

## Decisions

### Decision

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

#### Chief Electoral Officer

— Powers conferred on him by section 90.5  
of the Act respecting elections and referendums  
in municipalities concerning the postponement  
of mobile polling in the private seniors' residence  
les habitations Saint-Vallier located in the town  
of Pohénégamook

Decision of the Chief Electoral Officer pursuant to the powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities concerning the postponement of mobile polling in the private seniors' residence les habitations Saint-Vallier located in the town of Pohénégamook

WHEREAS a by-election for the position of councillor at seat no. 2 is to be held on June 4, 2023, in the Saint-Éleuthère ward of the Town of Pohénégamook;

WHEREAS sections 174 and 179 of the Act respecting elections and referendums in municipalities (chapter E-2.2) states that the returning officer may decide that a mobile polling station is to receive electors' votes during the hours fixed by the returning officer on one or more of the eighth, seventh or sixth days before polling day;

WHEREAS pursuant to section 175 of the Act respecting elections and referendums in municipalities, a person unable to move about and whose name is entered on the list of electors as a person domiciled in a private seniors' residence or in a facility referred to in the second paragraph of section 50 may vote at a mobile polling station by applying in writing to the returning officer not later than the last day fixed for making applications to the board of revisors;

WHEREAS the Town of Pohénégamook has a private seniors' residence eligible for mobile polling on the territory of the Saint-Éleuthère ward;

WHEREAS this private seniors' residence has a total capacity of 41 residents, approximately 10 of whom are unable to move about;

WHEREAS, subsequent to an error, the returning officer of the Town of Pohénégamook failed to send the information pamphlet on mobile polling to the electors of this residence in a timely manner;

WHEREAS as a result of this omission, the electors domiciled in this residence did not receive the necessary information to allow them to apply for mobile polling within the time limits prescribed in section 175 of the Act respecting elections and referendums in municipalities;

WHEREAS after realizing her omission, the returning officer of the Town of Pohénégamook nevertheless sent the information pamphlet on mobile polling to the electors of this residence to allow them to apply for mobile polling and thus exercise their right to vote;

WHEREAS certain electors of the residence who are unable to move about have expressed an interest in voting at the mobile polling station;

WHEREAS following receipt of this information, the returning officer decided to hold a mobile poll at this residence on the sixth day preceding polling day;

WHEREAS LES HABITATIONS SAINT-VALLIER has been placed under total quarantine, which prevented the polling station from receiving the votes of electors domiciled at this residence;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that, when a provision of the Act does not meet the demands of the resultant situation subsequent to an error or exceptional circumstance, the Chief Electoral Officer may adapt the provision in order to achieve its object;

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

The Chief Electoral Officer, pursuant to the powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt sections 174, 175, 177 and 184 of the Act as follows:

1. The preamble forms an integral part of this decision;
2. The returning officer of the Town of Pohénégamook is authorized to establish mobile polling for electors domiciled at the private seniors' residence LES HABITATIONS SAINT-VALLIER located on the territory of the Saint-Éleuthère ward;

3. The mobile polling station may receive the vote of electors during the hours fixed by the returning officer, on the third, second or first day preceding polling day;

4. The returning officer of the Town of Pohénégamook must take the necessary means to inform the electors of the residence concerned by this decision of the schedule of the mobile polling station;

5. Electors domiciled at the residence concerned by this decision and entered on the list of electors of the municipality may exercise their right to vote at the mobile polling station;

6. The returning officer informs each recognized ticket and each independent candidate concerned of this decision and sends the list of electors who have availed themselves of this decision at the end of the day on which mobile polling is to be held at the residence.

This decision shall take effect from the date of signing.

Québec City, June 1, 2023

JEAN-FRANÇOIS BLANCHET  
*The Chief Electoral Officer*

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