

## Decisions

### Decision

Election Act  
(chapter E-3.3)

#### Chief Electoral Officer — Voting on the day before polling day

Decision of 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 with regard to voting on the day before polling day

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, pursuant to 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 section 174 of the Act respecting elections and referendums in municipalities, as amended by section 15 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, provides that the returning officer may decide to hold an advance poll on the last day before polling day;

WHEREAS section 177 of the Act respecting elections and referendums in municipalities, as amended by subparagraph 2 of 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, provides that the attachment of any polling subdivision to an advance polling station will remain the same for all advance polling days, except for the last day before polling day. In that case, the returning officer may attach a polling subdivision to a different station;

WHEREAS section 183 of the Act respecting elections and referendums in municipalities, as amended by subparagraph 2 of section 23 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, provides that different ballot boxes shall be used where an advance poll is held on the last day before polling day and where the returning officer attaches different polling subdivisions to the advance polling stations;

WHEREAS the returning officer of the Ville de Montréal has informed the Chief Electoral Officer of significant operational difficulties, in the electoral context of that city, arising from the requirement to use different ballot boxes on the last day before polling day than on polling day, with respect to hiring additional election officers, counting ballot papers and the deadlines for reporting results;

WHEREAS, for the Ville de Montréal, applying the provisions of the Act respecting elections and referendums in municipalities as amended by 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, will not facilitate voting procedures on the last day before polling day and on polling day.

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*

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## 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;