

Decisions

Decision

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

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities concerning the counting of advance poll ballots during the by-election in l'Île-Bizard-Sainte-Geneviève borough of the City of Montréal

WHEREAS a by-election for the position of mayor will take place on December 17, 2023, in l'Île-Bizard-Sainte-Geneviève borough of the City of Montréal;

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 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 the returning officer of the City of Montréal a indiqué that the counting of advance poll ballots risks being significantly delayed due to the high number of electors who exercised their advance right to vote;

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, as a result of an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the Chief Electoral Officer has first informed the Minister of Municipal Affairs 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 City of Montréal is authorized, on polling day, to count the advance poll ballot papers beginning at 6:00 p.m., pursuant to the specific directives set out in this decision;
3. It is imperative that the people present in the counting room remain there until closing of the polls even if the ballots are all already counted;
4. The returning officer must take all necessary measures to ensure these people have no contact with the outside before the polls close, to ensure there is no disclosure of results;
5. To this end, the returning officer must:
 - a) Arrange a closed-door location with no disruptions or traffic, which cannot be located on the same premises as a polling station;
 - b) Ensure that no one present uses a mobile device or other means of communication;
 - c) Have all people present (deputy returning officers, poll clerks, representatives) swear the following oath:

“I, (first name and last name), do solemnly swear that I will not divulge the results of the advance polls to anyone before the closing of the polls.”;

6. 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, 13 December 2023

JEAN-FRANÇOIS BLANCHET
Chief Electoral Officer

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