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Laws and Regulations

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Regulations and other acts

Gouvernement du Québec

O.C. 142-2003, 12 February 2003

Podiatry Act
(R.S.Q., c. P-12)

Podiatrist

— Medications

— Amendments

Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients

WHEREAS, under section 12 of the Podiatry Act (R.S.Q., c. P-12), the Office des professions du Québec shall prepare periodically, by regulation, after consultation with the Conseil consultatif de pharmacologie, the Ordre des podiatres du Québec, the Ordre des médecins du Québec and the Ordre des pharmaciens du Québec, a list of the medications which a podiatrist may use in the practice of his profession or which he may administer or prescribe to his patients, and determine, where required, the conditions subject to which a podiatrist may administer and prescribe such medications;

WHEREAS, under that section, the Office des professions du Québec made the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, approved by Order in Council 1057-91 dated 24 July 1991;

WHEREAS, under that section, the Office made the Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, at its sitting of 22 November 2001;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in the *Gazette officielle du Québec* of 23 January 2002 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS, in accordance with section 13 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec is submitting this Regulation to the Government for approval;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients*

Podiatry Act
(R.S.Q., c. P-12, s. 12)

1. Section 1 of the Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients is amended

(1) by substituting the words “listed in Schedule I or in Schedule II, subject to the conditions prescribed in this Regulation” for the words “described in Schedule I”;

(2) by adding the following paragraphs at the end:

* The Regulation respecting the medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients, approved by Order in Council 1057-91 dated 24 July 1991 (1991, *G.O.* 2, 3231), has not been amended.

“A podiatrist who administers or prescribes to patients the medications listed in Schedule II that are not medications listed in Schedule I must hold a certificate issued by the Ordre des podiatres du Québec acknowledging that the podiatrist received university training in podiatric medicine in the last five years, comprising a minimum of 1145 hours apportioned as follows :

- (1) 540 hours in anatomy-physiology ;
- (2) 90 hours in biochemistry ;
- (3) 105 hours in microbiology ;
- (4) 275 hours in general pathologies ;
- (5) 90 hours in basic pharmacology ; and
- (6) 45 hours in clinical pharmacology.

A podiatrist whose training referred to in subparagraphs 1 to 6 of the second paragraph was received more than five years previously must successfully complete the continuing education activities determined by the Ordre des podiatres du Québec pursuant to paragraph *o* of section 94 of the Professional Code (R.S.Q., c. C-26) and hold a certificate issued by the Order acknowledging that the activities were successfully completed, before the medications listed in Schedule II that are not medications listed in Schedule I may be administered to patients.”.

2. Section 2 is revoked.

3. The following Schedules are substituted for Schedule I:

“SCHEDULE I

NOTE: Medications without specification are intended for topical application.

Substances	Specification
Acetaminophen	Pharmaceutical forms intended for oral and rectal administration
Acetic, glacial acid	
Acetylsalicylic, acid	Pharmaceutical forms intended for oral administration
Aluminium and its salts	
Almond, sweet oil	
Amino acids	
Amcinonide	Quantity limited for 30 days

Substances	Specification
Anthralin (dithranol)	
Silver nitrate	
Silver sulfadiazine	
Colloidal oatmeal	
Bacitracin and its salts	
Beclomethasone and its salts	
Benzalkonium	
Benzocaine	
Betamethasone benzoate	
Betamethasone dipropionate	Quantity limited for 30 days
Betamethasone valerate	
Bupivacaine and its salts	Pharmaceutical forms intended for administration by injection for local use only
Calcipotriol	
Calcium acetate	
Camphor	
Cantharin	
Capsaicin	
Cetrimide	
Cetirizine hydrochloride	Pharmaceutical form intended for oral administration
Chlorhexidine and its salts	
Chlorphenesin	
Chlorprocaine hydrochloride	Pharmaceutical form intended for administration by injection for local use only
Ciclopirox olamine	
Cinchocaine	
Clioquinol (iodochlorhydroxyquin)	
Clobetasol propionate	Quantity limited for 30 days
Clobetasone butyrate	
Clotrimazole	
Collagenase	
Dakin's solution	
Desonide	
Desoximetasone	Quantity limited for 30 days

Substances	Specification	Substances	Specification
Deoxyribonuclease		Loratadine	Pharmaceutical form intended for oral administration
Dichloroacetic acid		Mafenide and its salts	
Diflucortolone valerate	Quantity limited for 30 days	Menthol	
Diphenhydramine	Pharmaceutical forms intended for oral and topical administration	Mepivacaine	Pharmaceutical form intended for administration by injection for local use only
Econazole nitrate		Methylpolysiloxanes	
Epinephrine (adrenaline)	Pharmaceutical forms for the emergency treatment of anaphylactic reactions in the form of self-injector or ampoule Pharmaceutical form associated with local anaesthetics	Methylprednisolone acetate	
Erythromycin		Miconazole nitrate	
Ethyl chloride		Mometasone furorate	
Fibrinolysin		Mupirocin	
Flumetasone pivalate		Neomycin sulfate	
Fluocinolone acetonide	Quantity limited for 30 days	Nystatin	
Fluocinonide	Quantity limited for 30 days	Oxiconazole	
Formalin		Phenol	
Framycetin sulfate		Podophyllin	
Fusidic acid		Polymyxin B sulfate	
Gentamicin sulfate		Pramoxine	
Gentian, violet		Prilocaine	Pharmaceutical forms intended for topical application and administration by injection for local use only
Mineral and vegetal tar		Procaine	Pharmaceutical form intended for administration by injection for local use only
Gramicidin		Resorcinol and its salts	
Halcinodide	Quantity limited for 30 days	Diethylamine salicylate	
Hexachlorophene		Magnesium salicylate	
Mineral oil		Methyl salicylate	
Hydrocortisone and its salts		Triethanolamine salicylate	
Hydroxyzine hydrochloride	Pharmaceutical form intended for oral administration	Salicylic acid	
Povidone iodine		Synthetic sebum	
Iodine tincture		Silicone	
Isopropyl myristate		Sodium thiosulfate	
Ketoconazole		Sulphur, colloidal, precipitate or sublimate	
Lactic acid		Tazarotene	
Lanolin		Terbinafine	
Lidocaine and its salts	Pharmaceutical forms intended for topical application and administration by injection for local use only	Tetracaine and its salts	Pharmaceutical forms intended for topical application and administration by injection for local use only

Substances	Specification
Tioconazole	
Tolnaftate	
Triamcinolone acetonide	Quantity limited for 30 days
Trichloroacetic acid	
Urea	Pharmaceutical form intended for topical application, with a concentration of 30% or less
White petroleum jelly	
Zinc oxide	

SCHEDULE II

NOTE: Medications without specification are intended for topical application.

Substances	Specifications
Acetaminophen	Pharmaceutical form intended for oral and rectal administration
Acetaminophen and codeine (in combination)	Pharmaceutical form intended for oral administration containing 30 mg and less of codeine per tablet
Acetic, glacial acid	Quantity limited to 24 tablets/72 hours
Acetylsalicylic acid	Pharmaceutical form intended for oral administration
Aluminium and its salts	
Almond, sweet oil	
Amcinonide	Quantity limited for 30 days
Amino acids	
Anthralin (dithranol)	
Silver nitrate	
Silver sulfadiazine	
Colloidal oatmeal	
Bacitracin and its salts	
Beclomethasone and its salts	
Benzalkonium	
Benzocaine	
Betamethasone benzoate	

Substances	Specifications
Betamethasone dipropionate	Pharmaceutical forms intended for topical application and administration per intradermal or intramuscular injection
	Quantity limited for 30 days
Betamethasone valerate	
Bleomycin sulfate	Pharmaceutical form injectable in the plantar lesion without exceeding 0.8 unit up to a maximum of 5 units per treatment
Bupivacaine and its salts	Pharmaceutical form intended for administration by injection for local use only
Calcipotriol	
Calcium acetate	
Camphor	
Cantharin	
Capsaicin	
Celecoxib	Pharmaceutical form intended for oral administration
	Quantity limited for 30 days
Cetirizine hydrochloride	Pharmaceutical form intended for oral administration
Cetrimid	
Chlorhexidine and its salts	
Chlorphenesin	
Chlorprocaine hydrochloride	Pharmaceutical form intended for administration by injection for local use only
Ciclopirox olamine	
Cinchocaine	
Clioquinor (iodochlorhydroxyquin)	
Clobetasol propionate	Quantity limited for 30 days
Clobetasone butyrate	
Clotrimazole	
Collagenase	
Dakin's solution	
Desonide	

Substances	Specifications	Substances	Specifications
Desoximetasone	Quantity limited for 30 days	Ibuprofen	Pharmaceutical form intended for oral administration
Deoxyribonuclease			Quantity limited for 30 days
Dichloroacetic acid		Povidone iodine	
Diclofenac, potassic and sodic	Pharmaceutical form intended for oral administration	Iodine tincture	
	Quantity limited for 30 days	Isopropyl myristate	
Diflucortolone valerate	Quantity limited for 30 days	Ketoconazole	
Dyphenhydramine	Pharmaceutical forms intended for oral administration and administration per intramuscular, subcutaneous or intradermal injection	Lactic acid	
		Lanolin	
Econazole nitrate		Lidocaine and its salts	Pharmaceutical forms intended for topical application and administration by injection for local use only
Epinephrine (adrenaline)	Pharmaceutical forms for the emergency treatment of anaphylactic reactions in the form of auto-injector or vial	Loratadine	Pharmaceutical form intended for oral administration
	Pharmaceutical form associated with local anaesthetics	Mafenide and its salts	
Erythromycin		Menthol	
Ethyl chloride		Mepivacaine	Pharmaceutical form intended for administration by injection for local use only
Fibrinolysin			
Flumetasone pivalate		Methylpolysiloxanes	
Fluocinolone acetonide	Quantity limited for 30 days	Methylprednisolone acetate	Pharmaceutical forms intended for topical application and administration by injection for local use only
Fluocinonide	Quantity limited for 30 days		
5-fluorouracil	0.1% pharmaceutical form intended for topical application in the case of plantar warts resisting to first-line treatments	Miconazole nitrate	
		Mometasone furorate	
Formaline		Mupirocin	
Framycetin sulfate		Naproxen	Pharmaceutical form intended for oral administration
Fusidic acid			Quantity limited for 30 days
Gentamicin sulfate		Neomycin sulfate	
Gentian, violet		Nystatin	
Mineral and vegetal tar		Oxiconazole	
Gramicidin		Phenol	
Halcinodide	Quantity limited for 30 days	Podophyllin	
Hexachlorophene		Polymyxin B sulfate	
Mineral oil		Pramoxine	
Hydrocortisone and its salts		Prilocaine	Pharmaceutical forms intended for topical application and administration by injection for local use only
Hydroxyzine hydrochloride	Pharmaceutical form intended for oral administration		

Substances	Specifications
Procaine	Pharmaceutical form intended for administration by injection for local use only
Resorcinol and its salts	
Rofecoxib	Pharmaceutical form intended for oral administration Quantity limited for 30 days
Diethylamine salicylate	
Magnesium salicylate	
Methyl salicylate	
Triethanolamine salicylate	
Salicylic acid	
Synthetic sebum	
Silicone	
Sodium thiosulfate	
Sulphur, colloidal, precipitate or sublimate	
Tazarotene	
Terbinafine	
Tetracaine and its salts	Pharmaceutical forms intended for topical application and administration by injection for local use only
Tioconazole	
Tolnaftate	
Triamcinolone acetonide	Quantity limited for 30 days
Triamcinolone hexacetonide	Pharmaceutical forms intended for administration by intramuscular or intradermal injection Quantity limited for 30 days
Trichloroacetic acid	
Urea	Pharmaceutical form intended for topical application, with a concentration of 30% or less
White petroleum jelly	
Zinc oxide".	

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

Gouvernement du Québec

O.C. 143-2003, 12 February 2003

An Act respecting the Québec sales tax
(R.S.Q., c. T-0.1)

Québec sales tax — Amendments

CONCERNING the Regulation to amend the Regulation respecting the Québec sales tax

WHEREAS, under the first paragraph of section 677 of that Act respecting the Québec sales tax (R.S.Q., c. T-0.1), amended by section 174 of Chapter 9 of the Statutes of 2002 and by section 18 of Chapter 58 of the Statutes of 2002, the Government may make regulations to prescribe the measures required for the purposes of the Act;

WHEREAS the Regulation respecting the Québec sales tax was made by Order in Council 1607-92 dated 4 November 1992 under the Act respecting the Québec sales tax;

WHEREAS it is expedient to amend that regulation to give effect to the fiscal measures related amendments introduced into the Act respecting the Québec sales tax by Chapter 58 of the Statutes of 2002;

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

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

WHEREAS the Government is of the opinion that the fiscal nature of the norms established, amended or revoked by the Regulation warrants the absence of prior publication and such coming into force;

WHEREAS under section 27 of that Act, the Act does not prevent a regulation from taking effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made expressly provides therefor;

WHEREAS under the second paragraph of section 677 of the Act respecting the Québec sales tax, amended by section 174 of Chapter 9 of the Statutes of 2002 and by section 18 of Chapter 58 of the Statutes of 2002, a regulation made under that Act comes into force on the date of its publication in the *Gazette officielle du Québec*, unless it fixes another date which may in no case be prior to 1 July 1992;

IT IS ORDERED, therefore, on the recommendation of the Minister of Revenue:

THAT the Regulation attached hereto and entitled as follows be made and entitled Regulation to amend the Regulation respecting the Québec sales tax.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Québec sales tax*

An Act respecting the Québec sales tax (R.S.Q., c. T-0.1, s. 677, 1st par., subsec. 22; 2002, c. 9, s. 174 and 2002, c. 58, s. 18)

1. Section 677R3 of this Regulation is amended by adding the following paragraph:

“It is the same for alcoholic beverages, except for alcohol or spirits, which are intended for sale, for take out or delivery with a meal, by an establishment that primarily and ordinarily sells meals for consumption on the premises.”.

2. Section 677R6 of the Regulation is amended by adding the following paragraph:

“Notwithstanding the first paragraph, alcoholic beverages other than alcohol or spirits, conserved in an identified container, may be sold to a consumer for take out or delivery with a meal by an establishment that primarily and ordinarily sells meals for consumption on the premises.”.

3. Section 677R8 is of the Regulation replaced by the following:

“**677R8.** An alcoholic beverage conserved in an identified container may not be used or consumed elsewhere than in an establishment, except in the case mentioned in the second paragraph of section 677R6.”.

4. This Regulation is replaced by inserting, after section 677R9.1, the following:

“**677R9.1.1.** Beer intended for sale for take out or delivery with a meal, by an establishment that primarily and ordinarily sells meals for consumption on the premises, shall be in an identified container and shall be sold and delivered in such a container.”.

5. Section 677R9.3 of the Regulation is replaced by the following:

“**677R9.3.** For the purposes of subparagraph 60 of the first paragraph of section 677 of the Act, the contravention of any of sections 677R9.1 to 677R9.2 shall constitute an offence.”.

6. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has effect from 18 December 2002.

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Gouvernement du Québec

O.C. 179-2003, 19 February 2003

Lobbying Transparency and Ethics Act
(2002, c. 23)

Exclusions Regulation

Lobbying Transparency and Ethics Act Exclusions Regulation

WHEREAS, under paragraphs 2 and 7 of section 66 of the Lobbying Transparency and Ethics Act (2002, c. 23), the Government may make regulations excluding persons, bodies or agencies or lobbying activities from the application of the Act or determining special conditions under which persons, bodies or agencies or lobbying activities are subject to its application and prescribing any other measure that is necessary for the carrying out of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 November 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

The regulation respecting the Québec sales tax, made by Order in Council 1607-92 dated 4 November 1992 (1992, *G.O.* 2, 4952), was last amended by the Regulation made by Order in Council 1470-2002 dated 11 December 2002 (2002, *G.O.* 2, 6552). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

WHEREAS the 45-day period has expired;

WHEREAS, under section 18 of the Regulations Act (R.S.Q., c. R-18.1), a regulation may come into force within a period shorter than that applicable under section 17 of the Act where the authority that is making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under that section, the reason justifying such coming into force shall be published with the Regulation;

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

— the definition of “organization lobbyist” provided for in section 72 of the Lobbying Transparency and Ethics Act is in force until the date of coming into force of the first regulation made under paragraph 2 of section 66 of that Act or until 1 March 2003, whichever is earlier;

— pursuant to that provision, the regulation must come into force no later than 1 March 2003;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Lobbying Transparency and Ethics Act Exclusions Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Lobbying Transparency and Ethics Act Exclusions Regulation

Lobbying Transparency and Ethics Act
(2002, c. 23, s. 66, pars. 2 and 7)

1. Notwithstanding section 3 of the Lobbying Transparency and Ethics Act (2002, c. 23), the following persons, bodies or agencies, as well as the persons elected or appointed to one of those bodies or agencies, and the members of the personnel of those persons, bodies or agencies are not considered to be lobbyists for the purposes of the Act:

(1) the Lieutenant-Governor, the National Assembly, any person designated by the National Assembly to an office under its jurisdiction and any body or agency to which the National Assembly or one of its committees appoints the majority of the members;

(2) university level institutions referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

(3) general and vocational colleges established under the General and Vocational Colleges Act (R.S.Q., c. C-29);

(4) school boards governed by the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) and the Comité de gestion de la taxe scolaire de l'île de Montréal;

(5) private institutions accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1);

(6) any other educational institution over half of the expenditures of which are provided for in the estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(7) public or private institutions under agreement referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2);

(8) regional councils established under the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(9) municipalities of fewer than 10,000 inhabitants and any body referred to in section 18 or 19 of the Act respecting the pension plan of elected municipal officers (R.S.Q., c. R-9.3);

(10) regional development councils and local development centres referred to in the Act respecting the Ministère des Régions (R.S.Q., c. M-25.001); and

(11) any person whose job or function consists, even substantially, in lobbying on behalf of an association or other non-profit group not constituted to serve management, union or professional interests, nor composed of a majority of members that are profit-seeking enterprises or representatives of profit-seeking enterprises.

2. The Act does not apply to submissions made by a person who is not a consultant lobbyist on behalf of the Bureau des services financiers, the Chambre de la sécurité financière or the Chambre de l'assurance de dommages to the Minister responsible for the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) or for the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45) or on behalf of the Association des courtiers et agents immobiliers du Québec to the Minister responsible for the Real Estate Brokerage Act (R.S.Q., c. C-73.1) concerning the development, introduction, amendment or defeat of proposals concerning those Acts and the regulations made thereunder.

3. Considering section 71 of the Lobbying Transparency and Ethics Act, the provisions of paragraph 9 of section 1 will cease to have effect on 1 July 2005.

4. This Regulation comes into force on 1 March 2003.

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Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF MONT-LAURIER, a legal person established in the public interest, having its head office at 485, Mercier Street, Mont-Laurier, Province of Québec, represented by the mayor, Yves Cyr, and the clerk or secretary-treasurer, Blandine Boulianne, under resolution number 03-01-056, 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, 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. 03-01-056, passed at its meeting of January 28, 2003, 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 March 2, 2003 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 March 2, 2003 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 January 28, 2003, resolution No. 03-01-056 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

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

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

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

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

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

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

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

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

3. ELECTION

3.1 For the purposes of the general election of March 2, 2003 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

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

4. SECURITY MECHANISMS

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

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

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

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

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

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

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

5. PROGRAMMING

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

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

6.1 Election officers

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

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

The following is substituted for section 76 of the Act:

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

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

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

The following is substituted for section 80 of the Act:

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

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

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

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of 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.”.

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

The following is substituted for section 90.5 of the Act:

90.5. Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of 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.”.

6.5 Notice of election

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

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

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

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

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

6.7 Verification of electronic ballot box

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

“§1.1 Verification of electronic ballot box

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

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

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

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

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

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

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

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

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

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

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

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

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark

made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report ;

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

6.8 Mobile polling station

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

“**175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.”

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

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

6.9 Advance polling

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

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

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

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll

book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

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

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

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

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

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

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

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

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

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

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

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

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

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 **Withdrawal of authorization or recognition**

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

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

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

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

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

6.18 **Provision of polling materials**

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

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

The following is substituted for section 207 of the Act :

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

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

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

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

The following is substituted for section 209 of the Act:

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

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

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

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

6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act :

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

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

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

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected 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.”.

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

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

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

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

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

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

6.33 **Partial statement of 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.

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

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

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and 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.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

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

6.36 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.”.

6.37 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.38 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of 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.

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

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

6.41 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the application of the new method of voting during the general election of March 2, 2003.

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 March 2, 2003, 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 March 2, 2003 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 March 2, 2003 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 Mont-Laurier, on this 29th day of the month of January of the year 2003

THE MUNICIPALITY OF MONT-LAURIER

By: _____
YVES CYR, *Mayor*

BLANDINE BOULIANNE,
Clerk or secretary-treasurer

In Québec, on this 3rd day of the month of February of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 8th day of the month of February of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: _____
DENYS JEAN, *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	●

[Empty rectangular box for initials]

**Initials of the deputy
returning officer**

[Empty rectangular box for polling subdivision]

Polling subdivision

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

Treasury Board

Gouvernement du Québec

T.B. 199356, 11 February 2003

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10; 2001, c. 31; 2002, c. 30)

Schedules I and II.1 — Amendments

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31; 2002, c. 30)

Schedule II — Amendments

CONCERNING Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 3 of section 2, amended by section 258 of chapter 31 of the Statutes of 2001, and section 16.1 of the Act, the plan applies to an employee who is released with or without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of chapter 31 of the Statutes of 2001 and by section 68 of chapter 30 of the Statutes of 2002, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of that Act, the plan also applies to the extent provided for in chapter I of that Act, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of that Act, amended by section 153 of chapter 30 of the Statutes of 2002, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 1 to 6 of that provision;

WHEREAS, by Order in Council 1109-2002 dated 25 September 2002, the Minister of Finance is now Minister of Finance, the Economy and Research;

WHEREAS the Minister of Finance, the Economy and Research was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988, determines, in accordance with paragraph 25 of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of that Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and must be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, to be a regulation made under subparagraph 25 of the first paragraph of section 196 of that Act;

WHEREAS the Syndicat de l'enseignement des Seigneuries, the Syndicat du personnel de soutien du Collège de Sherbrooke and the Syndicat du soutien scolaire de l'Outaouais (CSQ) meet the conditions provided for in that Regulation;

THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan* and to Schedule II to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, first par.; 2001, c. 31, s. 358; 2002, c. 30, s. 68)

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31, s. 207, first par.; 2002, c. 30, s. 153)

I. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in paragraph 1 and in alphabetical order:

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the Revised Statutes of Québec were updated to 1 April 2001, by T.B. 196698 dated 26 June 2001 (2001, *G.O.* 2, 4033), 196963 dated 21 August 2001 (2001, *G.O.* 2, 4911), 197036 dated 11 September 2001 (2001, *G.O.* 2, 5107), 197037 dated 11 September 2001 (2001, *G.O.* 2, 5108), 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172), 197373 dated 4 December 2001 (2001, *G.O.* 2, 6451), 197375 dated 4 December 2001 (2001, *G.O.* 2, 6452), 197464 dated 18 December 2001 (2002, *G.O.* 2, 257), 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303), 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962) and 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831), as well as by sections 361 of chapter 31 of the Statutes of 2001 and 71 of chapter 30 of the Statutes of 2002.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan has been amended since the Revised Statutes of Québec were updated to 1 April 2001, by T.B. 197037 dated 11 September 2001 (2001, *G.O.* 2, 5108), 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172), 197375 dated 4 December 2001 (2001, *G.O.* 2, 6452), 198801 dated 17 September 2002 (2002, *G.O.* 2, 5357) and 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831), as well as by sections 49 of chapter 32 of the Statutes of 2000 and 363 of chapter 31 of the Statutes of 2001.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) came into force on 1 January 2001 and has been amended by T.B. 197299 dated 20 November 2001 (2001, *G.O.* 2, 6165), 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172), 197373 dated 4 December 2001 (2001, *G.O.* 2, 6451), 197375 dated 4 December 2001 (2001, *G.O.* 2, 6452), 197464 dated 18 December 2001 (2002, *G.O.* 2, 257), 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303), 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962) and 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831), as well as by section 156 of chapter 30 of the Statutes of 2002.

(1) the Syndicat du personnel de soutien du Collège de Sherbrooke;

(2) the Syndicat du soutien scolaire de l'Outaouais (CSQ).

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following bodies in alphabetical order:

(1) the Syndicat de l'enseignement des Seigneuries;

(2) the Syndicat du soutien scolaire de l'Outaouais (CSQ).

3. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the following bodies in paragraph 1 and in alphabetical order:

(1) the Syndicat du personnel de soutien du Collège de Sherbrooke;

(2) the Syndicat du soutien scolaire de l'Outaouais (CSQ).

4. This Decision comes into force on the date it is made by the Conseil du trésor but has effect as of the date mentioned opposite each of the following bodies:

- | | |
|---|--|
| (1) Syndicat de l'enseignement des Seigneuries | 1 September 2002; |
| (2) Syndicat du personnel de soutien du Collège de Sherbrooke | 12 months before the date this Decision is made; |
| (3) Syndicat du soutien scolaire de l'Outaouais (CSQ) | 1 July 2002. |

Erratum

Gazette officielle du Québec, Part 2, January 3, 2003,
Vol. 135, No. 1.

Page 32, the heading of the Order of the Minister
responsible for Wildlife and Parks dated 13 December
2002 should read: “**M.O.**, 2002-020”.

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Index Statutory Instruments

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

Regulations — Statutes	Page	Comments
Agreement concerning new methods of voting for an election using “Accu Vote ES 2000” ballot boxes — Municipality of Mont-Laurier (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1021	
Amendment to Schedule II to the Act (An Act respecting the Pension Plan of Management Personnel, 2001, c. 31 ; 2002, c. 30)	1035	M
Amendments to Schedules I and II.1 to the Act (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10; 2001, c. 31 ; 2002, c. 30)	1035	M
Conservation and development of wildlife, An Act respecting the... — Jaro Controlled hunting and fishing Zone (R.S.Q., c. C-61.1)	1039	Erratum
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using “Accu Vote ES 2000” ballot boxes — Municipality of Mont-Laurier (R.S.Q., c. E-2.2)	1021	
Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedules I and II.1 to the Act (R.S.Q., c. R-10; 2001, c. 31 ; 2002, c. 30)	1035	M
Jaro Controlled hunting and fishing Zone (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1039	Erratum
Lobbying Transparency and Ethics Act — Exclusions Regulation (2002, c. 23)	1019	N
Medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients (Podiatry Act, R.S.Q., c. P-12)	1013	N
Pension Plan of Management Personnel, An Act respecting the... — Amendment to Schedule II to the Act (2001, c. 31 ; 2002, c. 30)	1035	M
Podiatry Act — Podiatrists — Medications that a podiatrist may use in the practice of his profession or administer or prescribe to his patients (R.S.Q., c. P-12)	1013	N
Québec sales tax (An Act respecting the Québec sales tax, R.S.Q., c. T-0.1)	1018	M
Québec sales tax, An Act respecting the... — Québec sales tax (R.S.Q., c. T-0.1)	1018	M

