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**Summary**

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## Regulations and other acts

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Gouvernement du Québec

### **O.C. 619-2002, 29 May 2002**

An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, c. 35)

#### **Regulation**

Regulation under the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions

WHEREAS, under the first paragraph of section 44 of the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, c. 35), the Government may, by regulation made before 21 June 2003, prescribe any other measure necessary to ensure the application of that Act;

WHEREAS, under the second paragraph of that section, the regulation may, if it so provides, apply from any date not prior to 21 June 2001;

WHEREAS, in accordance with section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— since 21 June 2001, farm operators who are entitled to expand their agricultural activities regardless of the standards provided for in the second paragraph of

section 79.2.5 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1), enacted by section 13 of chapter 35 of the Statutes of 2001, as well as farm operators who comply with the standards of an interim control by-law adopted by a regional county municipality applicable in agricultural zones, or the standards of the Guidelines for determining minimum distances to ensure odour management in rural areas (1998, *G.O.* 2, 1286), may not obtain from the municipalities in question the notices and certificates required for compliance with the Environment Quality Act and its statutory instruments for the issue of a certificate of authorization;

— in the absence of a certificate of authorization, certain applications for projects to expand agricultural activities may not be processed at the present time;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation under the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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### **Regulation under the Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions**

An Act to amend the Act respecting the preservation of agricultural land and agricultural activities and other legislative provisions (2001, c. 35, s. 44)

1. As soon as a notice of motion having the effect provided for in the third paragraph of section 68 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), amended by section 26 of chapter 35 of the Statutes of 2001, is given, the secretary-treasurer of the regional county municipality shall send a copy thereof to each local municipality whose territory is comprised within the regional county municipality.

From then on, the secretary-treasurer or the clerk of that local municipality may not issue any document certifying the compliance of an agricultural activity project before the date on which the third paragraph of section 68 of that Act ceases to apply.

**2.** Upon request, the secretary-treasurer of a regional county municipality shall issue to the person whose agricultural activity project complies with the provisions of an interim control by-law having the effect provided for in the third paragraph of section 64 of the Act respecting land use planning and development, amended by section 24 of chapter 35 of the Statutes of 2001, a document certifying such compliance.

Upon request, the clerk or secretary-treasurer of a local municipality shall issue such a document of compliance

(1) to a person who has submitted to the municipality, before 21 June 2003, an agricultural activity project complying with the Guidelines for determining minimum distances to ensure odour management in rural areas (1998, *G.O.* 2, 1286), as amended; and

(2) to the farm operator whose project to expand agricultural activities complies with the provisions of section 79.2.4 or with those of the first paragraph of section 79.2.5 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1), enacted by section 13 of chapter 35 of the Statutes of 2001, and, where applicable, those provided for in subparagraph 2 of the second paragraph of section 40 of that chapter.

The document of compliance shall be attached to every application for a notice, a permit, a certificate, an authorization or approval required for carrying out the project under the Environment Quality Act (R.S.Q., c. Q-2) or under a regulation made under that Act.

**3.** The clerk or secretary-treasurer of the local municipality shall also issue a document of compliance for a project pertaining to the works referred to in section 79.2.3 of the Act respecting the preservation of agricultural land and agricultural activities, enacted by section 13 of chapter 35 of the Statutes of 2001, if they must be carried out in the conditions provided for in that section. The third paragraph of section 2 shall then apply.

**4.** This Regulation has effect from 21 June 2001.

**5.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 646-2002, 5 June 2002

Cities and Towns Act  
(R.S.Q., c. C-19; 2001, c. 25; 2001, c. 68)

Municipal Code of Québec  
(R.S.Q., c. C-27.1; 2001, c. 25; 2001, c. 68)

An Act respecting the communauté métropolitaine de Montréal  
(R.S.Q., c. C-37.01; 2001, c. 25; 2001, c. 68)

An Act respecting the communauté métropolitaine de Québec  
(R.S.Q., c. C-37.02; 2001, c. 25; 2001, c. 68)

### Awarding of contracts for certain professional services

Regulation respecting the awarding of contracts for certain professional services

WHEREAS, under section 573.3.0.1 of the Cities and Towns Act (R.S.Q., c. C-19), article 938.0.1 of the Municipal Code of Québec (R.S.Q., c. C-27.1), section 112.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) and section 105.1 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02) enacted respectively by sections 37, 57, 207 and 488 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 25) and amended respectively by sections 25, 40, 100 and 210 of the Act to amend various legislative provisions concerning municipal affairs (2001, c. 68), the Government must, by regulation, establish the rules that the metropolitan communities, the municipalities and the intermunicipal boards must comply with when awarding a contract involving an expenditure of \$100,000 or more for the supply of services that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary, except if the service is necessary for the purposes of a proceeding before a tribunal, or a body or person exercising judicial or adjudicative functions, or a contract whose purpose is to obtain energy savings where it involves both the providing of professional services and the performance of work or the supply of equipment, materials or services other than professional services;

WHEREAS, under section 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may not be made before the expiry of a 45-day period from the date of its publication in the *Gazette officielle du Québec*;

WHEREAS, under sections 12 and 18 of the Regulations Act, a regulation may be made without a draft regulation having been published in the *Gazette officielle du Québec* and it may come into force on the date of its publication in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS current municipal laws prescribe specific rules to oversee the awarding of the contracts for professional services referred to in the first paragraph which involve an expenditure of \$25,000 or more and less than \$100,000, but do not set out any rules with regard to the awarding of such contracts that involve an expenditure of more than \$100,000;

WHEREAS the double system which currently exists for awarding contracts for professional services causes interpretation problems for municipal bodies and their suppliers regarding the rules to apply and whereas the problems must be solved rapidly;

WHEREAS recent events show that rules must also be made rapidly in order to oversee the practices of municipal bodies regarding the awarding of such contracts;

WHEREAS the Government is of the opinion that the situation justifies that the Regulation respecting the awarding of contracts for certain professional services be made without the prior publication of a draft regulation in the *Gazette officielle du Québec* and that it come into force on the date of its publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Regulation respecting the awarding of contracts for certain professional services, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Regulation respecting the awarding of contracts for certain professional services

Cities and Towns Act

(R.S.Q., c. C-19, s. 573.3.0.1; 2001, c. 25, s. 37; 2001, c. 68, s. 25)

Municipal Code of Québec

(R.S.Q., c. C-27.1, s. 938.0.1 2001; c. 25, s. 57; 2001, c. 68, s. 40)

An Act respecting the Communauté métropolitaine de Montréal

(R.S.Q., c. C-37.0.1, s. 112.1; 2001, c. 25, s. 207; 2001, c. 68, s. 100)

An Act respecting the Communauté métropolitaine de Québec

(R.S.Q., c. C-37.02, s. 105.1; 2001, c. 25, s. 488; 2001, c. 68, s. 210)

### CHAPTER I

#### OBJECT AND INTERPRETATION

**1.** This Regulation provides for the rules applicable to the awarding of certain professional services contracts by a municipal body.

**2.** For the purposes of this Regulation

(1) “municipal body” means a metropolitan community, a municipality or an intermunicipal board;

(2) a reference to the second paragraph of section 573.1 of the Cities and Towns Act (R.S.Q., c. C-19) also constitutes, in some cases, a reference to the second paragraph of article 936 of the Municipal Code of Québec (R.S.Q., c. C-27.1), the second paragraph of section 107 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) or the second paragraph of section 100 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02).

### CHAPTER II

#### AWARDING OF CONTRACTS FOR THE SERVICES OF AN ARCHITECT, ENGINEER, LAND SURVEYOR OR CHARTERED ACCOUNTANT

#### DIVISION I

##### GENERAL

**3.** A contract for services that can be provided only by an architect, engineer, land surveyor or chartered accountant under an Act or regulation, may only be awarded after a call for public tenders published in the

electronic tendering system approved by the Government and available to suppliers that have an establishment in Québec, if the contract involves an expenditure of \$100,000 or more, except if it is required for the purposes of a judicial proceeding, or a body or a person carrying out judicial or adjudicative functions.

**4.** The call for public tenders may provide that only tenders from suppliers who have an establishment in Québec will be considered.

**5.** The deadline for receipt of tenders may not be less than fifteen days.

**6.** Paragraphs 3 to 6 and 8 of section 573, the second paragraph of section 573.1 and sections 573.1.0.1 to 573.1.0.3 of the Cities and Towns Act shall apply to the awarding of contracts referred to in section 3, adapted as required and namely as follows:

(1) the municipal body council must use a system of bid weighting and evaluating;

(2) the municipal body council may adopt a qualification process that discriminates as permitted under section 4; and

(3) where a qualification process is established in order to award a single contract, the municipal body council may provide that it will declare eligible a maximum number of suppliers or services, in which case the maximum may not be less than five.

## **DIVISION II** **SPECIFIC RULES FOR CONTRACTS** **UNDER \$500,000**

### **§1. Interpretation**

**7.** For the purposes of this division, “specified territory” means

(1) for a local municipality whose territory is part of a regional county municipality, the latter’s territory;

(2) for an intermunicipal board with jurisdiction over local municipalities that are part of the same regional county municipality, the latter’s territory;

(3) for an intermunicipal board with jurisdiction over local municipalities that are part of several regional county municipalities, the combined territories of those regional county municipalities;

(4) for a municipal body that is party to an agreement and where the parties’ territories are part of the same regional county municipality, the latter’s territory;

(5) for a municipal body that is party to an agreement and where the parties’ territories are part of several regional county municipalities, the combined territories of those regional county municipalities;

(6) for a metropolitan community that is acting as an intermunicipal board referred to in subparagraph 2 or 3 or is party to an agreement referred to in subparagraph 4 or 5, the community’s territory combined with the territory specified in the applicable subparagraph;

(7) for a metropolitan community that is party to an agreement with another metropolitan community, the combined territories of those communities;

(8) for all other instances, the municipal body’s territory.

For the purposes of the first paragraph, the territory of a local municipality that is not part of a regional county municipality is considered the territory of a regional county municipality.

### **§2. Discrimination**

**8.** A call for public tenders for a contract referred to in section 3 that involves an expenditure of less than \$500,000 may provide that only the suppliers who have an establishment in the specified territory shall be considered.

The first paragraph does not apply where fewer than three suppliers have an establishment in the specified territory.

**9.** The municipal body may, for the purposes of awarding a contract referred to in the first paragraph of section 8, establish a qualification process to discriminate as permitted in that section.

### **§3. Register of suppliers**

**10.** A municipal body may, for the purposes of awarding a contract referred to in the first paragraph of section 8, use a register of suppliers whose establishment and operations comply with the minimal rules prescribed in this subdivision.

In such a case, the municipal body shall be responsible for establishing, managing and financing the suppliers register.

**11.** The municipal body shall establish directories of suppliers according to specialties or categories of services to select suppliers who may tender. The directories shall be published in the electronic tendering system provided for in section 3.



**12.** The municipal body shall invite suppliers to register by publishing a notice published in the electronic tendering system provided for in section 3.

The notice shall specify, namely,

(1) the specialties or categories of services for which the suppliers may register; and

(2) the place where registration information may be obtained or consulted or additional information obtained.

The municipal body shall publish the notice provided for in the first paragraph every year in the same trimester so that suppliers that are not registered may do so.

**13.** The information referred to in subparagraph 2 of the second paragraph of section 12 shall specify the registration requirements, the rules relating to the establishment of the suppliers register and to the referral of the suppliers' names for the purposes of awarding contracts.

The information may specify that, in order to register for a specialty or category of services, a supplier must have certain equipment or an establishment in the specified territory.

**14.** The register shall contain a list of suppliers' names for each specialty or category of services.

However, where a supplier is required to have an establishment in a specified territory in order to register, the register shall include another list for each specialty or category of services in respect of which the requirement must be met.

**15.** A supplier may not be registered more than once on a list of specialties or categories of services.

**16.** A supplier's registration shall be cancelled if one of the following occurs:

(1) the supplier is bankrupt;

(2) the supplier cannot be contacted at the address provided;

(3) the supplier has ceased to provide services;

(4) the supplier no longer fulfils one of the required registration conditions.

**17.** A supplier shall be struck from the list in the specialty or category of services concerned if the following occurs:

(1) the supplier made a false statement upon registration or with respect to the registration itself;

(2) the supplier made a false statement upon tendering; or

(3) the supplier withdrew or turned down a contract after the tenders were opened.

Before striking a supplier from the list, the municipal body shall notify the supplier in writing of its intention to do so and state its grounds for doing so.

The supplier may reply with a written statement to the municipal body within fifteen days of the date the written notice provided for in the second paragraph was sent.

The municipal body shall render its decision as soon as possible after receiving the supplier's written response as provided for in the third paragraph, or, if no statement was received within the prescribed deadline, after expiry of the deadline. The municipal body shall notify the supplier in writing of its decision.

A supplier who has been struck off may not be registered for the same specialty or category of services before the expiry of a two-year period from the date of the striking-off.

**18.** A list of suppliers established in accordance with sections 11 to 17 may not be used to award a contract unless it contains at least three names.

**19.** For the purposes of awarding any contract, at least three suppliers shall be selected.

Where a list contains more than three names, the selection shall be made at random. It shall also be public with at least two witnesses present, at a time, date and place specified in a notice published in the electronic tendering system provided for in section 3, at the latest three days before the date specified.

**20.** A selected supplier may not be selected again until the list has been exhausted.

Where the last name on a list has been selected, a new list shall be established.

**21.** If it is decided not to award the contract, the selected suppliers shall be considered not to have been selected.

**22.** All the selected suppliers shall be given a written invitation to tender.

**23.** Within fifteen days of awarding the contract, the municipal body shall publish in a newspaper circulating in the specified territory, a notice that contains the following information, namely:

- (1) the name of all the selected suppliers invited to tender for that contract;
- (2) the name of the supplier who was awarded the contract; and
- (3) the amount and object of the contract.

The municipal body may, instead of publishing the notice provided for in the first paragraph, either send the notice simultaneously to all the suppliers registered or post the information it contains on its Internet site.

### CHAPTER III AWARDING OF CONTRACTS FOR THE SERVICES OF AN ADVOCATE OR NOTARY

**24.** A contract for services that can be provided only by an advocate or notary under an Act or regulation, may only be awarded after a written invitation to tender to at least three suppliers, if the contract involves an expenditure of \$100,000 or more, except if it is required for the purposes of a judicial proceeding, or a body or a person carrying out judicial or adjudicative functions.

**25.** The deadline for receipt of tenders may not be less than eight days.

**26.** Paragraphs 3 to 6 and 8 of section 573, the second paragraph of section 573.1 and sections 573.1.0.1 to 573.1.0.3 of the Cities and Towns Act shall apply to the awarding of contracts referred to in section 24, adapted as required and particularly with respect to the requirement that the municipal body use a system of bid weighting and evaluating.

### CHAPTER IV AWARDING OF CONTRACTS FOR THE SERVICES OF A DENTIST, NURSE, PHYSICIAN, VETERINARY SURGEON OR PHARMACIST

**27.** A municipal body may award a contract for services that can be provided only by a dentist, nurse, physician, veterinary surgeon or pharmacist under an Act or regulation without a call for tenders.

### CHAPTER V FINAL AND TRANSITIONAL

**28.** The electronic tendering system known as “Système Merx” is deemed to have been approved by the Government, for the purposes of this Regulation, until the Government replaces it with another system it has approved.

**29.** This Regulation does not apply to a contract for which the awarding procedure began before the coming into force of this Regulation.

**30.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### O.C. 650-2002, 5 June 2002

Food Products Act  
(R.S.Q., c. P-29)

#### Dairy products — Composition, packing and labelling — Amendments

Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products

WHEREAS, under paragraph *a.0.1* of section 40 of the Food Products Act (R.S.Q., c. P-29), the Government may, by regulation, regulate the preparation processes, in particular pasteurization, canning, aseptic packaging and sterilization;

WHEREAS, under paragraph *e* of section 40, the Government may, by regulation, establish classes, categories, appellations, qualifiers or designations of products and prohibit any unlawful use thereof, require the grading of products and set standards of composition, form, quality, wholesomeness, colour, proportion of constituents, presentation and uniformity;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products was published in the *Gazette officielle du Québec* of 20 March 2002 with a notice that it could be made by the Government upon the expiry of a 45-day period from that publication;

WHEREAS comments were received;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products\*

Food Products Act  
(R.S.Q., c. P-29, s. 40, pars. a.0.1 and e)

**1.** Section 3 of the Regulation respecting the composition, packing and labelling of dairy products is amended

(1) by substituting the word “teneur” for the word “quantité” in the French text of subparagraph *iv* of the third paragraph of subparagraph *k* of the first paragraph;

(2) by substituting the following for the second paragraph:

“The dairy products referred to in subparagraphs *a* to *e* of the first paragraph shall have a lacto-serum casein and protein content at least equal to that of the raw milk used to prepare those products. The other standards of composition prescribed by those subparagraphs do not apply to goat’s milk.”;

(3) by substituting the following for the fifth paragraph:

“Where the standards of composition provided for in the first and second paragraphs determine a content for certain components of a dairy product, that content shall correspond to the ratio by weight of the component covered by such standard to 100 parts of dairy product. For the purposes of the second paragraph, only non-fat

solids shall be taken into account to determine the lacto-serum casein and protein content.”.

**2.** The following is added at the end:

### “DIVISION VI PREPARATION PROCESSES

**22.** For dairy products referred to in subparagraphs *a* to *e* of the first paragraph of section 3, no preparation process may reduce the dairy protein content of raw milk used to prepare those products or alter the ratio between the lacto-serum casein and protein in that raw milk.”.

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 653-2002, 5 June 2002

Education Act  
(R.S.Q., c. I-13.3)

### School tax 2002-2003 — Computation of the maximum yield

Regulation respecting computation of the maximum yield of the school tax for the 2002-2003 school year

WHEREAS, under subparagraphs 1, 2 and 3 of the first paragraph of section 455.1 of the Education Act (R.S.Q., c. I-13.3), the Government shall, by regulation, determine the rules for establishing the allowable number of students for computing the maximum yield of the school tax that the school board and the Conseil scolaire de l’île de Montréal may levy and the rates of increase of the amounts per student and of the base amount referred to in section 308 of the Education Act;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

\* The Regulation respecting the composition, packing and labelling of dairy products (R.R.Q., 1981, c. P-30, r.2) was last amended by the Regulation made by Order in Council 960-98 dated 21 July 1998 (1998, *G.O.* 2, 3593). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by the Regulation justifies the absence of prior publication and such coming into force;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation respecting computation of the maximum yield of the school tax for the 2002-2003 school year, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **Regulation respecting computation of the maximum yield of the school tax for the 2002-2003 school year**

Education Act  
(R.S.Q., c. I-13.3, s. 455.1, 1st par., subpars. 1, 2 and 3)

**1.** For the computation of the maximum yield of the school tax for the 2002-2003 school year, provided for in section 308 of the Education Act (R.S.Q., c. I-13.3), the allowable number of students shall be determined by

(1) calculating the number of four-year-old preschool students who may be taken into account, by multiplying by 1.00 the number of such students legally enrolled for a minimum of 144 half days on 30 September 2001 in the schools that are under the jurisdiction of the school board;

(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September 2001 in the schools that are under the jurisdiction of the school board, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September 2001 in the schools that are under the jurisdiction of the school board, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September 2001 in the schools that are under the jurisdiction of the school board, except students referred to in paragraphs 7 and 10;

(5) calculating the number of students admitted to a program of study leading to a secondary school vocational diploma, an attestation of vocational specialization or an attestation of preparation for semi-specialized trades who may be taken into account, in accordance with paragraph 2 of section 4, by

(a) multiplying by 3.40 the number of full-time students admitted to a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph *b*, or to an attestation of vocational specialization, and legally enrolled during the 2000-2001 school year in the vocational training centres that are under the jurisdiction of the school board and are recognized by the Minister of Education for the purposes of applying the budgetary rules for the 2000-2001 school year;

(b) multiplying by 3.40 the number of full-time students admitted to preparation for semi-specialized trades, to the co-ordinated secondary-college program, to the apprenticeship scheme program or admitted, following Secondary III, to a program of study leading to a secondary school vocational diploma, and legally enrolled on 30 September 2000 in the vocational training centres that are under the jurisdiction of the school board and are recognized by the Minister of Education for the purposes of applying the budgetary rules for the 2000-2001 school year;

(c) multiplying by 3.40 the number of students corresponding to the difference between the number of new places, in terms of the enrolment capacity of an educational institution, allotted by the Minister of Education for one or more vocational programs of study and the number of full-time students admitted to such program or programs of study during the 2000-2001 school year in the vocational training centres that are under the jurisdiction of the school board and are recognized by the Minister of Education for the purposes of applying the budgetary rules for the 2000-2001 school year; and

(d) adding the products obtained under subparagraphs *a*, *b* and *c*;

(6) calculating the number of students admitted to adult education services who may be taken into account, in accordance with the Schedule to this Regulation, by

(a) multiplying by 2.40 the number of full-time students 16 to 18 years of age;

(b) multiplying by 2.10 the number of full-time students 19 years of age or over; and

(c) adding the products obtained under subparagraphs *a* and *b*;

(7) calculating the number of handicapped students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September 2001 in the schools that are under the jurisdiction of the school board and recognized by the Minister of Education for the purposes of applying the budgetary rules for the 2001-2002 school year;

(8) calculating the number of preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.25 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2001 in the schools that are under the jurisdiction of the school board;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2001 in the schools that are under the jurisdiction of the school board;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2001 in the schools that are under the jurisdiction of the school board;

(11) calculating the number of preschool and elementary school students enrolled in school day care services who may be taken into account, in accordance with paragraph 4 of section 4, by multiplying by 0.05 the number of such students; and

(12) adding the numbers obtained under paragraphs 1 to 11.

**2.** Where the sum obtained under paragraphs 2 to 4 and 7 to 10 of section 1 is lower by 1% or more than the total obtained under paragraphs 2 to 4 and 7 to 10 of section 1 or, if applicable, under section 2 of the Regulation respecting computation of the maximum yield of the school tax for the 2001-2002 school year, made by Order in Council 750-2001 dated 20 June 2001, the sum shall be adjusted to correspond to 99% of the total.

**3.** Where the sum obtained under paragraphs 2 to 4 and 7 to 10 of section 1 is greater by 200 or by 2% than the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2001-2002 school year and is lower by at least 200 or by at least 2% than the sum obtained by adding the numbers of full-time students in the categories referred to in paragraphs 2 to 4 and 7 to 10 of section 1, established in accordance with the enrolment estimates of the Minister of Education for the 2002-2003 school year, paragraphs 2 to 4 of section 1 shall read as follows:

(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established in accordance with the enrolment estimates of the Minister of Education for the 2002-2003 school year, except students referred to in paragraphs 7 and 8 of section 1;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established in accordance with the enrolment estimates of the Minister of Education for the 2002-2003 school year, except students referred to in paragraphs 7 and 9 of section 1;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established in accordance with the enrolment estimates of the Minister of Education for the 2002-2003 school year, except students referred to in paragraphs 7 and 10 of section 1.

**4.** For the purposes of section 1,

(1) for the purposes of paragraphs 1 to 4 and 8 to 10 of section 1, students who, for the 2001-2002 school year, were going to school under an agreement entered into in accordance with section 213 of the Education Act and who will be enrolled for the 2002-2003 school year in a school of the school board having jurisdiction under sections 204 and 205 of that Act, are taken into account by the latter school board;

(2) students that may be taken into account by a school board for the purposes of paragraph 5 of section 1 are students who were admitted for the 2000-2001 school

year to a vocational training centre under the jurisdiction of the school board, to receive educational services in vocational training, in vocational training programs authorized in accordance with section 467 of that Act;

(3) the number of full-time students is obtained by adding the number of students enrolled full-time who participate in the minimum number of hours of activities prescribed by the basic school regulation applicable to them and the number of students enrolled part-time converted into a number of full-time students by

(a) using the following equation to calculate the proportion of full-time attendance per student enrolled part-time:

$$\frac{\text{the student's number of hours of activities per school year}}{\text{divided by}}$$

$$\frac{\text{the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student; and}}$$

(b) adding, for each category of students referred to in paragraphs 1 to 10 of section 1, the proportions obtained under subparagraph a;

(4) the students that may be taken into account by a school board for the purposes of paragraph 11 of section 1 are

(a) 4 years of age preschool students enrolled on 30 September 2001 in the day care services of the school board for a minimum of 5 hours per day, at least 3 days per week; and

(b) 5 years of age preschool students and elementary students enrolled on 30 September 2001 in the day care services of the school board for a minimum of 2 hours and a half per day, at least 3 days per week.

**5.** For the computation of the maximum yield of the school tax for the 2002-2003 school year, the amount per student is \$651.33 or, if the allowable number of students is less than 1 000, \$846.71, and the base amount is \$195 395, that is, the amounts established for the 2001-2002 school year increased by 2.52%.

**6.** The Regulation respecting computation of the maximum yield of the school tax for the 2001-2002 school year, made by Order in Council 750-2001 dated 20 June 2001, is revoked.

**7.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE

(s. 1, par. 6)

### NUMBER OF STUDENTS EQUIVALENT TO FULL-TIME ADULTS IN GENERAL EDUCATION

Code	School board	Over 18 years of age	18 years and less
711000	Monts-et-Marées, CS des	450.81	184.71
712000	Phares, CS des	372.89	85.12
713000	Fleuve-et-des-Lacs, CS du	291.24	86.41
714000	Kamouraska-Rivière-du-Loup, CS de	237.76	122.37
721000	Pays-des-Bleuets, CS du	320.98	208.49
722000	Lac-Saint-Jean, CS du	342.74	292.77
723000	Rives-du-Saguenay, CS des	696.77	462.58
724000	De La Jonquière, CS	368.68	194.73
731000	Charlevoix, CS de	67.51	72.44
732000	Capitale, CS de la	1 943.37	365.60
733000	Découvreurs, CS des	443.39	279.88
734000	Premières-Seigneuries, CS des	729.15	471.46
735000	Portneuf, CS de	129.78	122.24
741000	Chemin-du-Roy, CS du	524.78	167.82
742000	Énergie, CS de l'	292.62	157.15
751000	Hauts-Cantons, CS des	179.02	82.47
752000	Région-de-Sherbrooke, CS de la	834.05	252.00
753000	Sommets, CS des	238.48	93.45
761000	Pointe-de-l'Île, CS de la	1 851.49	528.05
762000	Montréal, CS de	5 713.86	1 076.34
763000	Marguerite-Bourgeoys, CS	2 501.16	808.01
771000	Draveurs, CS des	793.10	399.40
772000	Portages-de-l'Outaouais, CS des	771.50	272.76
773000	Coeur-des-Vallées, CS au	260.67	136.66
774000	Hauts-Bois-de-l'Outaouais, CS des	364.49	71.46
781000	Lac-Témiscamingue, CS du	101.87	74.65

Code	School board	Over 18 years of age	18 years and less
782000	Rouyn-Noranda, CS de	302.26	195.80
783000	Harricana, CS	122.01	77.62
784000	Or-et-des-Bois, CS de l'	236.78	218.45
785000	Lac-Abitibi, CS du	125.80	73.25
791000	Estuaire, CS de l'	231.24	99.88
792000	Fer, CS du	214.63	98.81
793000	Moyenne-Côte-Nord, CS de la	40.00	20.00
801000	Baie-James, CS de la	81.21	58.51
811000	Îles, CS des	60.38	17.50
812000	Chic-Chocs, CS des	252.06	113.37
813000	René-Lévesque, CS	353.99	116.15
821000	Côte-du-Sud, CS de la	140.22	145.77
822000	L'Amiante, CS de	225.22	131.71
823000	Beauce-Etchemin, CS de la	387.01	167.10
824000	Navigateurs, CS des	375.72	347.19
831000	Laval, CS de	1 161.03	448.43
841000	Affluents, CS des	543.69	440.04
842000	Samares, CS des	516.11	243.66
851000	Seigneurie-des-Mille-Îles, CS de la	533.78	233.85
852000	Rivière-du-Nord, CS de la	495.77	282.29
853000	Laurentides, CS des	227.56	99.29
854000	Pierre-Neveu, CS	189.93	125.82
861000	Sorel-Tracy, CS de	272.00	129.25
862000	Saint-Hyacinthe, CS de	395.53	161.50
863000	Hautes-Rivières, CS des	363.71	162.13
864000	Marie-Victorin, CS	1 130.40	405.84
865000	Patriotes, CS des	402.08	134.05
866000	Val-des-Cerfs, CS du	438.24	181.08
867000	Grandes-Seigneuries, CS des	376.88	145.64
868000	Vallée-des-Tisserands, CS de la	307.59	209.80

Code	School board	Over 18 years of age	18 years and less
869000	Trois-Lacs, CS de la	152.31	93.87
871000	Riveraine, CS de la	154.71	52.07
872000	Bois-Francs, CS des	274.56	126.95
873000	Chênes, CS des	237.51	135.91
881000	Central Québec, CS	66.99	19.20
882000	Eastern Shores, CS	89.97	25.58
883000	Eastern Townships, CS	125.72	80.86
884000	Riverside, CS	85.15	61.13
885000	Sir-Wilfrid-Laurier, CS	171.45	66.72
886000	Western Québec, CS	205.08	114.99
887000	English-Montréal, CS	2 461.29	475.23
888000	Lester-B.-Pearson, CS	643.75	273.43
889000	New Frontiers, CS	67.32	65.39

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Gouvernement du Québec

**O.C. 727-2002, 12 June 2002**

An Act respecting the flag and emblems of Québec  
(R.S.Q., c. D-12.1)

**Flag of Québec**

Regulation respecting the flag of Québec

WHEREAS, under section 2 of the Act respecting the flag and emblems of Québec (R.S.Q., c. D-12.1), the flag of Québec, as the national emblem of Québec, shall be displayed at official events and in the places, cases and circumstances determined by regulation of the Government;

WHEREAS, under section 6 of that Act, the Government may, by regulation, determine conditions governing the use of the emblems of Québec and fix standards for the manufacture and reproduction of the emblems;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the flag of Québec was published in Part 2 of the *Gazette officielle du Québec* of 17 April 2002, with a notice that it could be made by the Government upon the expiry of a 45-day period following its publication;

WHEREAS no comments have been received on the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT the Regulation respecting the flag of Québec, attached hereto, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation respecting the flag of Québec

An Act respecting the flag and emblems of Québec (R.S.Q., c. D-12.1, ss. 2 and 6)

**1.** As the national emblem, the flag of Québec must be officially displayed by a public institution or an establishment under the authority of the Administration in order to identify the former as belonging to the latter.

**2.** Thus, the flag of Québec must be flown on the buildings of bodies whose members are appointed by the National Assembly and on the buildings of the persons appointed by the National Assembly.

It must also be flown on the buildings of the bodies of the Administration comprising

- (1) all Government departments;
- (2) all bodies a majority of the members of which are appointed by the Government or by a Minister;
- (3) all bodies at least half of the expenditures of which are borne directly by the consolidated revenue fund;
- (4) all bodies whose personnel is appointed in accordance with the Public Service Act (R.S.Q., c. F-3.1.1); and
- (5) all bodies whose capital stock forms part of the domain of the State.

A person appointed and designated by the Government or by a Minister, together with the personnel the person manages, is, in respect of the functions assigned to him by law, by the Government or by the Minister, considered a body of the Administration.

**3.** The flag of Québec must be flown on every building in which sits a court governed by the Courts of Justice Act (R.S.Q., c. T-16), the Administrative Tribunal of Québec or any body that exercises an adjudicative function under the jurisdiction of Québec.

**4.** The flag of Québec must be flown on the buildings of the following municipal bodies:

(1) the building where a municipality council or a borough council sits; and

(2) the administrative centre of a metropolitan community, an intermunicipal board, a public transit operating authority, an intermunicipal board of transport and the Kativik Regional Government.

It must also be flown on a municipal library and in any other place where the municipality flies its banner.

**5.** The flag of Québec must be flown on the schools or administration buildings of the following bodies:

(1) a school board governed by the Education Act (R.S.Q., c. I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) and the Conseil scolaire de l'île de Montréal;

(2) a general and vocational college;

(3) an educational institution referred to in section 5 of the Act respecting the Ministère de l'Éducation (R.S.Q., c. M-15); and

(4) an educational institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).

It must be flown at the main entrance of educational institutions at the university level referred to in paragraphs 1 to 9 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1) or on their buildings.



It must also be displayed in any other place where a body referred to in this section displays its banner.

**6.** The flag of Québec must be flown on the buildings of the following bodies in the health and social services sector:

(1) public institutions governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) and by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(2) private institutions governed by those acts and funded by the consolidated revenue fund; and

(3) regional boards and regional health and social services councils established under those acts.

**7.** The flag of Québec may be flown in front of buildings rather than on them.

**8.** The flag of Québec may be displayed in the public entrance inside a building if the body occupies only part of the building and is not on the outside perimeter of the building.

**9.** The flag of Québec must be displayed in the room in which sit the bodies referred to in section 3 or the councils of the bodies referred to in sections 4 to 6.

**10.** A body referred to in this Regulation must fly the flag at half mast where the Government so decides.

**11.** Any displayed flag must comply with the standards of the Bureau de normalisation du Québec.

The flag must bear no tears or lacerations.

**12.** A body referred to in this Regulation must not display the flag of Québec on a mast or flagpole together with another flag or banner.

**13.** This Regulation replaces the Order respecting the flag of Québec (R.R.Q., 1981, c. D-13, r.2).

**14.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION BY MAIL

AGREEMENT ENTERED INTO

BETWEEN

the MUNICIPALITY OF BROMONT, a legal person established in the public interest, having its head office at 88, boulevard de Bromont, Bromont, Province de Québec J2L 1A1, represented here by the mayor, Mrs. Pauline Quinlan, and the clerk, Mr. Pierre Simoneau, under a resolution bearing number 2002-03-072, herein-after called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBÉC, duly appointed to that office, under the Election Act (R.S.Q., c. E-3.3) acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the Province of Québec and having her main office at 20, rue Pierre-Olivier Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution no. 2002-01-021 expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow use of the mail for the general election of 3 November 2002 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY wishes to avail itself of those provisions to hold a general election on 3 November 2002 and, with the adaptations required, could avail itself of those provisions for subsequent polling provided for in the agreement. The adaptations must form the subject of an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for that new method of voting;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of 4 March of the year 2002, resolution no. 2002-03-072 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the returning officer is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

### 2.1 “Envelope ENV-1”

The envelope used to receive ballot papers, which in no way identifies the elector and which bears the words: “insert ballot papers in this envelope”.

### 2.2 “Envelope ENV-2”

The envelope bearing the name and address of the returning officer and used to receive Envelope ENV-1 as well as a photocopy of one of the identification documents provided for in section 213.1 and the declaration form of the elector or of the person giving assistance.

### 2.3 “Declaration Form of Elector or of Person Giving Assistance”

The elector must sign the following declaration: “I have the capacity of elector and I have not voted in the current election.”

The person giving assistance must sign the declaration stating that he is the spouse or a relative within the meaning of section 131 or is not the spouse or a relative and has not already given assistance to another elector during the poll and will not reveal the name of the candidate for whom the elector has asked him to vote.

### 2.4 “Instructions to the Elector”

The information provided to the elector on how to vote.

## 3. ELECTIONS

3.1 For the purposes of the general election of 3 November 2002 in the municipality, voting will be carried out by mail.

3.2 The municipality must forward to the Chief Electoral Officer and to the Minister a document listing the means it intends to take to appropriately inform the electors about testing the new voting method.

#### 4. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

##### 4.1 Election Officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended:

(1) by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer,” after the word “assistant”;

(2) by substituting the words “clerk of the counting station” for the words “poll clerk”;

(3) by deleting the words “member of an identity verification panel, officer in charge of information and order.”;

##### 4.2 Senior Deputy Returning Officer, Assistant to the Senior Deputy Returning Officer and Clerk

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for receiving and processing the ballot papers sent by the electors.

The returning officer shall appoint a deputy returning officer and a clerk for each counting station.”.

##### 4.3 Duties of Senior Deputy Returning Officer, Assistant to the Senior Deputy Returning Officer and Deputy Returning Officer of the Counting Station

The following are substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) receive the envelopes of the electors;

(2) verify if the photocopy of the elector’s identification provided for in section 213.1 is attached and if his signature appears thereon;

(3) verify, where the elector has asked for assistance, if the identification of the person giving assistance provided for in section 213.1 is attached and if his signature appears thereon;

(4) if the declaration of the elector is not signed or the photocopy of the identification is missing, contact the elector to obtain it or them;

(5) if the declaration of the person giving assistance is not signed or if the photocopy of the identification is missing, contact that person to obtain it or them;

(6) compare the signatures on the photocopy of the identification and on the declaration of the elector;

(7) if the elector has asked for assistance, compare the signatures on the photocopy of the identification of the person giving assistance and on that person’s declaration;

(8) if the signatures are the same, place Envelope ENV-1 containing the ballot paper(s) in the ballot box corresponding to the elector’s voting subdivision.

**80.1.** The assistant to the deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) indicate on the list of electors that the elector has voted;

(3) enter the information in the poll book.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the counting station;

(2) see that the votes are counted properly and maintain order at the counting station;

(3) proceed with the counting of the votes;

(4) ensure the secrecy of the vote;

(5) transmit the results of the vote and all the election materials to the returning officer.”.

##### 4.4 Clerk of Counting Station

Section 81 of the Act is amended by substituting the words “clerk of the counting station” for the words “poll clerk” and the words “register of votes counted” for the words “poll book”.

#### 4.5 Identity Verification Panel and Appointment and Duties of Officer in Charge of Information and Order

The following are substituted for sections 81.1 to 83 of the Act:

“**81.1.** The senior deputy returning officer shall verify the identity of electors.”.

#### 4.6 Discretion of Chief Electoral Officer Upon Observing an Error, Emergency or Exceptional Circumstance

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or the agreement entered into under section 659.2 of this Act does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

#### 4.7 Representatives of Candidates

The following is substituted for section 92 of the Act:

“**92.** A party authorized under Chapter XIII, a ticket recognized under Division III of Chapter VI or an independent candidate may designate a person and give him a power of attorney to represent his candidates before the senior deputy returning officer and the deputy returning officer of the counting station.”.

#### 4.8 Poll Runner

The following is substituted for section 96 of the Act:

“**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an inde-

pendent candidate may designate a poll runner and give him a power of attorney to periodically collect, with his representative, a list of the persons who have already exercised their right to vote.”.

#### 4.9 Power of Attorney of Representative or Poll Runner

Section 98 of the Act is amended:

(1) by substituting the following for the second paragraph:

“The power of attorney shall be presented to the senior deputy returning officer or to the deputy returning officer of the counting station.”;

(2) by substituting, in the third paragraph, the words “counting station” for the words “polling station”.

#### 4.10 Notice of Election

The following is substituted for section 99 of the Act:

“**99.** Not later than forty-four days before the first Sunday of November, the returning officer shall give a public notice setting forth the following particulars:

(1) every office on the council that is open for nominations;

(2) the place, days and hours for filing nomination papers;

(3) the fact that where two or more candidates are nominated for the same office, a poll will be held to elect one of them;

(4) the fact that the method of voting is voting by mail;

(5) the day on which the ballot papers are sent by mail as well as the date and time by which they must be returned to the returning officer;

(6) the name of the election clerk;

(7) the telephone number of the office of the returning officer;

(8) the fact that electors who have not received the ballot papers sent by mail by the seventh day preceding the first Sunday of November at the latest must contact the returning officer.

Notwithstanding the period provided for in the first paragraph, the returning officer may, after that period, change the notice of election to take into account the provisions of this section.”.

#### 4.11 Notice of Poll

The following is substituted for section 171 :

“**171.** Not later than the eleventh day before the first Sunday of November, the returning officer shall give a public notice setting forth the following particulars :

- (1) the designation of each office for which a poll must be held;
- (2) the names of the candidates for each office;
- (3) the address of each candidate;
- (4) for each candidate, his membership in an authorized party or recognized ticket;
- (5) the day and time by which the ballot papers must be received by the senior deputy returning officer;
- (6) the address of the returning officer’s office and the opening hours of the office where the elector may obtain ballot papers if he has not received them in the mail;
- (7) the day, place and time when the votes will be counted;
- (8) the day and time when the addition of votes will begin and the location where it will take place.”.

#### 4.12 Sending of Ballot Papers by Returning Officer

The Act is amended by inserting, after section 172, the following :

“**172.1.** After the revision and the notice of poll and not later than the tenth day before the first Sunday of November, the returning officer shall mail, to the electors entered on the list of electors, the following :

- (1) a ballot paper for the office of mayor and one or more ballot papers for the office(s) of councillor. The ballot papers must be a different colour for the office of mayor and for that of councillor;

(2) the envelopes provided for in section 2 of this agreement;

(3) the declaration form of the elector and of the person giving assistance;

(4) the instructions for voting provided for in section 2 of this agreement.

**172.2.** Not later than the sixth day before the first Sunday of September, the returning officer shall take the necessary steps to inform the electors who have not received the ballot papers that they may obtain them at his office.

The elector may then obtain a ballot paper in accordance with the procedure provided for in section 219.”.

#### 4.13 Repeals – Reminder and Advance Poll

Sections 173 to 185 of the Act are repealed.

#### 4.14 Polling Stations

The following are substituted for section 186 of the Act:

“**186.** The returning officer shall establish a polling station in the place where the envelopes containing the ballot papers in particular are received.

**186.1.** The returning officer shall notify each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI or each independent candidate of the decision made under section 186.”.

Sections 187 and 188 of the Act are repealed.

#### 4.15 Use of Premises Free of Charge

Section 189 of the Act is amended by substituting the words “counting stations” for the words “polling stations”.

#### 4.16 Arrangement of Counting Stations

The following is substituted for section 190 of the Act:

“**190.** The returning officer shall be responsible for the arrangement and identification of the place where a polling station and one or more counting stations are situated.”.

#### 4.17 Polling Booth

The following is substituted for section 191 ;

“**191.** A polling station shall have one polling booth.”.

#### 4.18 Repeal – Counterfoil and Stub of Ballot Paper

Section 195 of the Act is repealed.

#### 4.19 Reverse of Ballot Paper

The following is substituted for section 197 of the Act:

“**197.** The ballot paper shall contain, on the reverse, in accordance with the specimen attached hereto:

- (1) a space reserved for the initials of the returning officer which may be printed, lithographed or engraved ;
- (2) the name of the municipality ;
- (3) the date of the poll ;
- (4) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.”.

#### 4.20 Withdrawal of Candidate

The following is substituted for section 198 of the Act:

“**198.** Where the withdrawal of a candidate occurs when there is no time to have the ballot papers reprinted and before the ballot papers are sent to the electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every elector to whom he sends such a ballot paper of the candidate’s withdrawal.

If a candidate withdraws his candidature after the ballot papers are sent, the returning officer shall notify the electors thereof.

Any vote cast in favour of the candidate, before or after his withdrawal, is null.”.

#### 4.21 Material Necessary for Voting

The following is substituted for section 200 of the Act:

“**200.** The returning officer shall obtain a sufficient quantity of ballot papers, envelopes, declaration forms for the elector and the person giving assistance, instructions to the elector for voting and ballot boxes for each counting station.”.

#### 4.22 Ballot Box

The following is substituted for section 201 of the Act:

“**201.** Each ballot box must be made of durable material with an opening on the top so as to allow the envelopes containing the ballot papers to be inserted without being withdrawn therefrom before the ballot box is opened.”.

#### 4.23 Delivery of Materials to Senior Deputy Returning Officer

“**204.** On the tenth day before the poll, the returning officer shall deliver to the senior deputy returning officer:

- (1) a ballot box for each polling subdivision ;
- (2) a copy of the list of electors ;
- (3) a poll book.

The returning officer shall also deliver to the senior deputy returning officer any other materials necessary for his duties.”.

#### 4.24 Formalities Prior to the Opening of Polling Stations

The following are substituted for sections 205 to 209 :

“**205.** The senior deputy returning officer and the assistant to the senior deputy returning officer shall be present at the polling station on the days and at during the opening hours of the polling station, of the tenth day before the first Sunday of November until 7 p.m. on the first Sunday of November.

**206.** The representatives assigned to the station where the ballot papers are received may be present on the same days and at the same times as the senior deputy returning officer.”.

## POLLING PROCEEDINGS

### 4.25 Polling Period

The following is substituted for section 210 of the Act:

“**210.** The polling period shall begin on the tenth day before the first Sunday of November and shall end at 7 p.m. on the first Sunday of November, subject to any extension of the polling period provided for in section 211.”.

### 4.26 Delay or Interruption

Section 211 is amended by deleting, in the first paragraph, the following words: “for the polling station affected by the delay or interruption”.

### 4.27 Electors on the Premises of a Polling Station

The following is substituted for section 212:

“**212.** Any electors on the premises of a polling station at the end of the polling period who have not received the ballot papers and who have not been able to vote may nevertheless exercise their right to vote.

The senior deputy returning officer shall declare the polling closed after they have voted.

For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the end of the polling period.”.

### 4.28 Repeal – Employee’s Leave

Section 213 of the Act is repealed.

### 4.29 Identification of Electors

The following is substituted for section 213.1:

“**213.1.** The elector shall send with his ballot paper(s) a copy of one of the following documents showing his signature: the Québec health insurance card, the Québec driver’s licence or probationary licence or a Canadian passport.”.

### 4.30 Absence of Document Identifying Elector and of Declaration of Elector or of Person Giving Assistance

“**213.2.** Where an elector has not sent with his ballot paper(s) a copy of one of the documents provided for in section 213.1 or has not signed the declaration of the

elector or of the person giving assistance, the senior deputy returning officer shall contact that elector and ask him to send a copy of one of those documents before 7 p.m. on the first Sunday of November. Otherwise his ballot paper(s) will be cancelled.

**213.2.1.** Where an elector returns his envelope containing the ballot papers to the senior deputy returning officer at the polling station other than by mail with none of the identification provided for in section 213.2, that elector must, if he wishes to be admitted to vote, have himself identified as follows:

(1) declare before the senior deputy officer and the assistant to the senior deputy officer that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the identity verification register kept by the senior deputy returning officer and the assistant to the senior deputy returning officer;

(3) meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompanied by a person who

i. identifies himself in accordance with section 213.1;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 131;

iv. produces a document referred to in section 213.1 that bears his photograph;

v. signs a sworn statement provided for that purpose in the identity verification register, which statement shall indicate his name, date of birth and address.”.

### 4.31 Information in an Identification Document

The following is substituted for section 213.3 of the Act:

“**213.3.** No person may write down or otherwise record information contained in a document produced pursuant to section 213.2.1.”.

#### 4.32 Certificate of Identity

The following is substituted for section 213.4 of the Act:

“**213.4.** The senior deputy returning officer shall enter in the poll book that the elector has identified himself in accordance with the Act.”

#### 4.33 Voting by Mail

The following are substituted for sections 214 to 228 of the Act:

“**214.** The elector shall mark the ballot paper in one of the circles, using a pen or pencil.

The elector, after marking the ballot paper(s) received, shall insert them in the envelope identified “Envelope ENV-1”, seal that envelope and insert it in the envelope identified “Envelope ENV-2”. In addition, he must insert in Envelope ENV-2 one of the identification documents provided for in section 213.1 as well as the declaration of the elector or the declaration of the person giving assistance provided for in section 2.3 of this agreement and which is duly signed. He must also enter his name in block letters, his address which must correspond to that entered on the list of electors and his telephone number.

**215.** If the elector is unable to carry out the operations to vote, those operations shall be carried out by the person assisting him in accordance with section 220.

The person giving assistance must insert, in Envelope ENV-2:

- (1) Envelope ENV-1 containing the ballot papers;
- (2) a photocopy of one of the identification documents provided for in section 213.1 concerning the elector who has asked for assistance;
- (3) the declaration of the person giving assistance provided for in section 2.3 of this agreement;
- (4) a photocopy of one of the identification documents provided for in section 213.1 concerning the person giving assistance.

**216.** The elector may send Envelope ENV-2 by mail. He may also deposit it at the polling office.

Any ballot paper received after 7 p.m. on the first Sunday of November is cancelled.

**217.** An elector who does not wish to exercise his right to vote shall return to the returning officer the complete election kit within the period provided for in section 216 for returning ballot papers.

**218.** Where the name or address of the elector specified on the declaration of the elector differs slightly from that entered on the list of electors, the senior deputy officer shall place the envelope containing that elector’s ballot papers in the ballot box corresponding to the elector’s polling subdivision. An indication thereof shall be entered in the poll book.

**219.** An elector who has not received a ballot paper may contact the senior deputy returning officer to obtain one.

In that case, the senior deputy returning officer shall verify on the list of electors if that elector has already voted. He shall then deliver an envelope containing the ballot papers to the elector and, if the elector wishes to vote at the polling station, he must do so in accordance with sections 214 or 215.

If the senior deputy returning officer has already received the envelope from the elector, he shall not allow that elector to vote and shall not give him another envelope.

The elector may avail himself of the first two paragraphs from the eighth day before the first Sunday of November.

The assistant to the senior deputy returning officer shall enter an indication thereof in the poll book.

**220.** An elector who cannot mark his ballot paper himself may be assisted:

- (1) by a person who is his spouse or a relative within the meaning of section 131; or
- (2) by another person who declares, in accordance with section 2.3 of this agreement, that he has not already given assistance to another elector during the poll.

**221.** The returning officer may authorize an elector to vote where the name of the elector does not appear on the revised list of elector but was entered or corrected by a board of revisors. An indication thereof shall be entered in the poll book.

The returning officer shall send to the chief electoral officer a copy of the authorization given to an elector domiciled in the territory of the municipality unless he is satisfied that the change to the list warranting the authorization was communicated in accordance with section 140.



**222.** In no case may any person who refuses to make the oath that is required of him be admitted to vote. An indication thereof shall be entered in the poll book.

**223.** An elector who has inadvertently marked or spoiled his ballot paper may contact the senior deputy returning officer to obtain a new one in exchange for the spoiled ballot paper. An indication thereof shall be entered in the poll book.

**224.** The senior deputy returning officer shall place without opening it Envelope ENV-1 containing the ballot paper in the ballot box corresponding to the elector's polling subsection after verifying if the elector's signature on the declaration of the elector corresponds with the signature on the identification. If the signatures do not correspond, he must cancel Envelope ENV-1 and place it in an envelope provided for that purpose.

**225.** If the elector votes with the help of a person who gives him assistance, the senior deputy returning officer shall verify if the elector's name on the identification provided for in section 213.1 and the address on the declaration of the elector correspond with those entered on the list of electors, in which case he shall place Envelope ENV-1 in the ballot box without opening it.

If that information does not correspond with that entered on the list of electors, the senior deputy returning officer shall cancel Envelope ENV-1 and place it without opening it in an envelope provided for that purpose.

**226.** As soon as an elector has voted, the assistant to the senior deputy returning officer shall indicate it on the list of electors in the space reserved for that purpose.

**227.** At the end of the polling period, the assistant to the senior deputy returning officer shall enter in the poll book the following particulars:

- (1) the date of the poll and the name of the municipality;
- (2) the number of electors who have sent Envelope ENV-1;
- (3) the number of Envelopes ENV-1 cancelled per polling subdivision;
- (4) the number of election kits returned to the returning officer under section 217.

The senior deputy returning officer shall give all the election materials to the returning officer."

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 4.34 Establishment of a Counting Station

The following is substituted for section 228.1 of the Act:

"**228.1.** The returning officer shall establish, in a same place, a counting station for each polling subsection.

**228.2.** The returning officer shall notify each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI or each independent candidate of the decision made under section 228.1."

### 4.35 Counting of Votes

The following is substituted for section 229 of the Act:

"**229.** After the closing of the poll, the deputy returning officer, assisted by the clerk of the counting station, shall proceed to the counting of the votes.

The representatives assigned to the counting station may attend.

Where several counting stations are situated at the same polling place, the counting of votes shall begin only after the poll is closed at all the counting stations."

### 4.36 Entries in Poll Book

The following is substituted for section 230 of the Act:

"**230.** Before the ballot box is opened and before the counting of votes, the clerk of the counting station shall enter the following particulars in the register of votes counted:

- (1) the date of the poll, the name of the municipality and the number of the counting station;
- (2) the name of the persons designated by the returning officer to count the votes;
- (3) the name of the representatives present when the votes are counted."

### 4.37 Compiling Sheet

Section 231 of the Act is amended by substituting the words "counting station" for the words "polling station".

#### 4.38 **Opening of Ballot Box and Envelopes ENV-1 and Counting of Votes**

The following is substituted for section 232 of the Act:

“**232.** The deputy returning officer shall open the ballot box and take Envelopes ENV-1 one by one, open them and place before him the ballot papers according to the office for which the election is held.

**232.1.** The deputy returning officer shall count the votes, taking the ballot papers one by one, by office. He shall allow each person present to examine the ballot papers without touching them.”.

#### 4.39 **Rejected Ballot Papers**

The following are substituted for sections 233 and 234 of the Act:

“**233.** Every ballot paper marked as provided for in section 214 shall be valid. However, any ballot paper must be rejected which:

- (1) has not been furnished by the returning officer;
- (2) has not been marked;
- (3) has been marked in favour of more than one candidate;
- (4) has been marked in favour of a person who is not a candidate;
- (5) has been marked elsewhere than in one of the circles;
- (6) bears a mark by which the elector can be identified;
- (7) bears fanciful or injurious entries.

**234.** Every ballot paper that does not bear the initials of the returning officer or of the person designated for that purpose must be rejected.”.

#### 4.40 **Repeal – Ballot Paper Stub Not Detached**

Section 235 of the Act is repealed.

#### 4.41 **Objection in Respect of Validity**

The following is substituted for section 237:

“**237.** The deputy returning officer shall consider every objection raised by a representative in respect of the validity of a ballot paper and make a decision immediately.

The objection and the decision of the deputy returning officer shall be entered in the poll book.”.

#### 4.42 **Repeal – Statement of Poll**

Section 238 of the Act is repealed.

#### 4.43 **Statement of Votes**

The following is substituted for section 239:

“**239.** After examining all the ballot papers received, the deputy returning officer shall draw up a statement of votes indicating:

- (1) the total number of electors who have voted, which must correspond to the number of envelopes placed in the ballot box;
- (2) the number of ballot papers in favour of each candidate;
- (3) the number of ballot papers rejected in the counting of votes.

The returning officer may require the deputy returning officer to draw up several copies of the statement of votes.”.

#### 4.44 **Copy for Representative**

Section 240 of the Act is amended by substituting the words “counting station” for the word “polling station”.

#### 4.45 **Separate Envelopes**

The following are substituted for sections 241 and 242 of the Act:

“**241.** After drawing up the statement of votes, the returning officer shall place the ballot papers marked in favour of one candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

He shall seal the envelopes. The deputy returning officer, the clerk of the counting station and the representatives assigned to that station who wish to do so shall affix their initials to the seals.

Those envelopes and the register of votes counted shall be placed in the ballot box. Before the ballot boxes are closed, the returning officer shall deliver to each deputy returning officer an envelope corresponding to their polling subdivision which contains the cancelled ballot papers when they are received by the senior deputy returning officer.

That envelope shall be placed in the ballot box without being opened.

A copy of the register of votes counted shall be placed in the ballot box.”.

#### 4.46 Closing of Ballot Box

The following is substituted for section 243 of the Act:

“**243.** The deputy returning officer shall close and seal the ballot box. The deputy returning officer, the clerk of the counting station and the representatives assigned to the counting station who wish to do so shall affix their initials to the seals.”.

#### 4.47 Delivery to Returning Officer

The following is substituted for section 244 of the Act:

“**244.** The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

He shall also deliver with the ballot box the envelope containing the statement of votes.”.

#### 4.48 Addition of Votes

The following are substituted for sections 245, 247 248 and 249 of the Act:

“**245.** The addition of the votes shall begin, at the discretion of the returning officer:

(1) at the time he fixes, during the evening of closing of the poll;

(2) at 9 a.m. on the day after the day of closing of the poll; or

(3) at the time and on the day he determines, that day being any of the four days following the day of closing of the poll.

If the returning officer chooses to begin the addition of the votes after the day of closing of the poll, he shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.

**247.** The returning officer shall proceed to the addition of the votes by using the statement of votes delivered with the envelope provided for in section 244 and by compiling the votes cast in favour of each candidate.

However, if the returning officer has not received the envelope containing the statement of votes with the ballot box, he shall use that which was placed in the ballot box under section 241.

**248.** If the statement of votes is missing, the returning officer shall adjourn the addition of the votes until he obtains it.

If it is impossible to obtain the copy of the statement of votes with the ballot box and the copy which is placed in the ballot box, the returning officer shall use the statement of votes kept by the deputy returning officer or, failing that, the statement which was delivered to one of the representatives.

**249.** After consulting the statement of votes, the returning officer shall place the statement of votes in an envelope. He shall then place the envelope in the ballot box.”.

#### 4.49 Summary Counting of Votes

The following is substituted for section 250 of the Act:

“**250.** If it appears impossible to obtain the statement of votes, the returning officer shall cause a summary counting of the votes to be made by the persons he designates on the date, at the time and at the place determined by him.

At the summary counting of the votes, the deputy returning officer shall open the ballot box and the envelopes it contains.

With the clerk’s assistance, the deputy returning officer shall count, without questioning whether the ballot papers are valid, rejected or cancelled, the ballot papers cast in favour of each candidate, the ballot papers spoiled or rejected at the time of the counting of votes and the ballot papers that were cancelled. The formalities applicable after any counting of votes shall then apply.

If the persons designated are unable or refuse to act, the returning officer shall himself proceed thereto.

The returning officer shall give advance notice of the counting of the votes to each authorized party, recognized ticket and independent candidate concerned. The representatives may attend.”.

#### 4.50 Notice to Minister

The following is substituted for section 251 of the Act:

“**251.** When it appears impossible to obtain the statement of votes and the ballot paper, the returning officer shall inform the Minister of Municipal Affairs and Greater Montréal in accordance with Division III of Chapter XI.”.

### RECOUNT OR RE-ADDITION OF VOTES

#### 4.51 Application for recount

The following is substituted for section 262:

“**262.** Any person who has reasonable grounds to believe that a senior deputy returning officer has improperly cancelled ballot papers or that a deputy returning officer or the returning officer has improperly counted or rejected votes or drawn up an incorrect statement of the number of votes cast in favour of a candidate may apply for a recount of the votes.

Any person who has reasonable grounds to believe that the returning officer improperly compiled the votes cast in favour of a candidate may apply for a re-addition of the votes.

The first paragraph does not apply where the returning officer applies for a recount of the votes in the case of a tie.”.

#### 4.52 Recount or Re-addition

Section 268 of the Act is amended by deleting, in the first paragraph, the words “, the statement of the poll and”.

#### 4.53 Verification or Rectification

The following is substituted for section 272 of the Act:

“**272.** Immediately upon completion of the recount, the judge shall verify or rectify any statement of votes and make a re-addition of the votes.”.

#### 4.54 Secrecy of Voting

The following is substituted for section 280 of the Act:

“**280.** No person may attempt to learn in favour of which candidate an elector proposes to vote or has voted.”.

#### 4.55 Assistance to an Elector

The following is substituted for section 281 of the Act:

“**281.** No person who has given assistance to another elector may disclose for which candidate the elector has voted.”.

#### 4.56 Publicity and Partisan Work

The following is substituted for section 283 of the Act:

“**283.** No person may, on the premises of a polling station and on the premises of a counting station, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the polling station or counting station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of the polling station or counting station.”.

#### 4.57 Intervention in Case of Fortuitous Event or Special Circumstance

Section 314.2 of the Act is amended by adding, after the first paragraph, the following:

“Notwithstanding the first paragraph, the council may sit for the adoption, in its French and English versions, of the text of the agreement provided for in section 659.2 and may designate signatories.”.

#### 4.58 Offences

Section 586 of the Act is amended:

(1) by substituting, in paragraph 6, the words “senior deputy returning officer” for the words “deputy returning officer”;

(2) by substituting the following for paragraph 9:

“(9) every person who falsifies the statement of votes;”;

(3) by adding the following paragraph:

“(13) every person who falsely declares that he is the spouse, including the de facto spouse, a relative or a person living with the elector.”.

#### 4.59 Returning Officer or Senior Deputy Returning Officer

The following is substituted for section 587 of the Act:

“**587.** Every senior deputy returning officer who admits a person to vote with the knowledge that he has already voted and has no other voting right to exercise is guilty of an offence.”.

#### 4.60 Alteration or Imitation of Initials

Section 633 of the Act is amended by substituting the following for paragraph 2:

“(2) alters or imitates the initials of the returning officer;”.

#### 4.61 Admission to Vote

Section 634 of the Act is amended by substituting the following for paragraph 1:

“(1) every senior deputy returning officer who admits a person to vote who refuses to make the oath required of him in accordance with the Act;”.

#### 4.62 Leave to Vote

Section 635 of the Act is amended by deleting paragraph 1.

#### 5. DURATION AND APPLICATION OF AGREEMENT

The returning officer is responsible for the application of this agreement and, consequently, for the proper testing of the new method of voting for the general election of 3 November 2002 and for subsequent polls until the next general election.

#### 6. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election of 3 November 2002.

That fact shall be entered in the assessment report.

#### 7. ASSESSMENT REPORT

Within 120 days following the general election held on 3 November 2002, the returning officer shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the chief electoral officer and to the Minister addressing relevant aspects for improving the testing of the new method of voting, such as:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the poll;

— the cost of using voting by mail:

- the cost of adapting election procedures;
- non-recurrent costs likely to be amortized;
- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and, where applicable, the planned costs for the traditional general election held on 3 November 2002;

— the advantages and disadvantages of using the new method of voting.

#### 8. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on 3 November 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 9. EFFECT OF THE AGREEMENT

This agreement has effect from the moment the returning officer performed the first act for the purposes of an election to which this agreement applies.

### AGREEMENT SIGNED IN THREE COPIES :

In Bromont, on this seventh day of the month of February of the year 2002.

### THE MUNICIPALITY OF BROMONT

By:

\_\_\_\_\_  
PAULINE QUINLAN, *Mayor*

\_\_\_\_\_  
PIERRE SIMONEAU, *Clerk or Secretary-Treasurer*

In Sainte-Foy, on this 18th day of the month of March of the year 2002

### THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 28th day of the month of March of the year 2002

### THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: \_\_\_\_\_  
JEAN PRONOVOST, *Deputy Minister*

**SCHEDULE**

MODEL FOR BALLOT PAPER

<b>Rolland DANSEREAU</b>	●
<b>Claudette DENIS</b> Political Affiliation	●

Initial of Returning Officer	<input type="text"/>
Municipality of Matteau	
Election for Office of Mayor 3 November 2002	
MAXIME TREMBLAY, Printer 117, rue Notre-Dame Est Montréal (Québec)	

Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The TOWN OF PINCOURT, a legal person established in the public interest, having its head office at 919, chemin Duhamel, Pincourt, province of Québec, represented by the mayor, Mr. Michel Kandyba, and the clerk, Mrs. Hélène Boudreau, under resolution number 2002-04-149, hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the province of Québec, having his main office at 10, rue Pierre-Olivier Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution no. 2002-03-097, passed at its meeting of March 12, 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 3, 2002 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 3, 2002 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of April 9, 2002, resolution no. 2002-04-149 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:



## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

## 3. ELECTION

3.1 For the purposes of the general election of November 3, 2002 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

## 4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

## 5. PROGRAMMING

Each memory card used is specially programmed either by the firm Cognicase inc., or by the returning officer under the supervision of the firm Cognicase inc., to recognize and tally ballot papers in accordance with this agreement.

## 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer

The following is substituted for section 76 of the Act:

“76. The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

### **6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer**

The following is substituted for section 80 of the Act:

“80. The senior deputy returning officer shall, in particular,

- (1) see to the installation and preparation of the electronic ballot box;
- (2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret;
- (4) ensure that the electronic ballot box functions correctly;
- (5) print out the results compiled by the electronic ballot box at the closing of the poll;
- (6) complete an overall statement of the poll from the partial statements and the results compiled by the electronic ballot box;
- (7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of the poll;
- (8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;
- (9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

- (1) assist the senior deputy returning officer in the latter’s duties;

- (2) receive any elector referred by the senior deputy returning officer;

- (3) verify the polling booths in the polling place;

- (4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station;

- (2) ensure that the polling is properly conducted and maintain order in the polling station;

- (3) facilitate the exercise of the right to vote and ensure that voting is secret;

- (4) receive proof of identity from electors;

- (5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

- (6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

### **6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

“90.5. Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of this Act does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

## 6.5 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

## 6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

## 6.7 Verification of electronic ballot box

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

### “§1.1 *Verification of electronic ballot box*

**173.1.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Cognicase inc. and the representatives of the candidates.

**173.2.** During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.3.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer’s initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Cognicase inc.”.

## 6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

“**175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each

elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.”

**175.2.** The returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.”.

### 6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act :

“**182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book :

- (1) the number of ballot paper cards received from the returning officer ;
- (2) the number of electors who were given a ballot paper card ;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards ;
- (4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope. They shall also be placed in a sealed transfer box.

The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

#### 6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

#### 6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

#### 6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

#### 6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

(1) the name of the municipality;

(2) the indication “municipal election” and the date of the poll;

(3) the ballot papers;

(4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

(1) a space intended to receive the initials of the deputy returning officer;

(2) a space intended to receive the number of the polling subdivision;

(3) the name and address of the printer;

(4) the bar code.”.

#### 6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

#### 6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.16 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

### 6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot papers are available for each electronic ballot box.”

### 6.18 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

### 6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall open the envelope and examine the documents and polling materials provided by the returning officer.”

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”

### POLLING PROCEDURE

#### 6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”

#### 6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”

#### 6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer's initials can be seen.”.

### 6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector's request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

### 6.24 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

### 6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

### 6.26 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates' names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.27 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of ballot papers marked to indicate a vote for more than one candidate, the number of blank ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of the poll according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of the poll of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of the poll, the senior deputy returning officer shall complete an overall statement of the poll in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.28 **Compiling sheet**

Section 231 of the Act is revoked.

### 6.29 **Counting of the votes**

Section 232 of the Act is revoked.

### 6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.32 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.



### 6.33 Partial statement of the poll, overall statement of the poll and copy to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of the poll, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of the poll, one of which must be given to the senior deputy returning officer.

Using the partial statements of the poll and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of the poll.

The senior deputy returning officer shall immediately give a copy of the overall statement of the poll to the representatives.”.

Sections 239 and 240 of the Act are revoked.

### 6.34 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of the poll. Each deputy returning officer shall seal the envelopes, place them in a recipient, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of the poll stating the results of the election and the partial statements of the poll. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.35 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statements of the poll drawn up by each senior deputy returning officer.”.

### 6.36 Adjournment of the addition of votes

Section 248 of the Act is amended:

(1) by substituting the words “an overall statement of the poll” for the words “a statement of the poll” in the first line of the first paragraph;

(2) by substituting the following for the second paragraph:

“Where it is not possible to obtain an overall statement of the poll, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.37 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.38 New counting of the votes

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of the poll, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of the poll, the statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

### 6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

## 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

## 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 5, 2005.

## 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

## 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 3, 2002, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 3, 2002 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

## 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 3, 2002, in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

### AGREEMENT SIGNED IN THREE COPIES:

In Pincourt, on this 10th day of the month of April of the year 2002.

### THE TOWN OF PINCOURT

By: \_\_\_\_\_  
MICHEL KANDYBA, *Mayor*

\_\_\_\_\_  
HÉLÈNE BOUDREAU, *Clerk*

In Québec, on this 11th day of the month of April of the year 2002

### THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 24th day of the month of May of the year 2002

### THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

\_\_\_\_\_  
JEAN PRONOVOST, *Deputy minister*

**SCHEDULE**

## MODEL BALLOT PAPER HOLDER

**MUNICIPALITY OF MATTEAU**

Municipal Election - November 3, 2002

**“SPÉCIMEN”**

Mayor Office

**Marie BONENFANT** ●**Jean-Charles BUREAU** ●  
Appartenance politique**Pierre-A. LARRIVÉE** ●City Councillor  
District 1**Luc GAUTHIER** ●**Carl LUSSIER** ●**Hélène ROCHETTE** ●  
Appartenance politique**Sylvain SAINT-PIERRE** ●

<b>Initials of the deputy returning officer</b>	<b>Polling subdivision</b>
<p>Imprimerie Atwater Inc. 3009, rue Notre-Dame Ouest Montréal (Québec) H4C 1N9</p>	



## Draft Regulations

### Draft Regulation

An Act respecting financial assistance for education expenses  
(R.S.Q., c. A-13.3)

#### Financial assistance for education expenses — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting financial assistance for education expenses, the text of which appears below, may be made by the Government upon the expiry of a 21-day period following this publication.

Under section 12 of the Regulations Act, the draft regulation may be made at the expiry of a shorter period than the 45-day period provided for in section 11 of the Act because of urgency due to the following circumstances:

— the amendments made to the Regulation respecting financial assistance for education expenses, which should apply as of the fall trimester of the 2002-2003 year of allocation, would not be taken into account in due time because of the time period prescribed for the publication of draft regulations.

The purpose of the draft Regulation is to determine the conditions and rules of the new loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level established by the Act respecting financial assistance for education expenses.

The draft Regulation aims to establish the maximum amount of the financial resources a person may have for a year in order to be eligible for a loan. It also aims to establish, for the purpose of computing the amount of financial assistance, the list of allowable expenses and the amounts allocated for these expenses.

Lastly, the draft Regulation aims to determine, for the purpose of the loans and bursaries program, the situations in which a person who is pursuing part-time studies is deemed to be pursuing full-time studies in a program of studies.

Further information may be obtained by contacting Claude Provencher, Director General, Aide financière aux études, 1035, rue De La Chevrotière, 20<sup>e</sup> étage, Québec (Québec) G1R 5A5; tel.: (418) 646-5313.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 21-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec) G1R 5A5.

SYLVAIN SIMARD,  
*Minister of Education*

### Regulation to amend the Regulation respecting financial assistance for education expenses<sup>1</sup>

An Act respecting financial assistance for education expenses  
(R.S.Q., c. A-13.3, s. 57; 2001, c. 10, s. 1 and c. 18, s. 5; 2002, c. 13, s. 8)

**1.** The Regulation respecting financial assistance for education expenses is amended by substituting the following for the title of Division VIII of Chapter I:

“STUDENTS DEEMED TO BE ENROLLED FULL-TIME AND STUDENTS DEEMED TO BE ENROLLED”.

**2.** The Regulation is amended by inserting the following sections after the title of Division VIII of Chapter I:

“**52.1.** A student is deemed to be enrolled full-time in a program of studies recognized by the Minister if he is pursuing studies in such a program part-time and if he is in any of the following situations:

(1) the student is single and is living with his child, who is under 12 years of age;

<sup>1</sup> The Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, *G.O.* 2, 1685), was last amended by the Regulation made by Order in Council 928-2001 dated 22 August 2001 (2001, *G.O.* 2, 4815). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(2) the student is at least 20 weeks pregnant or has lived with her child from his birth until the age as of which he is subject to compulsory school attendance;

When the child suffers from a major functional deficiency within the meaning of section 54 or from mental disorders described in a medical certificate issued by a physician, the period during which the student is deemed to be enrolled full-time in a program of studies recognized by the Minister is extended until the child, if he is pursuing studies, has reached the age of 21.

**52.2.** When the student is deemed to be enrolled full-time in a program of studies recognized by the Minister, the trimesters for which he may receive financial assistance in the form of loan or in the form of loans and bursaries are taken into account proportionally with regard to the amount of time for which the student is enrolled.”.

**3.** The Regulation is amended by inserting the following chapter after section 75 :

#### “CHAPTER I.1

#### LOANS PROGRAM FOR PART-TIME STUDIES IN VOCATIONAL TRAINING AT THE SECONDARY LEVEL AND FOR PART-TIME STUDIES AT THE POSTSECONDARY LEVEL

#### DIVISION I ELIGIBILITY

**75.1.** A student whose annual financial resources are under \$35 000 is eligible for a loan.

The amount provided for in the first paragraph is increased to \$50 000 when the student has a spouse or when the student is deemed to be receiving a contribution from his parents or sponsor. The amount is, however, not increased when the student is in one of the situations described in section 17.

The amounts provided for in the first and second paragraphs are increased by \$2600 for the first child and by \$2400 for each additional child when the student is living with his child or his spouse’s child. The amount provided for in the first paragraph is increased by \$1995 when the student is single and is living with his child.

**75.2.** The financial resources of a student are established by adding his gross income within the meaning of the Taxation Act and, if applicable, that of his spouse or, if the student is single, that of his parents or sponsor for the calendar year preceding the current year of allocation.

In the case provided for in section 14, the parents’ income consists of only the gross income of the sole parent whose income must be taken into account according to that section.

Notwithstanding the first paragraph, when the student is in one of the situations described in section 17, the income of his parents or sponsor shall not be taken into account.

**75.3.** Notwithstanding section 75.2, when a student’s financial resources for the calendar year ending during the current year of allocation are at least 10% lower than for the calendar year preceding the current year of allocation, the financial resources taken into account shall be those for the calendar year ending during the current year of allocation.

#### SECTION II ALLOWABLE EXPENSES

**75.4.** The expenses allowable for the purpose of computing the amount of financial assistance are the following :

- (1) the student’s school fees;
- (2) child day-care expenses.

**75.5.** The amount allocated to a student for school fees for each trimester is determined as follows :

- (1) for vocational training at the secondary level: \$2 per course hour;
- (2) for the college level: \$3 per period of instruction;
- (3) for the university level: \$85 per credit.

The amount provided for in subparagraph 2 of the first paragraph is increased to \$10 when the student is attending a private educational institution.

**75.6.** The amount allocated to a student for child day-care expenses for each trimester is \$350 per child when all of the following conditions are met :

- (1) the student is living with his child or his spouse’s child;
- (2) the child is under 12 years of age, or if the child is 12 years of age or older, he suffers from a major functional deficiency within the meaning of section 54 or from mental disorders described in a medical certificate issued by a physician.



**75.7.** Notwithstanding sections 75.5 and 75.6, no amount is allocated to the student in respect of a category of allowable expenses when amounts are allocated to him for the same purpose for the trimester concerned by a government department or body.

**75.8.** No loan certificate is issued for an amount under \$100.

### **DIVISION III ELIGIBILITY PERIOD**

**75.9.** A student is eligible for a loan for a maximum of 14 trimesters.

### **DIVISION IV LEVEL OF INDEBTEDNESS**

**75.10.** The balance of all loans granted under this loans program may not exceed \$8 000.

### **DIVISION V MANAGEMENT OF A LOAN**

**75.11.** The provisions of Division XII of Chapter I pertaining to the presentation of the loan certificate, to the payment of the loan, to the repayment of the loan, to cases where a borrower is considered to be in default, to the applicable rates of interest or to the obligations of a borrower in a precarious financial situation shall apply, with the necessary modifications, when the borrower obtains a loan under Division II of Chapter III of the Act respecting financial assistance for education expenses.”.

**4.** The Regulation is amended by inserting the following division after section 78:

#### **“DIVISION II.1 APPLICATIONS MADE UNDER MORE THAN ONE FINANCIAL ASSISTANCE PROGRAM**

**78.1.** A student may, for a same year of allocation, make applications under more than one financial assistance program. He may, however, receive financial assistance under the loans program for a given trimester only if he is not receiving financial assistance under the loans and bursaries program for the same trimester.”.

**5.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

5078

## **Draft Regulation**

Public Service Act  
(R.S.Q., c. F-3.1.1)

### **Ethics and discipline**

Notice is hereby given, in accordance with section 128 of the Public Service Act (R.S.Q., c. F-3.1.1) that the “Regulation respecting ethics and discipline in the public service”, the text of which appears below, may be adopted by the Government, with or without amendments, upon the expiry of 30 days from this publication.

The purpose of this draft regulation is to update the rules governing ethics in the public service, to take into account the current and foreseeable context. Among other things, it proposes additional rules for the post-employment period, in line with current standards, and clarifies certain provisions of the Public Service Act.

Additional information may be obtained from Pierre Boudreault, General Manager, Cadre de gestion du personnel, Sous-secrétariat au personnel de la fonction publique, 875, Grande-Allée, Québec (Québec) G1R 5R8, who may be contacted by telephone at (418) 528-6225.

Any interested person wishing to make comments on this draft regulation should send them in writing, before the end of the 30-day period mentioned above, to the Minister of State for Administration and the Public Service, Minister Responsible for Administration and the Public Service and Chair of the Conseil du trésor, 885, Grande-Allée Est, 4<sup>e</sup> étage, Québec (Québec) G1R 6C2.

JOSEPH FACAL,  
*Minister of State for Administration  
and the Public Service  
Minister responsible for Administration  
and the Public Service  
Chair of the Conseil du trésor*

## **Regulation respecting ethics and discipline in the public service**

Public Service Act  
(R.S.Q., c. F-3.1.1, s. 126, pars. 1 to 3)

### **DIVISION I OBJECT AND APPLICATION**

**1.** The purpose of this regulation is to specify the standards of ethics and discipline applicable to public servants, as stipulated in the Public Service Act (R.S.Q., c. F-3.1.1), to establish new standards and to stipulate

the measures applicable, among other things to protect and strengthen public confidence in the integrity and impartiality of the public service and to maintain a high level of quality in the services offered to the general public.

**2.** In case of doubt, a public servant shall act in accordance with the spirit of the applicable standards of ethics and discipline.

## DIVISION II DUTIES OF PUBLIC SERVANTS

**3.** The duty of discretion set out in section 6 of the Public Service Act, which includes non-disclosure of confidential information, also extends to information obtained by the public servant in the performance of his duties.

**4.** A public servant may not consult confidential information not required for the performance of his duties, nor may he take steps to obtain such information.

**5.** A public servant must avoid placing himself in a situation where his personal interest enters into conflict with the duties of his position.

A public servant who believes he may be in a situation contemplated in the first paragraph shall inform the deputy minister of his department or the director of the agency for which he works, who may seek an opinion from the Ministère de la Justice and shall advise the public servant of the proper attitude to take.

Where the conflict of interest involves a deputy minister or the secretary of the Conseil du trésor, disclosure shall be made to the Secretary General of the Conseil exécutif.

**6.** A public servant shall not accept gifts, tokens of hospitality or benefits other than customary benefits of modest value.

All other gifts, tokens of hospitality or benefits received must be returned to the giver or handed to the State.

**7.** A public servant shall not mix the property of the State with his own property, nor shall he use the property of the State or information obtained in or during the performance of his duties for the benefit of a third party.

**8.** A public servant who intends to publish a text or be interviewed on matters related to the performance of his duties or to the activities of the department or agency for which he performs his duties must obtain the prior permission of the deputy minister or agency director.

**9.** A public servant shall only be permitted to hold a position outside the public service if:

(1) he ensures that the holding of that position does not hinder his performance as a public servant;

(2) he avoids all conflicts between the exercise of that position and the exercise of the position he holds as a public servant;

(3) he avoids all other breaches of the standards of ethics applicable to him as a public servant that may be caused by the exercise of that position.

In case of doubt, the public servant may ask the opinion of the deputy minister of his department or the director of the agency for which he works, who may seek the opinion of the Deputy Minister of Justice and shall advise the public servant of the proper attitude to take.

**10.** A public servant who ceases to perform his duties shall conduct himself so as not to obtain undue benefit from his prior position in the public service.

**11.** A public servant who ceases to perform his duties shall not disclose confidential information, nor shall he give advice to any person based on information not available to the public concerning the State or a third party with which he had significant direct contact during the year preceding the end of his employment.

**12.** A public servant who acted in connection with a proceeding, negotiation or other transaction shall not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after ceasing to perform his duties.

**13.** A public servant who holds an office referred to in section 55 of the Public Service Act shall not, in the year after he ceases to perform his duties,

(1) accept any appointment to a board of directors or as a member of a non-government agency, enterprise or entity with which that public servant had official, direct and significant dealings, in the year preceding the end of employment or agree to take up duties or employment within such an agency, enterprise or entity;

(2) intervene on behalf of another person in dealings with a department where he worked in the year preceding the end of his employment, or with a government department, agency, enterprise or entity with which he had official, direct and significant dealings in that year.

**14.** A public servant, upon discovering that another public servant is violating a provision of section 12 or paragraph 2 of section 13 in connection with a proceeding, negotiation or other transaction, must abstain from dealing with that public servant within the context of that proceeding, negotiation or other transaction.

### DIVISION III PROVISIONAL SUSPENSION

**15.** A writing indicating the decision to suspend a public servant provisionally from his duties must be sent or given to the public servant within two working days following the day on which the decision was made.

The writing must indicate any appeal available to the public servant and the procedure for lodging such an appeal.

**16.** Subject to the applicable conditions of employment, the salary of a public servant shall be continued while he is on provisional suspension.

**17.** The decision to suspend a State administrator provisionally from his duties shall be made by the minister or deputy minister to whom he reports, as the case may be.

However, if the proposed sanction for a State administrator is dismissal, the Secretary General of the Conseil exécutif may immediately, for a period not exceeding 30 days, either suspend the administrator provisionally from his duties without pay, or modify a provisional suspension that has already been imposed so that it is subsequently without pay.

### DIVISION IV DISCIPLINARY MEASURES

**18.** A disciplinary measure may consist in a reprimand, suspension or dismissal, depending on the nature and gravity of the fault.

**19.** A public servant must be notified in writing of any disciplinary measure imposed upon him.

The written notice shall briefly describe the nature of the alleged fault, and the time and place at which it was committed.

The notice shall also indicate any appeal available to the public servant and the procedure for lodging such an appeal.

### DIVISION V MISCELLANEOUS AND FINAL PROVISIONS

**20.** The deputy minister or agency director shall ensure that the public servants of the department or agency comply with the standards of ethics and discipline.

**21.** This regulation replaces the Standards of Ethics and Discipline and Provisional Suspension (Public Service) Regulation enacted by Order-in-Council 577-85 dated 27 March 1985.

**22.** This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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### Draft Regulation

Cinema Act  
(R.S.Q., c. C-18.1)

#### Régie du cinéma — Reduction of certain duties payable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 170 of the Cinema Act (R.S.Q., c. C-18.1), that the Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act made by the Régie du cinéma on 21 December 2001, the text of which appears below, may be submitted for approval by the Government upon the expiry of 60 days following this publication.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to Mtre. France Dionne, Secretary of the Régie, 455, rue Sainte-Hélène, Montréal (Québec) H2Y 2L3, by telephone at (514) 873-2371, extension 229 or by fax at (514) 873-2142.

JEANNE L. BLACKBURN,  
*President of the Régie du cinéma*

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## **Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act \***

Cinema Act

(R.S.Q., c. C-18.1, s. 167, par. 6.2)

**1.** Section 7 of the Regulation respecting the fees for examination and duties payable under the Cinema Act is amended by substituting “\$0.40” for “\$0.50”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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\* The Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act, approved by Order in Council 744-92 dated 20 May 1992 (1992, *G.O.* 2, 2750), was last amended by the Regulation approved by Order in Council 9-95 dated 11 January 1995 (1995, *G.O.* 2, 151). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

## Municipal Affairs

Gouvernement du Québec

### **O.C. 658-2002, 5 June 2002**

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)

Amendment to Order in Council 1495-2001 dated 12 December 2001 respecting the number of judges of the municipal court of Ville de Gatineau

WHEREAS, under section 234 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), a municipal court has been established, having jurisdiction within the whole territory of Ville de Gatineau, and whereas the new municipal court was to integrate the municipal courts which, on 31 December 2001, were established in the municipalities forming the new city and whereas the old courts have been abolished;

WHEREAS, under section 236 of the Act, the Minister of Justice designated a mandatary entrusted with analyzing the situation of each municipal court to be integrated into a new municipal court and with proposing a plan for the integration of the courts existing on 31 December 2000 and for the organization of each new municipal court;

WHEREAS, in accordance with section 237 of the Act, the mandatary submitted the integration and organization plan for the new municipal court of Ville de Gatineau to the Minister of Justice before 1 June 2001 and submitted a supplementary report on 6 July 2001;

WHEREAS, in accordance with Order in Council 1495-2001 dated 12 December 2001, three municipal judges were assigned to the Ville de Gatineau Municipal Court;

WHEREAS the prevailing situation at the new Municipal Court of Ville de Gatineau at the time the integration and organization plan was submitted has since changed, as demonstrated by Ville de Gatineau;

WHEREAS, in accordance with Ville de Gatineau Resolution CM-2002-65, the Minister of Justice was petitioned to proceed with the assignment of two judges to the Ville de Gatineau Municipal Court;

WHEREAS the Minister of Justice and the Government must consider the best interests of justice;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT there be two municipal judges assigned to the Ville de Gatineau Municipal Court;

THAT the second paragraph of the operative part of Order in Council 1495-2001 dated 12 December 2001 be amended by substituting the word “two” for “three”.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Parliamentary Committees

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### Committee on Institutions

#### General consultation

#### **Bill 109, An Act respecting the Observatoire québécois de la mondialisation**

The Committee on Institutions has been instructed to hold public hearings beginning on 20 August 2002 in pursuance of a general consultation on Bill 109, An Act respecting the Observatoire québécois de la mondialisation.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 8 August 2002. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Briefs, correspondence, and requests for information should be addressed to: M<sup>e</sup> Louis Breault, Clerk of the Committee on Institutions, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722 Facsimile: (418) 643-0248  
E-Mail: lbreault@assnat.qc.ca

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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