cancelled and the number of unused ballot papers;

(3) the names of the persons who have performed duties as election officers.

The deputy returning officer shall place, in separate envelopes, the ballot papers found in the ballot box, the cancelled ballot papers, the unused ballot papers, the forms, and the list of electors, and seal them. The deputy returning officer shall then place the poll book and the envelopes, except the envelope containing the list of electors, in the ballot box, and seal it.

The deputy returning officer and the poll clerk shall affix their initials to the seals of the envelopes and of the ballot box.

The deputy returning officer shall then remit the ballot box and the envelope containing the list of electors to the returning officer or the person designated by the returning officer.

10. The ballot box used for this special poll may not be used for any other voting day.

11. The poll clerk shall prepare the list of the electors who have voted at the polling station and transmit it, as soon as practicable, to the returning officer or to the person designated by the latter.

The returning officer shall transmit, as soon as practicable, a copy of the list to the persons entitled to receive it, in the manner determined by the returning officer.

12. From 8:00 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes cast in the special polling station, in the presence of those representatives who wish to attend.

If the returning officer considers it appropriate, he or she may decide to have these votes counted as of 6:00 p.m. on polling day.

The counting shall be undertaken at the place determined by the returning officer, in accordance with the rules applicable to the counting of the votes cast on polling day, adapted as required, as well as the specific directives of the Chief Electoral Officer in the case of a count that begins before the close of the poll.

If the deputy returning officer or poll clerk who acted in the special polling station is not available, the returning officer shall appoint a substitute. The substitute need not be recommended by an authorized party.

13. The returning officer shall inform each party and each independent candidate of this decision.

This decision shall take effect from the date of signing.

Québec City, November 5, 2021

PIERRE REID
The Chief Electoral Officer

105369