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Laws and Regulations

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Coming into force of Acts

Gouvernement du Québec

O.C. 1100-2002, 18 September 2002

Lobbying Transparency and Ethics Act (2002, c. 23) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the
Lobbying Transparency and Ethics Act

WHEREAS the Lobbying Transparency and Ethics Act
(2002, c. 23) was assented to on 13 June 2002;

WHEREAS, under section 77 of the Act, the latter
comes into force on 13 June 2002, except the provisions
of Division I of Chapter II, the second paragraph of
section 19, sections 20 to 24, section 25, sections 49
to 51, section 56, section 60 insofar as it relates to a
provision of Division I of Chapter II, section 61 insofar
as it relates to section 25 and section 69, which come
into force on 1 October 2002 or on a later date to be
fixed by the Government;

WHEREAS it is expedient to postpone the coming into
force of those provisions of the Act;

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

THAT the provisions of Division I of Chapter II, the
second paragraph of section 19, sections 20 to 24, sec-
tion 25, sections 49 to 51, section 56, section 60 insofar
as it relates to a provision of Division I of Chapter II,
section 61 insofar as it relates to section 25 and section 69
of the Lobbying Transparency and Ethics Act (2002,
c. 23) come into force on 28 November 2002.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 1054-2002, 11 September 2002

An Act respecting distribution of financial products and services
(R.S.Q., c. D-9.2)

Insurance product that cannot be offered by a distributor

— Designation of persons

Designation of persons that may offer an insurance product that cannot be offered by a distributor

WHEREAS, under section 428 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), the Government may order, after consulting the Bureau des services financiers, that an insurance product that cannot be offered by a distributor may be offered by any person it specifies, and such persons are deemed to be distributors for that product;

WHEREAS the Bureau des services financiers has been consulted;

WHEREAS it is expedient to allow the Sociétés Nationales and the Sociétés Saint-Jean-Baptiste on the list attached to this Order in Council to offer life insurance to their members through their employees or volunteer representatives;

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

THAT the Sociétés Nationales and the Sociétés Saint-Jean-Baptiste on the list attached to this Order in Council be authorized to offer, through their employees or volunteer representatives, life insurance that has the following features:

(a) the basic coverage does not exceed \$25 000;

(b) it involves no selection of risks other than the selection made by taking into account the information that may be collected under section 34 of the Act respecting the distribution of financial products and services

(c) it provides no cash surrender value;

(d) if it provides additional coverage in case of accidental death, it is standard regardless of the type of accident and does not exceed the basic coverage amount; and

(e) it provides no other coverage.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

List of authorized sociétés

— SOCIÉTÉ NATIONALE DES QUÉBÉCOIS, RÉGION RICHELIEU-SAINT-LAURENT

— LA SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET QUÉBÉCOIS, RÉGION DES LAURENTIDES

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET DES QUÉBÉCOIS D'ABITIBI-TÉMISCAMINGUE ET DU NORD-DU-QUÉBEC INC.

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET QUÉBÉCOIS DE LANAUDIÈRE (SSJB) INC.

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET QUÉBÉCOIS DES HAUTES-RIVIÈRES (S.S.J.B.) INC.

— SOCIÉTÉ NATIONALE DE L'EST DU QUÉBEC INC.

— LA SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET QUÉBÉCOIS DU SAGUENAY-LAC-SAINT-JEAN INC.

— SOCIÉTÉ NATIONALE DES QUÉBÉCOIS ET DES QUÉBÉCOISES DE LA CAPITALE

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET DES QUÉBÉCOIS DE L'ESTRIE (SNQ ESTRIE)

— SOCIÉTÉ NATIONALE DES QUÉBÉCOIS DE LA CÔTE-NORD (SSJB) INC.

— SOCIÉTÉ NATIONALE GASPÉSIE – ÎLES-DE-LA-MADELEINE

— SOCIÉTÉ SAINT-JEAN-BAPTISTE DE MONTRÉAL

— SOCIÉTÉ SAINT-JEAN-BAPTISTE RICHELIEU/
YAMASKA

— LA SOCIÉTÉ SAINT-JEAN-BAPTISTE DU DIOCÈSE
DE SAINTE-ANNE-DE-LA-POCATIÈRE

— LA SOCIÉTÉ ST-JEAN-BAPTISTE DU DIOCÈSE
DE VALLEYFIELD

— SOCIÉTÉ SAINT-JEAN-BAPTISTE DU CENTRE-
DU-QUÉBEC INC.

— SOCIÉTÉ SAINT-JEAN-BAPTISTE DU DIOCÈSE
DE SHERBROOKE

— SOCIÉTÉ ST-JEAN BAPTISTE DE LA MAURICIE

— LA SOCIÉTÉ SAINT-JEAN BAPTISTE DU DIOCÈSE
D'AMOS, SECTION LOCALE DE VAL D'OR

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Gouvernement du Québec

O.C. 1055-2002, 11 September 2002

An Act respecting the distribution of financial products
and services
(R.S.Q., c. D-9.2)

Insurance product that cannot be offered by a distributor

— Designation of persons

Designation of persons that may offer an insurance
product that cannot be offered by a distributor

WHEREAS, under section 428 of the Act respecting the
distribution of financial products and services (R.S.Q.,
c. D-9.2), the Government may order, after consulting
the Bureau des services financiers, that an insurance
product that cannot be offered by a distributor may be
offered by any person it specifies, and such persons are
deemed to be distributors for that product;

WHEREAS the Bureau des services financiers has been
consulted;

WHEREAS it is expedient to allow the Sociétés
Nationales and the Sociétés Saint-Jean-Baptiste on the
list attached to this Order in Council to offer AcciAide
insurance to their members through their employees or
volunteer representatives;

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

THAT the Sociétés Nationales and the Sociétés Saint-
Jean-Baptiste on the list attached to this Order in Council
be authorized to offer AcciAide insurance to their mem-
bers through their employees or volunteer representa-
tives.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

List of authorized sociétés

— SOCIÉTÉ NATIONALE DES QUÉBÉCOIS,
RÉGION RICHELIEU-SAINT-LAURENT

— LA SOCIÉTÉ NATIONALE DES QUÉBÉCOISES
ET QUÉBÉCOIS, RÉGION DES LAURENTIDES

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET
DES QUÉBÉCOIS D'ABITIBI-TÉMISCAMINGUE ET
DU NORD-DU-QUÉBEC INC.

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET
QUÉBÉCOIS DE LANAUDIÈRE (SSJB) INC.

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET
QUÉBÉCOIS DES HAUTES-RIVIÈRES (S.S.J.B.) INC.

— SOCIÉTÉ NATIONALE DE L'EST DU QUÉBEC
INC.

— LA SOCIÉTÉ NATIONALE DES QUÉBÉCOISES
ET QUÉBÉCOIS DU SAGUENAY-LAC-SAINT-JEAN
INC.

— SOCIÉTÉ NATIONALE DES QUÉBÉCOIS ET DES
QUÉBÉCOISES DE LA CAPITALE

— SOCIÉTÉ NATIONALE DES QUÉBÉCOISES ET
DES QUÉBÉCOIS DE L'ESTRIE (SNQ ESTRIE)

— SOCIÉTÉ NATIONALE DES QUÉBÉCOIS DE LA
CÔTE-NORD (SSJB) INC.

— SOCIÉTÉ NATIONALE GASPÉSIE – ÎLES-DE-LA-
MADELEINE

— SOCIÉTÉ SAINT-JEAN-BAPTISTE DE MONTRÉAL

— SOCIÉTÉ SAINT-JEAN-BAPTISTE RICHELIEU/
YAMASKA

— LA SOCIÉTÉ SAINT-JEAN-BAPTISTE DU DIOCÈSE
DE SAINTE-ANNE-DE-LA-POCATIÈRE

— LA SOCIÉTÉ ST-JEAN-BAPTISTE DU DIOCÈSE
DE VALLEYFIELD

— SOCIÉTÉ SAINT-JEAN-BAPTISTE DU CENTRE-DU-QUÉBEC INC.

— SOCIÉTÉ SAINT-JEAN-BAPTISTE DU DIOCÈSE DE SHERBROOKE

— SOCIÉTÉ ST-JEAN BAPTISTE DE LA MAURICIE

— LA SOCIÉTÉ SAINT-JEAN BAPTISTE DU DIOCÈSE D'AMOS, SECTION LOCALE DE VAL D'OR

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Gouvernement du Québec

O.C. 1057-2002, 11 September 2002

Land Surveyors Act
(R.S.Q., c. A-23)

Staking and layout — Standards of practice

Regulation respecting standards of practice for staking and layout

WHEREAS, under section 49 of the Land Surveyors Act (R.S.Q., c. A-23), a land surveyor, in the practice of his profession, shall follow standards of practice established by the regulations of the Bureau;

WHEREAS, under that section, the Bureau of the Ordre des arpenteurs-géomètres du Québec made the Regulation respecting standards of practice for staking and layout;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 February 2002, with a notice that it could be submitted to the Government, who could approve it with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professionnal Code (R.S.Q., c. C-26), the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting standards of practice for staking and layout, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting standards of practice for staking and layout

Land Surveyors Act
(R.S.Q., c. A-23, s. 49)

DIVISION I GENERAL

1. In this Regulation, unless otherwise indicated by the context,

(1) “immovable property” means an immovable such as a parcel of land with or without a building, an immovable held in divided co-ownership or a private portion of an immovable held in divided co-ownership;

(2) “layout” means all the survey operations performed by land surveyors by using marks to position and identify the exact location of a structure or structural features to be erected or modified in relation to the boundaries of the property, another existing structure or other reference lines;

(3) “staking” means all the survey operations performed by land surveyors by using bench-marks to indicate the boundaries they establish for existing or prospective immovable property or for a dismembered right on such property.

2. Staking and layout are valid for the sole benefit of the client or mandatary.

3. Bench-marks placed during staking are those defined in Division II of the Regulation respecting bench-marks and boundary markers (R.R.Q., 1981, c. A-23, r.13).

DIVISION II STAKING

4. For any staking, a land surveyor shall, in particular,

(1) make the required searches at the registry office;

(2) take all measurements and make all the calculations necessary to determine the marks of occupation and situate them in relation to one another;

(3) compare the geometry of the occupations with that of the ownership titles and of the cadastre and, when required, of the original survey;

(4) compile the data to determine the position of the boundaries on the land and on the plan;

(5) place bench-marks, except in the cases provided for in section 8;

(6) record the survey operations; and

(7) issue the staking certificate.

5. In order to establish the boundaries of the immovable property, land surveyors shall ensure that sufficient territory is covered to support their opinion.

All survey operations carried out for staking purposes shall be recorded in clearly written notes that faithfully show the state of the premises and their location, in particular any mark of occupation or encroachment sign, as well as the starting points or lines and the course followed to place the bench-marks.

6. The result of the survey operations shall be confirmed by an additional source of information duly identified and recorded in the notes, in particular by using any of the following methods: measurement by repetition, data cross-checking, different ties to fixed positions, searches or a previous or concomitant survey plan.

7. Where a land surveyor finds bench-marks along the same boundary and agrees with that position the land surveyors shall adopt that bench-mark, without moving it or planting another one. That fact shall be mentioned in the staking certificate.

If the land surveyors does not agree with the position of the existing bench-mark the matter shall be discussed with the previous land surveyor so as to reach an agreement.

Where the previous land surveyor no longer has those staking records, the land surveyor shall find and consult those records so as to check the content of the staking certificate in question or of any relevant survey document.

On the basis of that information, the land surveyor shall resume the staking operation as deemed appropriate and indicate the bench-mark's position in the staking certificate.

8. A land surveyor who discovers that the location of the bench-marks would likely create a problem of ownership for the client or the client's neighbour shall first inquire of the person for whom the problem of ownership would arise so as to validate the signs of occupation observed.

If the inquiry confirms that placing bench-marks would create an ownership problem, the land surveyor shall stop the staking operations and prepare a plan and a written report for the client or mandatary. The plan and report shall contain all explanations necessary for adequate understanding of the situation, as well as the land surveyor's recommendations. The land surveyor is then deemed to have completed staking and the report stands in lieu of a certificate.

If the land surveyor's inquiry proves that placing bench-marks would not create an ownership problem, the land surveyor shall complete the staking by placing bench-marks and by preparing the staking certificate, which must include all significant elements and the conclusions of the inquiry.

9. The staking certificate is written confirmation that staking has been carried out, in the form of a plan that may be accompanied by a report, issued by the land surveyor to the client or mandatary. The certificate shall indicate, in particular,

- (1) the name of the client or mandatary;
- (2) the date of the operations;
- (3) the purpose of the staking; and
- (4) the number of bench-marks placed.

10. The staking certificate is a document *en minute* which is dated, signed and kept in the records of the land surveyor; it shall be printed on legal-size paper or larger.

DIVISION III LAYOUT

11. For any layout, a land surveyor shall, in particular,

- (1) make the required searches at the registry office on any active or passive servitude entered in the index of immovables or in the land register, or other restrictions likely to restrict the erection or alteration of the structure;
- (2) make the required searches to on the structure's position complying with municipal subdivision and zoning by-laws;
- (3) take all measurements and make all calculations necessary to determine the marks of occupation and situate them in relation to one another;

(4) compare the geometry of the occupations with that of the ownership titles and of the cadastre and, when required, of the original survey;

(5) compile the data to determine the position of the boundaries on the land and on the plan;

(6) identify the layout, except in the cases provided for in section 14;

(7) record the survey operations; and

(8) issue the layout certificate.

12. Land surveyors shall ensure that sufficient territory is covered to support their opinion in order to establish the location of the structure or structural features to be erected or modified, in relation to the boundaries of the immovable property, another existing structure or other reference lines.

All survey operations carried out for layout purposes shall be recorded in clearly written notes that faithfully show the state of the premises and their location, in particular any mark of occupation or encroachment sign, as well as the starting points or lines and the course followed to carry out the layout.

13. The result of the survey operations shall be confirmed by an additional source of information duly identified and recorded in the notes, in particular by using any of the following methods: measurement by repetition, data cross-checking or different ties to fixed positions.

14. If the land surveyor finds that it is impossible to carry out the layout by reason of, in particular, the physical state of the premises, the existence of a servitude or data provided by the client or mandatary that are incompatible with one another or with the state of the premises, he or she shall stop the layout operations and immediately inform the client or mandatary that his or her mandate must be redefined, or terminate it by preparing and giving him or her a plan of the situation, together with a written report. The plan and the report shall contain all explanations necessary for the good understanding of the situation, as well as the land surveyor's recommendations.

15. The layout certificate is written confirmation that layout has been carried out, in the form of a plan that may be accompanied by a report, issued by the land surveyor to the client or mandatary. The certificate shall indicate, in particular,

(1) the name of the client or mandatary;

(2) the date of the operations;

(3) the purpose of the layout;

(4) where applicable, the staking certificate or the minutes of boundary determination on which the layout is based;

(5) the clearance between the structure to be erected or altered and, as the case may be, the boundaries of the immovable property, the existing structure or the reference lines;

(6) the type of markers placed;

(7) the relative position between the markers placed and the boundaries of the immovable property and the structure or structural features to be erected or altered; and

(8) where applicable, any active or passive servitude entered as such in the index of immovables or in the land register.

16. The layout certificate is a document *en minute* which is dated, signed and kept in the records of the land surveyor; it shall be printed on legal-size paper or larger.

DIVISION IV TRANSITIONAL

17. This Regulation replaces the Regulation respecting standards of practice relative to staking and layout, approved by Order in Council 1233-83 dated 15 June 1983.

18. 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. 1058-2002, 11 September 2002

Land Surveyors Act
(R.S.Q., c. A-23)

Location certificates — Standards of practice

Regulation respecting standards of practice for location certificates

WHEREAS, under section 49 of the Land Surveyors Act (R.S.Q., c. A-23), a land surveyor, in the practice of his profession, shall follow standards of practice established by the regulations of the Bureau;

WHEREAS, under that section, the Bureau of the Ordre des arpenteurs-géomètres du Québec duly adopted the Regulation respecting standards of practice for location certificates;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 February 2002, with a notice that it could be submitted to the Government which could approve it with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting standards of practice for location certificates, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting standards of practice for location certificates

Land Surveyors Act
(R.S.Q., c. A-23, s. 49)

DIVISION I GENERAL

1. In this Regulation, unless otherwise indicated by the context, “immovable property” means an immovable such as a parcel of land with or without a building, superficies, an immovable held in divided co-ownership or a private portion of an immovable held in divided co-ownership.

2. The location certificate is a document *en minute*, consisting of a report and a plan, stating the land surveyor’s opinion on the current situation and state of immovable property in relation to ownership titles, the cadastre and the laws, regulations and by-laws which may affect it. It may not be used or invoked for purposes other than those for which it is intended.

3. The measuring system used to prepare the report and the plan shall be the International System of Units unless the client explicitly requires the use of another measuring system authorized by the Weights and Measures Act (R.S.C., c. W-6). If that is the case, the report and the plan shall indicate the measuring system used and, after each measurement taken with that system, the equivalent measurement in the International System of Units shall be given.

DIVISION II OPERATIONS

4. In any survey operation carried out to prepare a location certificate, a land surveyor shall take all the measurements and make all the calculations required to check the occupation and the boundaries of the immovable property and situate them in relation to one another.

5. In order to establish the boundaries of an immovable property, land surveyors shall ensure that sufficient territory is covered to support their professional opinion.

All survey operations performed to prepare a location certificate shall be recorded in clearly written notes that faithfully show the state of the premises and their location, in particular any mark of occupation or encroachment sign.

6. The results of the survey operations shall be confirmed by an additional source of information duly identified and kept in the record, in particular by using any of the following methods: measurement by repetition, data cross-checking, different ties to fixed positions, searches or a previous or concomitant survey plan.

7. A land surveyor who draws up a location certificate shall have visited the premises or have personally checked the observations required by subparagraphs 9 and 13 to 17 of the first paragraph of section 9.

The said observations shall be recorded in a document, other than the field notes, bearing the initials of the land surveyor and kept in the record.

8. A land surveyor drawing up a location certificate must personally examine municipal by-laws applicable at the time the certificate is prepared and file references to the by-laws and regulations consulted in the record.

DIVISION III REPORT

9. Except in the cases referred to in section 10, a land surveyor shall check the following elements concerning or affecting the immovable property covered by the location in particular:

- (1) the date of the survey;
 - (2) the date of the searches at the registry office;
 - (3) an updated description of the immovable property, which must indicate for each of the cadastral lots or parts thereof forming it, their metes and bounds, their linear measures and their area, as well as the cadastral ties or, failing that, ties to the primitive survey or to an official coordinate system;
 - (4) a reference to the most recent deed of acquisition registered, so as to identify the parties and to establish a link between the immovable property and the deed;
 - (5) the cadastral history going back to the coming into force of the original cadastre concerned;
 - (6) the conformity or lack of conformity between the marks of occupation on the immovable property, the boundaries, measurements and area of the cadastral plan in force, and the boundaries, measurements and area described in the ownership titles; if the territory has been renovated, the land surveyor shall also establish the conformity or lack of conformity between all those elements and the boundaries, measurements, and area appearing on the cadastral plan before being renovated;
 - (7) any active and passive servitude registered in the index of immovables or in the land register, or in the latest deed of acquisition;
 - (8) the boundaries that have been marked with, where applicable, a reference to the registration number of the minutes of boundary determination;
 - (9) any apparent servitude or charge that should normally be the subject of a servitude and that may affect the immovable property;
 - (10) any notice of expropriation and any notice of reserve for public purposes registered in the index of immovables or land register;
 - (11) whether the immovable property is cultural property or located in whole or in part within a protected area or historic district, where the required notice is registered in the index of immovables or in the land register under the Cultural Property Act (R.S.Q., c. B-4), or where a similar provision appears in the municipal zoning by-law;
 - (12) whether or not the immovable property is located within an agricultural zone the plan of which was approved by Order in Council under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);
 - (13) any apparent, allowed or exercised encroachment;
 - (14) the buildings, dependencies and structures located on the immovable property, including sheds and swimming pools;
 - (15) the municipal address;
 - (16) a brief description of the work progress, for buildings, structures and dependencies under construction;
 - (17) the number of stories and the type of exterior facing on the buildings and dependencies at the time of the survey;
 - (18) the zone within the meaning of the municipal zoning by-law;
 - (19) the conformity or non-conformity of the position of the structures, buildings and dependencies in relation to the boundaries of the immovable property in respect of the municipal zoning by-law in force when the location certificate is prepared;
 - (20) whether the immovable property is located in whole or in part within a flood zone mapped out under the Canada-Québec agreement on mapping and floodplain protection and to sustainable water resources development, signed in 1976, as amended, or whether the immovable property is located in whole or in part within a protective strip of land established by the municipal zoning by-law under the *Politique de protection des rives, du littoral et des plaines inondables*, made by Décret 1980-87 dated 22 December 1987, as amended;
 - (21) whether the immovable property is located in whole or in part within a protected zone, a protective strip of land, a flood zone or a risk zone established by the municipal zoning by-law;
 - (22) whether the immovable property is located in whole or in part within an airport site, established by a regulation made under the Aeronautics Act (R.S.C., c. A-2) and filed in the registry office; and
 - (23) whether the immovable property has some apparent characteristics of a housing complex within the meaning of section 45 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1).
- The land surveyor shall indicate in the report that elements referred to in subparagraphs 1 to 23 of the first paragraph were checked and, where applicable, specify the other elements that were also checked.

Where applicable, the land surveyor shall state or comment on the elements that were checked.

The report shall also indicate the place and date of closing of the minute.

10. In the report of a location certificate concerning only a private portion of an immovable held in divided co-ownership, a land surveyor shall in particular indicate that the following elements were checked:

- (1) the date of the survey;
- (2) the date of the searches at the registry office;
- (3) the designation of the immovable property;
- (4) a reference to the title of ownership, so as to establish a link between the immovable property examined and the deed of acquisition;
- (5) the cadastral history going back to the original lot created for the co-ownership;
- (6) the concordance between the cadastral identification and the municipal address;
- (7) the conformity or lack of conformity between the occupation, the designation in the titles and the cadastre;
- (8) the apparent servitudes or charges that should normally be the subject of a servitude and that may affect the immovable property; and
- (9) the active and passive servitudes registered in the land register.

Where applicable, the land surveyor shall state or comment on those elements.

The report shall also indicate the place and date of closing of the minute.

11. The land surveyor's report shall indicate the purpose for which the location certificate is intended and that it must not be used or invoked for another purpose without written authorization from its author.

The report shall also indicate that it forms an integral part of the location certificate and shall refer to the plan accompanying it.

12. The report shall be made on legal-size paper.

DIVISION IV PLAN

13. The plan shall include the following:

- (1) the graphic representation and the designation of the immovable property;
- (2) the metes and bounds;
- (3) the dimensions and area of the immovable property;
- (4) the dimensions of the structures, buildings and dependencies and the marks of occupation relative to the boundaries of the immovable property;
- (5) the distance between the boundaries of the immovable property, on the one hand, and the buildings, dependencies and structures, on the other hand, including sheds and swimming pools, with an indication that the measurements were taken from the foundations or the exterior facing;
- (6) where possible, an illustration of the elements referred to in subparagraphs 7 to 22 of section 9;
- (7) an approximate indication of true north by means of an arrow;
- (8) the scale of the plan; and
- (9) the date of the survey.

The plan shall also indicate the place and date of closing of the minute. (See ss. 9 and 10.)

14. For a private portion of an immovable held in co-ownership, the plan shall include the following:

- (1) the graphic representation and the designation of the private portion;
- (2) the metes and bounds;
- (3) the dimensions, area and geodesic elevation;
- (4) a sketch of the entire storey of the building or of a portion showing the location of the private portion;
- (5) where possible, an illustration of the elements referred to in subparagraphs 6 to 9 of section 10;
- (6) the orientation of the plan;

- (7) the scale of the plan; and
- (8) the place and date of closing of the minute.

15. The plan shall indicate the purpose for which the location certificate is intended and that it must not be used or invoked for another purpose without written authorization from its author.

The plan shall also indicate that it forms an integral part of the location certificate and shall refer to the report accompanying it.

16. The plan shall be made on legal-size paper or larger.

DIVISION V TRANSITIONAL

17. This Regulation replaces the Regulation respecting standards of practice relative to the certificate of location (R.R.Q., 1981, c. A-23, r.7).

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

5286

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 COMPUTERIZED POLLING STATIONS AND “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-JEAN-SUR-RICHELIEU, a legal person established in the public interest, having its head office at 188 Jacques-Cartier North Street, Saint-Jean-sur-Richelieu, Province of Québec, represented by the mayor, Sir Gilles Dolbec, and the clerk, Sir Jacques Jutras, under resolution number 2130-07-02, 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. 2130-07-02 passed at its meeting of July 2, 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 July 2, 2002, resolution No. 2130-07-02 approving the text of the agreement and authorizing the mayor and the clerk 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 “Computerized polling station” means an apparatus consisting of the following devices:

— a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);

— a card reader for cards with bar codes;

— one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.

2.2 “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.

2.3 “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.

2.4 “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.

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

2.6 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.

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

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

2.9 “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

4.1 Computerized polling stations

The list of electors for a polling place must correspond to the list of electors for that polling place as drawn up and revised by the returning officer. Access to the computers at a polling place must be secured by a password.

4.2 Electronic ballot boxes

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;

(7) note on the screen “has voted” next to the names of electors to whom he has given a ballot paper card.”

6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

“**81.** The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) note on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer gives ballot paper cards;

(3) assist the deputy returning officer.”

6.5 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, emer-

gency 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.”

6.6 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.”

6.7 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.”

6.8 Verification of computerised polling stations and electronic ballot box

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

“§1.1 Verification of computerized polling stations

173.1. The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests:

(1) searching for an elector using the card with the bar code;

(2) searching for an elector using the keyboard, typing either the elector's name or address;

(3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays "has voted" for the electors concerned;

(4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

§1.2 Verification of electronic ballot box

173.2. 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.

173.3. 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.

173.4. 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."

6.9 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.”.

6.10 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.”.

6.11 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.”.

6.12 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.

6.13 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.”.

6.14 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.”.

6.15 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.”.

6.16 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.”.

6.17 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.”.

6.18 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.”.

6.19 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.

6.20 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

6.21 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.”.

6.22 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.”.

6.23 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.”.

6.24 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.”.

6.25 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.”.

6.26 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.”.

6.27 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

6.28 **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.”.

6.29 **Compiling sheet**

Section 231 of the Act is revoked.

6.30 **Counting of the votes**

Section 232 of the Act is revoked.

6.31 **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.”.

6.32 **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.

6.33 **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.”.

6.34 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.

6.35 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.

6.36 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.”

6.37 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.”.

6.38 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.”.

6.39 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.”.

6.40 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.

6.41 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.”.

6.42 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 December 31, 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 Saint-Jean-sur-Richelieu, on this 12th day of the month of July of the year 2002.

THE MUNICIPALITY OF
SAINT-JEAN-SUR-RICHELIEU

By: _____
GILLES DOLBEC, *Mayor*

JACQUES JUTRAS, *Clerk*

In Québec, on this 12th day of the month of August of the year 2002

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 5th day of the month of September of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND
GREATER MONTRÉAL

By: _____
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	●

**Initials of the deputy
returning officer**

Polling subdivision

Imprimerie Atwater Inc.
3009, rue Notre-Dame Ouest
Montreal (Québec)
H4C 1N9

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF
VOTING FOR AN ELECTION USING COMPUTER-
IZED POLLING STATIONS AND “ACCU-VOTE ES
2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF VILLE DE MARIEVILLE,
a legal person established in the public interest, having
its head office at 682, Saint-Charles Street, Marieville,
Province of Québec, represented by the mayor, France
A. Dussault, and the clerk, Nancy Forget, under resolu-
tion number M02-08-254, hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELEC-
TORAL 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, 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. M02-06-180, passed at its meeting of
June 3rd, 2002, expressed the desire to avail itself of the
provisions of the Act respecting elections and referen-
dums 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 partial election of September 29th, 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 appli-
cation.

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 partial elec-
tion on September 29th, 2002 and, could, with the nec-
essary adaptations, avail itself of those provisions for
elections held after the date of the agreement, the nec-
essary 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
partial 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 August 12th, 2002, resolution
No. M02-08-254 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 “Computerized polling station” means an apparatus consisting of the following devices:

— a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);

— a card reader for cards with bar codes;

— one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.

2.2 “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.

2.3 “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.

2.4 “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.

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

2.6 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.

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

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

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

3. ELECTION

3.1 For the purposes of the partial election of September 12th, 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

4.1 Computerized polling stations

The list of electors for a polling place must correspond to the list of electors for that polling place as drawn up and revised by the returning officer. Access to the computers at a polling place must be secured by a password.

4.2 Electronic ballot boxes

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 votes 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 votes;

(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;

(7) note on the screen “has voted” next to the names of electors to whom he has given a ballot paper card.”.

6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

“**81.** The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) note on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer gives ballot paper cards;

(3) assist the deputy returning officer.”.

6.5 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 the Act respecting elections and referendums in municipalities 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.”.

6.6 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.”.

6.7 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.”.

6.8 Verification of computerised polling stations and electronic ballot box

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

“§1.1 Verification of computerized polling stations

173.1. The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests:

(1) searching for an elector using the card with the bar code;

(2) searching for an elector using the keyboard, typing either the elector’s name or address;

(3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays “has voted” for the electors concerned;

(4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

§1.2 Verification of electronic ballot box

173.2. 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.

173.3. 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.

173.4. 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 fur-

ther 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."

6.9 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."

6.10 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.”.

6.11 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.”.

6.12 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.

6.13 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.”.

6.14 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.”.

6.15 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.”.

6.16 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.”.

6.17 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.”.

6.18 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.”.

6.19 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.

6.20 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 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

6.21 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.”

6.22 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.”

6.23 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.”

6.24 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.”

6.25 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.”.

6.26 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.”.

6.27 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

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

6.29 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 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.”.

6.32 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.

6.33 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.”.

6.34 Partial statement of votes, overall statement of votes and copy given 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 votes, 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 votes, one of which must be given to the senior deputy returning officer.

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

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

Section 240 of the Act is revoked.

6.35 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 votes. 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 votes stating the results of the election and the partial statements of votes. 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.

6.36 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 statement of votes drawn up by each senior deputy returning officer.”.

6.37 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, 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.”.

6.38 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.”.

6.39 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.”.

6.40 Notice to the Minister

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

6.41 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.”.

6.42 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 1st, 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 partial election held on September 29th, 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 partial election on September 29th, 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 partial election held on September 29th, 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 Marieville, on this 20th day of the month of August of the year 2002.

THE MUNICIPALITY OF VILLE DE MARIEVILLE

By : _____
FRANCE A. DUSSAULT, *Mayor*

NANCY FORGET, *Clerk*

In Québec, on this 27th day of the month of August of the year 2002

THE CHIEF ELECTORAL OFFICER

Marcel Blanchet

In Québec, on this 4th day of the month of September of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By : _____
JEAN PRONOVOST, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU																					
Municipal Election - November 3, 2002																					
“SPÉCIMEN”																					
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Initials of the deputy returning officer	Polling subdivision
Nom de l'imprimeur Adresse Ville (Province) Code postal	

Draft Regulations

Draft Regulation

Labour Code
(R.S.Q., c. C-27; 2001, c. 26)

Remuneration of arbitrators — Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the remuneration of arbitrators, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

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

— The Regulation respecting the remuneration of arbitrators made by Order in Council 851-2002 dated 26 June 2002 comes into force on 1 December 2002. Considering the purpose and nature of the planned amendment and its effect on the remuneration of arbitrators, it is imperative that the amendment proposed by this draft Regulation also come into force on that date. Consequently, the publication period in the *Gazette officielle du Québec* for this draft Regulation is reduced from 45 to 20 days.

The purpose of the draft Regulation is to amend section 11 of the Regulation respecting the remuneration of arbitrators, made by Order in Council 851-2002 dated 26 June 2002, to specify that, notwithstanding the possibility for arbitrators chosen and remunerated by the parties or by any one of them to claim a remuneration that differs from that set by sections 2 to 8, they may not, for deliberation and drafting of an award, claim remuneration for a number of hours greater than that provided for in section 4.

The second paragraph of section 11 is amended to specify that an arbitrator must also declare the conditions for the application not only of the amounts referred to in sections 6 to 8 but also of the hourly rate that the arbitrator intends to claim under sections 2 to 5.

Further information may be obtained by contacting Marc Pelletier by telephone: (418) 644-0291 or by fax: (418) 644-3331.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the period provided for in the first paragraph, to the undersigned, Minister of State for Human Resources and Labour and Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JEAN ROCHON,
*Minister of State for Human Resources
and Labour and Minister of Labour*

Regulation to amend the Regulation respecting the remuneration of arbitrators*

Labour Code
(R.S.Q., c. C-27, s. 103; 2001, c. 26, s. 57)

1. Section 11 of the Regulation respecting the remuneration of arbitrators is amended

(1) by adding the following sentence at the end of the first paragraph: “For deliberation and drafting of an award, an arbitrator may not claim remuneration for a number of hours greater than that provided for in section 4.”; and

(2) by inserting the words “of that hourly rate and” after the words “conditions for the application” in the second paragraph.

2. This Regulation comes into force on 1 December 2002.

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* The Regulation respecting the remuneration of arbitrators was made by Order in Council 851-2002 dated 26 June 2002 (2002, G.O. 2, 3809).

Draft Regulation

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

Régie du cinéma

— Modifications 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 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 19 July 2002, 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
Président of Régie du cinéma,

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, pars. 6.1 and 6.2)

1. The following is substituted for sections 7 to 10 of the Regulation respecting the fees for examination and duties payable under the Cinema Act:

“**7.** The duties for obtaining an attestation of a filing certificate under section 119 of the Act are as follows:

(1) \$0.30 per attestation in the case of a Québec film, an original French-language film or a film dubbed in Québec when the version dubbed in Québec is available on all print of a film marketed for domestic use in Québec in the language of the dubbing;

(2) \$0.40 for each other attestation.

8. The duties payable for obtaining a stamp for the exhibition of a trailer to the public are as follows:

(1) \$5 for each of the first 25 stamps;

(2) \$5 for each additional stamp in the case of a trailer for a Québec film, for an original French-language film or for a film dubbed in Québec; and, in all other cases, \$40 for each additional stamp.

9. The duties payable for obtaining a stamp for the exhibition of a film to the public classified by the Régie du cinéma in a category other than “18 years of age or over” and characterized by “explicit sex” for a 16 mm film or videotape are as follows:

(1) \$10 for each stamp in the case of a Québec film, an original French-language film or a film dubbed in Québec; and

(2) \$20 for each stamp in all other cases.

10. The duties payable for obtaining a stamp for the exhibition of a film to the public for a film other than that referred to in section 9 are as follows:

(1) \$10 for each of the first ten stamps;

(2) \$10 for each additional stamp in the case of a Québec film, an original French-language film or a film dubbed in Québec; and, in all other cases, \$200 for each other stamp. “

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. 1044-2002, 11 September 2002

An Act respecting land use planning and development (R.S.Q., c. A-19.1)

Permission for Municipalité régionale de comté du Haut-Saint-François to affirm its jurisdiction with respect to the collection of septic tank sludge

WHEREAS Municipalité régionale de comté du Haut-Saint-François was established on 1 January 1981 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS Municipalité régionale de comté du Haut-Saint-François was designated as a rural regional county municipality by Order in Council 858-2001 dated 4 July 2001;

WHEREAS article 678.0.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1), enacted by section 49 of chapter 25 of the Statutes of 2001 and replaced by section 33 of chapter 68 of the Statutes of 2001, provides that the Government may, at the request of the council of a regional county municipality designated as rural, allow the regional county municipality to affirm its jurisdiction with respect to certain matters or parts of those matters, including residual materials management, and in respect of the local municipalities referred to in the request, and a local municipality may not express its disagreement under articles 678.0.2 and 10.1 of the Municipal Code of Québec;

WHEREAS, by Resolution 2001-11-3147 adopted on 28 November 2001, the council of Municipalité régionale du Haut-Saint-François requests that the latter be allowed to affirm its jurisdiction in all the local municipalities included in its territory with respect to the collection of septic tank sludge, including the power to regulate the emptying of septic tanks;

WHEREAS, by that Resolution, the council also requests that Municipalité régionale de comté du Haut-Saint-François be allowed to affirm its jurisdiction in all the municipalities included in its territory, except Ville de Cookshire-Eaton, with respect to the disposal of septic tank sludge;

WHEREAS it is expedient to act upon the resolution adopted by the council of Municipalité régionale de comté du Haut-Saint-François;

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

THAT Municipalité régionale de comté du Haut-Saint-François be allowed to affirm its jurisdiction with respect to the collection of septic tank sludge, including the power to regulate to provide for the periodical emptying of septic tanks, in respect of all the local municipalities included in its territory; and

THAT Municipalité régionale de comté du Haut-Saint-François be allowed to affirm its jurisdiction with respect to the disposal of septic tank sludge in respect of all the local municipalities included in its territory, except Ville de Cookshire-Eaton.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1045-2002, 11 September 2002

An Act respecting land use planning and development (R.S.Q., c. A-19.1)

Permission for Municipalité régionale de comté de Charlevoix-Est to affirm its jurisdiction with respect to residual materials management

WHEREAS Municipalité régionale de comté de Charlevoix-Est was established on 1 January 1981 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS Municipalité régionale de comté de Charlevoix-Est was designated as a rural regional county municipality by Order in Council 858-2001 dated 4 July 2001;

WHEREAS article 678.0.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1), enacted by section 49 of chapter 25 of the Statutes of 2001 and replaced by section 33 of chapter 68 of the Statutes of 2001, provides that the Government may, at the request of the council of a regional county municipality designated as rural, allow the regional county municipality to affirm its jurisdiction with respect to certain matters or parts of those matters, including residual materials management, and in respect of the local municipalities referred to in the request, and a local municipality may not express its disagreement in relation to the exercise of that jurisdiction under articles 678.0.2 and 10.1 of the Municipal Code of Québec;

WHEREAS, by Resolution 02-04-27 adopted on 30 April 2002, the council of Municipalité régionale de comté de Charlevoix-Est requested that the latter be allowed to affirm its jurisdiction with respect to residual materials management in respect of all the local municipalities included in its territory;

WHEREAS it is expedient to act upon the request made in the resolution adopted by the council of Municipalité régionale de comté de Charlevoix-Est;

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

THAT Municipalité régionale de comté de Charlevoix-Est be allowed to affirm its jurisdiction with respect to residual materials management in respect of all the local municipalities included in its territory.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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