

Decisions

Decision

Election Act
(chapitre E-3.3)

Act to foster voting in the next general election
in Québec
(chapitre 24)

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 26 of the Act to foster voting in the next general election in Québec and section 490 of the Election Act with respect to certain polling stations in residential facilities in the electoral divisions of Pointe-aux-Trembles and Verchères

WHEREAS Order in Council No. 1633-2022, issued on August 28, 2022, enjoins the Chief Electoral Officer to hold general elections in Québec on October 3, 2022;

WHEREAS, under section 301.6 of the Election Act (CQLR, c. E-3.3), the returning officer sets up an advance polling station in every residential facility referred to in section 180 of that Act;

WHEREAS, under section 301.7 of the Election Act, the poll is held on the eighth and seventh days before polling day, on the days and at the times determined by the returning officer for each residential facility;

WHEREAS, under section 301.8 of the Election Act, an elector domiciled in a residential facility who wishes to vote in an advance poll must vote in the advance polling station set up in that facility;

WHEREAS, under section 301.8 of the Election Act, an elector domiciled in a residential facility who is unable to move about may vote in his or her apartment or room provided a request to that effect was made not later than the fourteenth day before polling day;

WHEREAS, under section 301.9 of the Election Act, the returning officer draws up a list of the electors who have made a request to vote in their apartment or room and sends a copy to the candidates;

WHEREAS, under section 2 of the Act to foster voting in the next general election in Québec (SQ 2022, c. 24; hereinafter Bill 24), a mobile board of revisors sits on the same days and at the same times as those determined by the returning officer for the poll held in a residential facility referred to in section 180;

WHEREAS, under section 194 of the Election Act, a mobile board of revisors may visit the room or apartment of an elector domiciled in a residential facility referred to in section 180 who is unable to move about, provided a request to that effect was made not later than the fourteenth day before polling day;

WHEREAS a polling station was set up on September 26, 2022, at the Centre d'hébergement De Lajemmerais in the electoral division of Verchères;

WHEREAS the election officers on site were then informed that notices of entry had not been distributed by staff to the electors domiciled in the Centre;

WHEREAS, out of a total of 116 electors entered on the Centre's list of electors, only ten were able to exercise their right to vote;

WHEREAS the electors domiciled in the Centre did not receive the information required to exercise their right to vote and to request to vote in their room or apartment;

WHEREAS it may be impossible or difficult for these electors to exercise their right to vote at the polling station in their electoral division on October 3, 2022;

WHEREAS a polling station was set up on September 25 and 26, 2022, at the Centre Le Cardinal in the electoral division of Pointe-aux-Trembles;

WHEREAS the election officers on site were then informed that notices of entry had not been distributed by staff to the electors domiciled in the Centre;

WHEREAS, out of a total of 123 electors entered on the Centre's list of electors, only 20 were able to exercise their right to vote;

WHEREAS the electors domiciled in the Centre did not receive the information required to exercise their right to vote and to request to vote in their room or apartment;

WHEREAS it may be impossible or difficult for these electors to exercise their right to vote at the polling station in their electoral division on October 3, 2022;

WHEREAS section 26 of Bill 24 and section 490 of the Election Act allow the Chief Electoral Officer to adapt a provision of these acts where he finds that, subsequent to an exceptional circumstance, a provision does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented at the National Assembly of his intention to use these sections and has taken the necessary means to inform the other authorized parties, candidates and electors concerned.

The Chief Electoral Officer, pursuant to the powers conferred on him by section 26 of Bill 24 and by section 490 of the Election Act, has decided to adapt section 2 of Bill 24 and sections 194, 301.6, 301.7, 301.8 and 301.9 of the Election Act as follows:

1. The returning officers of the electoral divisions of Verchères and Pointe-aux-Trembles are authorized to set up a polling station from 9:00 a.m. to 12:00 p.m. on September 29, 2022, at the Centre d'hébergement De Lajemmerais and at the Centre Le Cardinal for electors domiciled in these facilities;

2. Electors domiciled in these facilities who are unable to move about may make a verbal request to election officers for revision or voting in their apartment or room;

3. Section 301.9 does not apply to the electors referred to in subparagraph 2 of this decision.

This decision takes effect on the date of signature.

Québec, September 28, 2022

PIERRE REID
Chief Electoral Officer

106013

Decision

Election Act
(chapter E-3.3)

An Act to foster voting in the next general election in Québec
(chapter 24)

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 26 of the Act to foster voting in the next general election in Québec and section 490 of the Election Act with respect to postal delay issues related to ballot papers for voting by mail transmitted to returning officers

WHEREAS Order in Council No. 1633-2022, issued on August 28, 2022, enjoins the Chief Electoral Officer to hold general elections in Québec on October 3, 2022;

WHEREAS An Act to foster voting in the next general election in Québec (S.Q. 2022, c. 24; hereinafter Bill 24), passed on June 8, 2022, and assented to on June 9, 2022, came into force on August 1, 2022, with the exception of section 28, which came into force on assent;

WHEREAS, for the purposes of the October 3, 2022, general elections, electors at risk of developing complications from COVID-19 contamination due to their medical condition and electors in ordered or recommended isolation due to COVID-19 are eligible to vote by mail, pursuant to section 6 of Bill 24;

WHEREAS under section 15 of Bill 24, an elector exercising his or her right to vote by mail must send the envelope containing his or her ballot paper to the returning officer for his or her electoral division;

WHEREAS, according to section 15 of Bill 24, the envelope containing the elector's ballot paper must be received by 8:00 p.m. on October 3, 2022, in order for the elector's vote to be counted;

WHEREAS, according to section 11 of Bill 24, voting-by-mail kits cannot be sent to electors until September 20 or 21, 2022, due to the time frame for printing the regular ballot papers that must be included in these kits;

WHEREAS on September 8, 2022, discussions took place between representatives of Canada Post and representatives of the Chief Electoral Officer regarding postal delay issues;

WHEREAS, in these exchanges, Canada Post has stated that it cannot guarantee receipt of envelopes containing ballot papers from electors at the offices of returning officers in the 125 electoral divisions by 8:00 p.m. on October 3, 2022, if the envelopes are returned by electors on or after September 26, 2022;

WHEREAS, in these circumstances, the ballot paper of the elector who exercised his or her right to vote by mail under Bill 24 might not be received on time at the office of the returning officer and, as a result, cancelled in accordance with subsection 5 of section 19 of Bill 24;

WHEREAS in order to reduce the risk of ballot papers being cancelled because they are received after the deadline prescribed by Bill 24, it is appropriate to allow the envelope containing the elector's ballot paper to also be sent to the Chief Electoral Officer;

WHEREAS section 26 of the Bill 24 and section 490 of the Election Act (CQLR, c. E-3.3) allow the Chief Electoral Officer to adapt a provision of these acts where he finds that, subsequent to an exceptional circumstance, a provision does not meet the demands of the situation;