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Summary

Table of Contents
Regulations and other acts
Draft Regulations
Index

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Table of Contents

Page

Regulations and other acts

620-2003 Basic prescription drug insurance plan (Amend.)	1841
Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Municipality of Pointe-Calumet	1842
Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Municipality of Sainte-Victoire-de-Sorel	1856

Draft Regulations

Cartage industry — Québec region	1869
Midwives — Cases requiring consultation with a physician or transfer of clinical responsibility to a physician	1870
Midwives — Standards and conditions of practice for conducting home deliveries	1875

Regulations and other acts

Gouvernement du Québec

O.C. 620-2003, 28 May 2003

An Act respecting prescription drug insurance
(R.S.Q., C. a-29.01)

Basic prescription drug insurance plan — Amendments

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

WHEREAS, under subparagraph 7 of the first paragraph of section 78 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), amended by sections 28 and 31 of chapter 27 of the Statutes of 2002, the Government may, after consulting the Régie de l'assurance maladie du Québec, make regulations to determine, for the purposes of sections 13.1 and 28.1 of the Act, the rules pursuant to which the adjustment rates of the premium, the deductible amount, the coinsurance or the annual contribution are to be fixed annually and specify the class of persons to which each rate is applicable, where that is the case;

WHEREAS, by Order in Council 1519-96 dated 4 December 1996, the Government made the Regulation respecting the basic prescription drug insurance plan and it is expedient to amend the Regulation;

WHEREAS the Régie de l'assurance maladie has been consulted on the amendments;

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

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

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

WHEREAS, in the opinion of the Government, the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2002, c. 27), assented to on 13 June 2002, provides that the contribution parameters applicable to the purchase of medications and those used in the calculation of the amount of the premium payable for prescription drug insurance are adjusted on 1 July each year according to the rates determined by the Régie de l'assurance maladie du Québec, those parameters having to be fixed under the rules established by regulation;

— the determination of the rules must be based on an impact analysis which requires using the most recent data. The data required, namely the data at 31 March, were available only last April. The legal requirement to fix new parameters for 1 July requires raising the urgency of the situation so that the normal publication procedure for a draft regulation may be waived;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the basic prescription drug insurance plan, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the basic prescription drug insurance plan*

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 78, 1st par., subpar. 7; 2002, c. 27, ss. 28 and 31)

1. The heading of Division IV.1 of the Regulation respecting the basic prescription drug insurance plan is replaced by the following: “Premium and contribution”.

2. Section 6.1 is amended

(1) by replacing “section 23 of the Act respecting prescription drug insurance, amended by section 1 of chapter 23 of the Statutes of 2000”, in the portion of the first paragraph preceding subparagraph 1 by “section 28.1 of the Act respecting prescription drug insurance, introduced by section 11 of chapter 27 of the Statutes of 2002”;

(2) by replacing subparagraph 1 of the first paragraph by the following:

“(1) the amount of the annual premium shall be adjusted on 1 July, on the basis of the experience of the months of April to March of the preceding fiscal year, taking into account the increase in the costs of the plan to persons referred to in paragraph 4 of section 15 of the Act respecting prescription drug insurance;”.

3. The following is inserted after section 6.1:

“**6.2.** The rules pursuant to which the Board, in accordance with sections 13.1 and 28.1 of the Act respecting prescription drug insurance, introduced respectively by sections 4 and 11 of chapter 27 of the Statutes of 2002, fixes annually the rates of adjustment of the deductible amount, of the coinsurance and of the maximum annual contribution, and the classes of persons to which they apply are as follows:

(1) for persons referred to in the second and third paragraphs of section 28 of the Act respecting prescription drug insurance, the deductible amount, the coinsurance and the maximum annual contribution are adjusted on 1 July, so as to allow for the proportion of the gross costs assumed by those classes of persons to be maintained, on the basis of the experience of the months of April to March of the preceding fiscal year, taking into account the increase in the costs of the plan to those persons;

(2) in the application of the preceding paragraph, however, the rate of adjustment of the maximum contribution may not exceed

(a) the rate of increase in the Pension Index, established under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and that applies on 1 January of the year of the adjustment, reduced by 0.5%, in regard to the persons referred to in the second paragraph of section 28 of the Act respecting prescription drug insurance;

(b) the rate of increase in the Pension Index, established under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and that applies on 1 January of the year of the adjustment, increased by 0.5%, in regard to the persons referred to in the third paragraph of section 28 of the Act respecting prescription drug insurance.”.

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

5760

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 USING “PERFAS-MV” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF POINTE-CALUMET, a legal person established in the public interest, having its head office at 300, Basile-Routhier Avenue, Pointe-Calumet, Province of Québec, represented by the mayor, Mr Jacques Séguin, and the clerk or secretary-treasurer, Mrs Chantal Pilon, under a resolution bearing number 03-03-45, hereinafter called

* The Regulation respecting the basic prescription drug insurance plan, made by Order in Council 1519-96 dated 4 December 1996 (1996, G.O. 2, 4941), was last amended by the regulation made by Order in Council 1405-2000 dated 6 December 2000 (2000, G.O. 2, 5569). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

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, in 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, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 03-03-45, passed at its meeting of the 10th of March 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of the 2nd of November 2003 in the MUNICIPALITY ;

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

“**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 for the municipal election held on the 2nd of November 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 municipal 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 the 14th of April 2003, resolution No. 03-04-80 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 voting system” means an apparatus consisting of the following devices :

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards ;

— a reader of electronic voting cards ;

— one or more printers ;

— one or more autonomous voting terminals ;

— electronic cards used to place the terminals in “election” mode, to vote (electronic voting cards), to place the terminals in “end of election” mode, and to record the results from each autonomous voting terminal;

2.2 “voting terminal” means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 “electronic card reader” means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” has been pushed by an elector on the voting terminal;

2.5 “operations trail” means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the municipal election of the 2nd November 2003 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems 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

Each electronic voting system must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by the electronic ballot box when a voting terminal is 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 of the voting terminal, and must record each procedural operation;

(3) a mechanism which prevents a voting terminal from being placed in “end of election” mode while polling is still under way, because the terminal can only be placed in “end of election” mode by the insertion of an “end of election” card;

(4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

(6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

(7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order 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 voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

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

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “end of election” mode, and the voting terminals in sealed cases.

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

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

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

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

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

(2) see that the polling is properly conducted and maintain order at 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 electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.”.

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:

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

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, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.”

6.7 Verification of electronic voting systems

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 voting systems

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, 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 system, 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 prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor”;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in “end of election” mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.”

6.8 Advance polling

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

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

- (1) the number of electors who were given an electronic voting card ;
- (2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer ;
- (3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and 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 the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall :

- (1) place the voting terminals in “end of election” mode ;
- (2) transfer the data contained in the memory of the electronic ballot box onto a memory card ;
- (3) print the operations trail (audit) ;
- (4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes ;
- (5) forward the envelopes to the returning officer, who shall keep them safely in separated locations ;
- (6) set each voting terminal to zero, seal it and place it in its plastic case ;
- (7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in “election” mode and “end of election” mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

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 large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in “election” mode and the card used to place the terminals in “end of election” mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll 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.”.

6.9 Revocation

Sections 186 and 187 of the Act are revoked.

6.10 Polling place

The following is substituted for the first paragraph of section 188 of the Act:

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

6.11 Booths

The following is substituted for section 191 of the Act:

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

6.12 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors’ right to vote.”.

The following is substituted for sections 193 to 195 of the Act:

“**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule 1 to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.”.

6.13 Identification of the candidates

The following is substituted for section 196 of the Act:

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector’s mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate’s name and, where such is the case, above the indication of the candidate’s political affiliation.

The particulars must appear in alphabetical order of the candidates’ surnames and, as the case may be, of the candidates’ given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”.

6.14 Reverse of ballot paper

Section 197 is revoked.

6.15 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

“**198.** Where an electronic voting system is 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

The following is substituted for section 199 of the Act:

“199. Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.”

6.17 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act:

“200. The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule 2 to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.”

6.18 Provision of polling materials

The following is substituted for section 204 of the Act:

“204. Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and recording of votes.”

6.19 Examination of polling materials and documents

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 voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

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

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

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

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 Electronic voting cards

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.”.

6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.”.

6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter’s assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter’s assistant shall press the button corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” or both, as the case may be, and shall then record the voter’s vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.”.

6.24 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.25 Assistance for electors

The following is substituted for section 226 of the Act:

“**226.** An elector who declares under oath, before the senior deputy returning officer or the assistant to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the elector’s spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.”.

6.26 Transfer of information to electronic voting cards

The following is substituted for section 228 of the Act:

“**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.”.

6.27 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

- (1) placing the election terminals of the polling place in “end of election” mode;
- (2) recording the results of each voting terminal;
- (3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.”.

6.28 Entries in poll book

The following is substituted for section 230 of the Act:

“**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

- (1) the number of electors who have voted;
- (2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.”.

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 voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.”.

Sections 234 to 237 of the Act are revoked.

6.32 Partial statement of votes and copy for representatives

The following is substituted for sections 238 and 240 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the returning officer and every representative assigned to the polling station.

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

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

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.”.

6.33 Separate envelopes

The following is substituted for section 241 of the Act:

“**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.”.

6.34 Seals

The following is substituted for section 242 of the Act:

“**242.** The senior deputy returning officer shall place in a large envelope:

- (1) the small envelopes prepared pursuant to paragraph 1 of section 241;
- (2) the envelopes provided for in section 230.1;
- (3) the card used in the polling place to place the terminals in “election” mode and “end of election” mode;
- (4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

6.35 Placing in ballot box

Section 243 of the Act is revoked.

6.36 Delivery to returning officer

The following is substituted for section 244 of the Act:

“**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

- (1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;
- (2) the large envelope provided for in section 242.”.

6.37 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.”.

6.38 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 is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.”.

6.39 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.40 New counting of the votes

Section 250 of the Act is revoked.

6.41 Notice to the Minister

The following is substituted for section 251 of the Act:

“**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs and Greater Montréal in accordance with Division III of Chapter XI.”.

6.42 Access to voting papers

Section 261 of the Act is revoked.

6.43 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act:

“**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.”.

6.44 Notice to candidates

The following is substituted for section 267 of the Act:

“**267.** The judge shall give one clear day’s advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.”.

6.45 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act:

“**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

6.46 Repeal

Section 269 is revoked.

6.47 Missing electronic card for recording results and partial statements of votes

The following is substituted for the first paragraph of section 270 of the Act:

“**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.”.

6.48 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.”.

7. 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 the 31st of December 2009.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the municipal election to be held on the 2nd of November 2003 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the municipal election held on the 2nd of November 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 addressing, in particular, the following issues:

- 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 municipal election on the 2nd of November 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 votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the municipal election held on the 2nd of November 2003 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF 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 Pointe-Calumet, on this 15th day of April 2003

MUNICIPALITY OF POINTE-CALUMET

By: _____
JACQUES SÉGUIN, *Mayor*

CHANTAL PILON, *Secretary-treasurer*

In Québec, on this 24th day of April 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

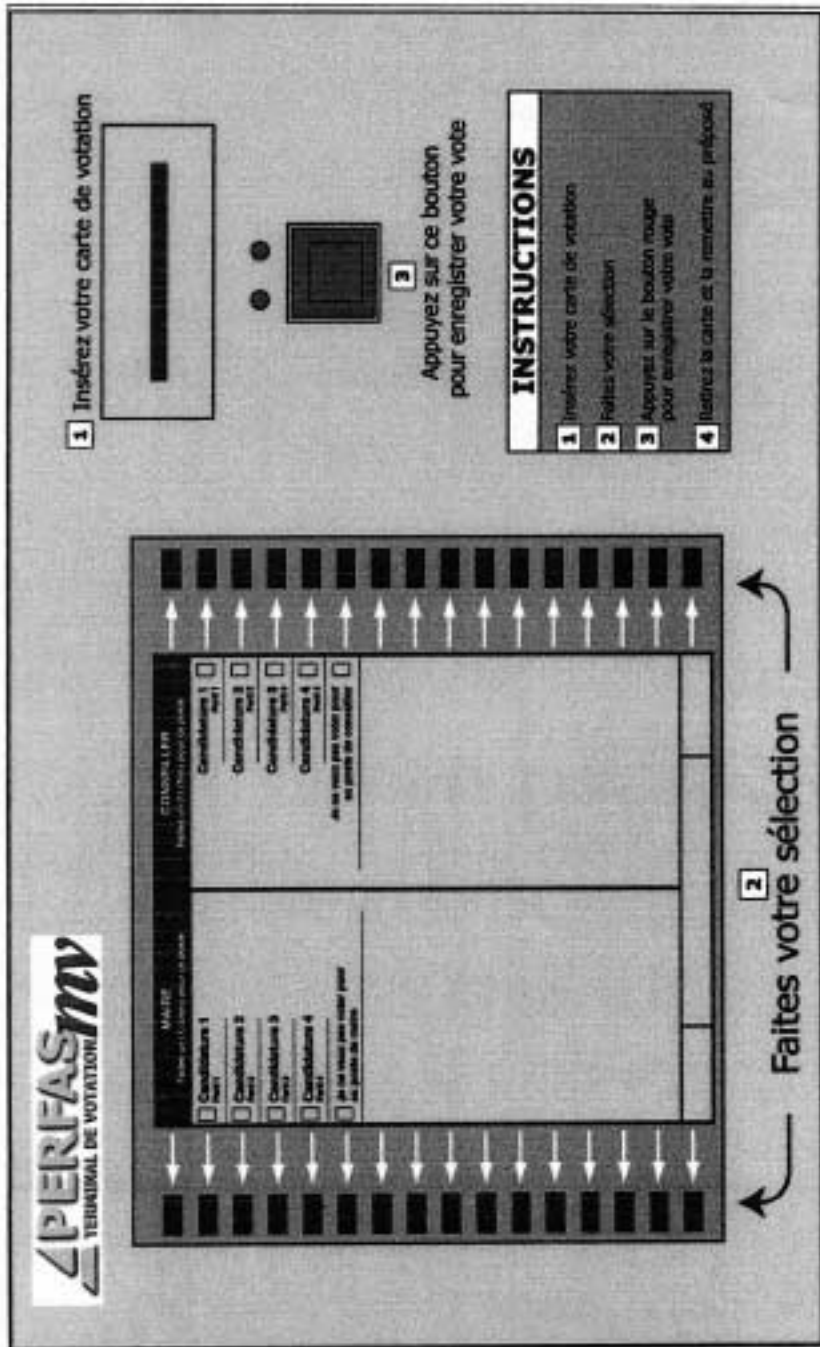
In Québec, on this 12th day of May 2003

THE MINISTER OF MUNICIPAL AFFAIRS
AND GREATER MONTRÉAL

DENYS JEAN, *Deputy Minister*

SCHEDULE I

BALLOT PAPER



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 USING “PERFAS-MV” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINTE-VICTOIRE-DE-SOREL, a legal person established in the public interest, having its head office at 517, chemin Sainte-Victoire, Sainte-Victoire-de-Sorel, Province of Québec, represented by the mayor, Mme Solange Cournoyer, and the clerk or secretary-treasurer, Michel St-Martin, under a resolution bearing number 57-03 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, in 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, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 57-03, passed at its meeting of April 7, 2003 expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general of November 2, 2003 in the MUNICIPALITY;

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

“**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 for the general election held on November 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 April 7, 2003, resolution No. 57-03 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 voting system” means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in “election” mode, to vote (electronic voting cards), to place the terminals in “end of election” mode, and to record the results from each autonomous voting terminal.

2.2 “voting terminal” means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 “electronic card reader” means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” has been pushed by an elector on the voting terminal;

2.5 “operations trail” means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the general election of November 2, 2003 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems 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

Each electronic voting system must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by the electronic ballot box when a voting terminal is 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 of the voting terminal, and must record each procedural operation;

(3) a mechanism which prevents a voting terminal from being placed in “end of election” mode while polling is still under way, because the terminal can only be placed in “end of election” mode by the insertion of an “end of election” card;

(4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

(6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

(7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order 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 voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

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

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “end of election” mode, and the voting terminals in sealed cases.

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

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

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

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

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

(2) see that the polling is properly conducted and maintain order at 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 electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.”.

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:

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

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, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.”.

6.7 Verification of electronic voting systems

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 voting systems

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, 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 system, 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 prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor”;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in “end of election” mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.”.

6.8 Advance polling

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

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

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and 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 the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall:

(1) place the voting terminals in “end of election” mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in “election” mode and “end of election” mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

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 large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in “election” mode and the card used to place the terminals in “end of election” mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll 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.”.

6.9 Revocation

Sections 186 and 187 of the Act are revoked.

6.10 Polling place

The following is substituted for the first paragraph of section 188 of the Act:

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

6.11 Booths

The following is substituted for section 191 of the Act:

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

6.12 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors’ right to vote.”.

The following is substituted for sections 193 to 195 of the Act:

“**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule 1 to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.”.

6.13 Identification of the candidates

The following is substituted for section 196 of the Act:

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector’s mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate’s name and, where such is the case, above the indication of the candidate’s political affiliation.

The particulars must appear in alphabetical order of the candidates’ surnames and, as the case may be, of the candidates’ given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”.

6.14 Reverse of ballot paper

Section 197 is revoked.

6.15 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

“**198.** Where an electronic voting system is 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

The following is substituted for section 199 of the Act:

“**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.”.

6.17 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act:

“**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule 2 to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.”.

6.18 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and recording of votes.”.

6.19 Examination of polling materials and documents

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 voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

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

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

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

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 Electronic voting cards

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.”.

6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.”.

6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter’s assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter’s assistant shall press the button corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” or both, as the case may be, and shall then record the voter’s vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.”.

6.24 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.25 Assistance for electors

The following is substituted for section 226 of the Act:

“**226.** An elector who declares under oath, before the senior deputy returning officer or the assistant to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the elector’s spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.”.

6.26 **Transfer of information to electronic voting cards**

The following is substituted for section 228 of the Act:

“**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.”.

6.27 **Compilation of results and tallying of votes**

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

- (1) placing the election terminals of the polling place in “end of election” mode;
- (2) recording the results of each voting terminal;
- (3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.”.

6.28 **Entries in poll book**

The following is substituted for section 230 of the Act:

“**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

(1) the number of electors who have voted;

(2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.”.

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 voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.”.

Sections 234 to 237 of the Act are revoked.

6.32 **Partial statement of votes and copy for representatives**

The following is substituted for sections 238 and 240 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the returning officer and every representative assigned to the polling station.

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

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

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.”.

6.33 Separate envelopes

The following is substituted for section 241 of the Act:

“**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.”.

6.34 Seals

The following is substituted for section 242 of the Act:

“**242.** The senior deputy returning officer shall place in a large envelope:

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in “election” mode and “end of election” mode;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

6.35 Placing in ballot box

Section 243 of the Act is revoked.

6.36 Delivery to returning officer

The following is substituted for section 244 of the Act:

“**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;

(2) the large envelope provided for in section 242.”.

6.37 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.”.

6.38 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 is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.”.

6.39 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.40 New counting of the votes

Section 250 of the Act is revoked.

6.41 Notice to the Minister

The following is substituted for section 251 of the Act:

“**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs and Greater Montréal in accordance with Division III of Chapter XI.”.

6.42 Access to voting papers

Section 261 of the Act is revoked.

6.43 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act:

“**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.”.

6.44 Notice to candidates

The following is substituted for section 267 of the Act:

“**267.** The judge shall give one clear day’s advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.”.

6.45 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act:

“**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

6.46 Repeal

Section 269 is revoked.

6.47 Missing electronic card for recording results and partial statements of votes

The following is substituted for the first paragraph of section 270 of the Act:

“**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.”.

6.48 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.”.

7. 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, 2010.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election to be held on November 2, 2003 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the general election held on November 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 addressing, in particular, the following issues:

— 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 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 votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the general election held on November 2, 2003 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF 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 Sainte-Victoire-de-Sorel, this 23 day of April 2003

MUNICIPALITY OF SAINTE-VICTOIRE-DE-SOREL

By: _____
SOLONGE COURNOYER, *mayor*

MICHEL ST-MARTIN, *Clerk or Secretary-Treasurer*

In Québec, on this 24th day of April 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

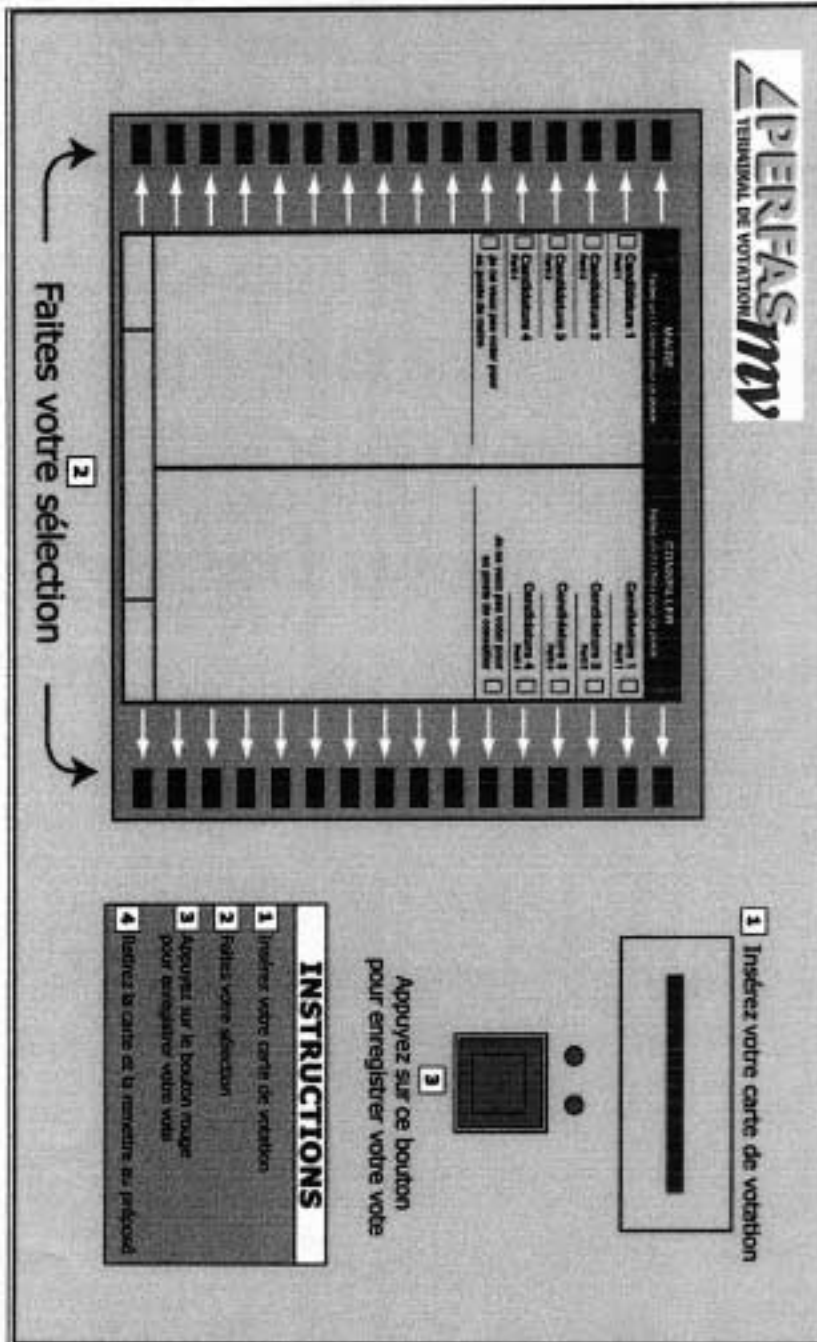
In Québec, on this 12th day of May 2003

THE MINISTER OF MUNICIPAL AFFAIRS
AND GREATER MONTRÉAL

DENYS JEAN, *Deputy Minister*

SCHEDULE I

BALLOT PAPER



Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Cartage industry — Québec — Amendments

Notice is hereby given in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application from the contracting parties to amend the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the cartage industry in the Québec region, the text of which appears below, may be made by the Government upon the expiry of the 45 days following this publication.

This draft regulation intends to increase the wage rates in Part 2 – Transport of wastes, that have remained unchanged since 1 July 2002. For that purpose, it proposes to amend the minimum hourly wage rates paid to employees in regions 01 (Bas-Saint-Laurent), 02 (Saguenay–Lac-Saint-Jean), 03 (Capitale-Nationale) and 12 (Chaudière-Appalaches), with respect to the existing classes of employment in each of these regions.

The consultation period shall serve to clarify the impacts of the amendments being sought. According to the 2002 annual report of the Comité paritaire du camionnage du district de Québec, the Decree governs 263 employers and 925 employees. As for Part 2 – Transport of wastes, it governs 97 employers and 312 employees.

Additional information may be obtained by contacting Ms. Danièle Pion, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1, telephone: (418) 643-4198, fax: (418) 644-6969, e-mail: danièle.pion@travail.gouv.qc.ca

Any interested person having comments to make concerning this matter may send them in writing, before the expiry date, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister of Labour

Decree to amend the Decree respecting the cartage industry in the Québec region*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. Section 18.01 of the Decree respecting the cartage industry in the Québec region is replaced by the following:

“**18.01.** The minimum hourly wage rates payable to employees is determined in the following tables, by region and by class of employment, on the dates indicated:

1. **(A) Region 01 (Bas-Saint-Laurent):** municipalities included in the regional county municipalities of Kamouraska, Les Basques, Rimouski-Neigette, Rivière-du-Loup and Témiscouata;

(B) Region 12 (Chaudière-Appalaches): municipalities included in the regional county municipalities of Beauce-Sartigan, L'Amiante, L'Islet, La Nouvelle-Beauce, Les Etchemins, Montmagny and Robert-Cliche:

Class of employment	As of (insert the date of the coming into force of this Decree)	As of 2004 07 01
1. helper	\$13.82	\$14.24
2. driver, class I	\$14.12	\$14.54
3. driver, class II	\$14.23	\$14.66
4. driver, class III	\$14.83	\$15.28
5. driver, class IV	\$15.40	\$15.86
6. mechanic, welder		
1st grade	\$10.93	\$11.26
2nd grade	\$14.84	\$15.29
7. serviceman		
1st grade	\$10.93	\$11.26
2nd grade	\$14.23	\$14.66;

* The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) was last amended by the Regulation made by Order in Council No. 580-2001 dated 16 May 2001 (2001, G.O. 2, 2307). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

2. **Région 02 (Saguenay–Lac-Saint-Jean)**: municipalities included in the regional county municipalities of Lac Saint-Jean-Est, le Domaine-du-Roy, Le Fjord-du-Saguenay and Maria-Chapdelaine:

Class of employment	As of (insert the date of the coming into force of this Decree)	As of 2004 07 01
1. helper	\$13.48	\$13.89
2. driver, class I	\$14.73	\$15.17
3. driver, class II	\$14.85	\$15.30
4. driver, class III	\$15.02	\$15.47
5. driver, class IV	\$15.57	\$16.04
6. mechanic, welder		
1st grade	\$10.93	\$11.26
2nd grade	\$15.01	\$15.46
7. serviceman		
1st grade	\$10.93	\$11.26
2nd grade	\$14.43	\$14.86;

3. (A) **Region 03 (Capitale-Nationale)**: municipalities included in the Communauté urbaine de Québec as well as the municipalities in the regional county municipalities of L'Île-d'Orléans, La Côte-de-Beaupré, La Jacques-Cartier and Portneuf;

(B) **Region 12 (Chaudière-Appalaches)**: municipalities included in the regional county municipalities of Bellechasse, Desjardins, Les Chutes-de-la-Chaudière and Lotbinière:

Class of employment	As of (insert the date of the coming into force of this Decree)	As of 2004 07 01
1. helper	\$15.30	\$15.75
2. driver, class I	\$15.60	\$16.07
3. driver, class II	\$15.74	\$16.21
4. driver, class III	\$16.32	\$16.80

Class of employment	As of (insert the date of the coming into force of this Decree)	As of 2004 07 01
5. driver, class IV	\$16.88	\$17.39
6. mechanic, welder		
1st grade	\$10.93	\$11.26
2nd grade	\$16.03	\$16.51
7. serviceman		
1st grade	\$10.93	\$11.26
2nd grade	\$15.73	\$16.20.”.

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

5758

Draft Regulation

Midwives Act
(R.S.Q., c. S-0.1)

Midwives

— Cases requiring consultation with a physician or transfer of clinical responsibility to a physician

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting cases requiring consultation with a physician or transfer of clinical responsibility to a physician, adopted by the Bureau of the Ordre des sages-femmes du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

According to the Order, the purpose of the draft Regulation is to classify the cases in which a midwife must consult a physician or transfer clinical responsibility of the woman or child to a physician at every stage of the midwife follow-up.

The draft Regulation will have a direct impact on the members of the Order since, for the benefit of their clients, they will have to observe specific rules of conduct or rules of conduct that could be required by the woman or child's condition.

The draft Regulation is to replace the Regulation respecting obstetrical and neonatal risks made pursuant to the third paragraph of section 23 of the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., c. P-16.1).

Further information may be obtained by contacting Raymonde Gagnon, Chair and Director General, Ordre des sages-femmes du Québec, 430, rue Sainte-Hélène, bureau 405, Montréal (Québec) H2Y 2K7, telephone: (514) 286-1313 or 1 877 711-1313; fax: (514) 286-0008.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation, as well as to the interested persons, departments and bodies.

JEAN-K. SAMSON,
*Chair of the Office des
professions du Québec*

Regulation respecting cases requiring consultation with a physician or transfer of clinical responsibility to a physician

Midwives Act

(R.S.Q., c. S-0.1, s. 5, 1st par., subpar. 3)

DIVISION I CONSULTATION

- 1.** The midwife shall initiate a consultation with a physician in cases of mandatory consultation prescribed in a schedule to this Regulation and ensure that a consultation takes place within an appropriate time period, considering the severity of the woman or child's condition and harm that could result from their condition.
- 2.** The midwife shall inform the woman of the reasons for the consultation.
- 3.** The midwife shall provide the physician consulted with all the information and documents relevant to the consultation and specify the consultation case referred to in a schedule to this Regulation.
- 4.** After the consultation, the midwife shall inform the woman of the results of the consultation and, taking into account the medical recommendations,

- (1) carry on with the follow-up;
- (2) carry on with the follow-up during simultaneous care; or
- (3) transfer the clinical responsibility of the woman or child to a physician in accordance with sections 6 to 10.

DIVISION II TRANSFER

- 5.** The midwife shall transfer the clinical responsibility of the woman or child to a physician in the cases of mandatory transfer of that responsibility prescribed in a schedule to this Regulation.
- 6.** The midwife shall inform the woman of the reasons for the transfer.
- 7.** The midwife shall take the appropriate measures to facilitate the transfer according to the nature of the case of mandatory transfer.
- 8.** The midwife who is with the woman or child at the time of transfer shall accompany the woman or child until the woman or child is under medical care where the circumstances require it.
- 9.** The midwife shall provide the physician with all the information and documents relevant to the care of the woman or child and specify the transfer case referred to in a schedule to this Regulation.

10. In cases where the transfer is mandatory and where urgency, distance to travel or climatic conditions make the transfer impossible, the midwife must seek advice from a physician by telephone or by another appropriate means of communication.

DIVISION III FINAL

11. This Regulation replaces the Regulation respecting obstetrical and neonatal risks, approved by Order in Council 413-93 dated 24 March 1993.

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

SCHEDULE I

(ss. 1 and 5)

CLASSIFICATION : HISTORY**Cases of mandatory consultation**

- (1) genetic, hereditary or congenital disease that could affect the baby's life
- (2) repeated spontaneous abortions up to the 16th week without full term delivery
- (3) conization of the cervix
- (4) myomectomy
- (5) more than one preterm birth
- (6) more than one low-birth-weight infant
- (7) perinatal mortality that could present a potential risk

Cases of mandatory transfer

- (1) cervical amputation
- (2) incompetent cervix with no history of a previous normal delivery
- (3) repeated spontaneous abortions up to the 16th week without full term delivery
- (4) subarachnoid hemorrhage
- (5) thromboembolic disease
- (6) isoimmunization

SCHEDULE II

(ss. 1 and 5)

CLASSIFICATION : PRESENT PREGNANCY**Cases of mandatory consultation**

- (1) age less than 14 years
- (2) thrombocytopenia
- (3) Crohn's disease
- (4) ulcerative colitis
- (5) mitral valve prolapse

(6) risks related to a pathology that could influence the course of the present pregnancy, for example : endocrine disorders, hepatic disease, neurologic disorders, psychiatric illnesses, heart, pulmonary or renal disease

(7) the mother's use of medication, drugs or alcohol having a potential impact on the fetus or newborn

- (8) active cancer
- (9) severe vomiting of pregnancy
- (10) suspected extrauterine pregnancy
- (11) uterine malformation
- (12) presence of fibroma
- (13) abnormal cervical smear test
- (14) sexually transmitted diseases : gonorrhea, syphilis, chlamydia
- (15) seroconversion during pregnancy for herpes
- (16) infectious contact in a woman likely to contract hepatitis, measles or chickenpox
- (17) anemia : less than 100 g/l Hb unresponsive to treatment
- (18) threat of premature labour
- (19) bleeding of unknown origin at more than 20 weeks
- (20) polyhydramnios or oligohydramnios
- (21) any diagnosed fetal anomaly
- (22) presentation other than cephalic after 37 weeks
- (23) pregnancy at 42 weeks

Cases of mandatory transfer

- (1) insulin-dependent diabetes
- (2) Addison's and Cushing's disease
- (3) collagenosis
- (4) hyperthyroidism
- (5) multiple sclerosis
- (6) high blood pressure

- (7) active tuberculosis
- (8) HIV seropositivity and AIDS
- (9) seroconversion during pregnancy for the following infectious diseases : toxoplasmosis, rubella, cytomegalovirus, HIV and tuberculosis
- (10) heart, renal or pulmonary disease with failure
- (11) presence of significant irregular antibodies
- (12) thrombocytopenia, if severe
- (13) coagulation abnormality
- (14) incompetent cervix
- (15) extrauterine pregnancy
- (16) multiple gestation
- (17) premature detachment of a normally situated placenta
- (18) placenta previa
- (19) intrauterine growth retardation
- (20) uncontrolled gestational hypertension
- (21) preeclampsia or eclampsia
- (22) HELLP syndrome
- (23) in utero death
- (4) third or fourth degree perineal laceration
- (5) delivery between 34 and 36 6/7 weeks
- (6) labour begins after 42 weeks
- (7) thick or particulate meconium amniotic fluid
- (8) unusual blood loss during labour
- (9) suspected premature detachment of a normally situated placenta
- (10) suspected chorioamnionitis

Cases of mandatory transfer

- (1) labour begins before 34 weeks
- (2) any presentation other than vertex
- (3) multiple gestation
- (4) in utero death
- (5) active genital herpes
- (6) hypertension with diastolic pressure more than 90mm Hg over two hours
- (7) signs or symptoms of preeclampsia or eclampsia
- (8) vasa previa palpated during a vaginal examination
- (9) cord prolapse
- (10) placenta previa
- (11) fetal distress
- (12) arrest of descent of presenting part of the fetus
- (13) obstetric shock
- (14) hemorrhage unresponsive to treatment
- (15) suspected uterine rupture
- (16) uterine inversion

SCHEDULE III

(ss. 1 and 5)

CLASSIFICATION : LABOUR AND DELIVERY

Cases of mandatory consultation

- (1) prolonged rupture of membranes
- (2) obstructed labour
- (3) retained placenta

SCHEDULE IV

(ss. 1 and 5)

CLASSIFICATION : POSTPARTUM (MATERNAL)**Cases of mandatory consultation**

- (1) subinvolution of the uterus unresponsive to treatment
- (2) persistent bleeding unresponsive to treatment
- (3) suspected partially retained placenta
- (4) vulvar hematoma causing problems of micturition
- (5) infection of the perineal incision
- (6) uterine prolapse
- (7) serious psychological problems
- (8) suspected preeclampsia

Cases of mandatory transfer

- (1) severe infection
- (2) postpartum psychosis
- (3) phlebitis and risk of thromboembolism
- (4) suspected uterine rupture
- (5) eclampsia
- (6) persistent hypertension

SCHEDULE V

(ss. 1 and 5)

CLASSIFICATION : NEWBORN**Cases of mandatory consultation**

- (1) abnormal pigmentation
- (2) birth trauma
- (3) enlarged fontanelles according to criteria in effect
- (4) palpable thyroid
- (5) one major malformation or two or more suspected or apparent minor malformations at birth

- (6) suspected spina bifida
- (7) abnormal crying
- (8) absent or abnormal primitive reflexes after sequential evaluation
- (9) abnormal neurological signs
- (10) heart murmur
- (11) hepatomegaly > 3 cm below costal margin
- (12) palpable spleen
- (13) single umbilical artery
- (14) inguinal mass
- (15) testicular mass at birth
- (16) undescended or impalpable testes
- (17) 36-36 6/7 weeks gestational age
- (18) clinical examination suggesting gestational age lower than 37 weeks
- (19) persistent tachypnea at more than 60 respirations/minute
- (20) weight lower than the third percentile
- (21) failure to regain birth weight after 14 days of life, unresponsive to treatment
- (22) slow or poor infant weight gain according to the growth curve adapted to the sex and race
- (23) inappropriate growth lower than the third percentile or greater than the ninety-seventh percentile according to the head circumference curve
- (24) asymmetric skull (absence of round shape) after 3 days
- (25) irritability, hypertonia if more than 24 hours
- (26) anuria beyond 24 hours of life
- (27) absence of the passage of meconium after 24 hours of life
- (28) abnormal laboratory results that may have a clinical impact

- (29) jaundice requiring phototherapy
- (30) persistent jaundice after 14 days of life
- (31) suspected infections in the baby or mother that may have an impact on the baby
- (32) periumbilical erythema compatible with an omphalitis
- (33) skin eruption other than neonatal erythema or diaper dermatitis
- (34) purulent eye discharge with redness of the conjunctiva
- (35) abnormal or irregular heart beat, less than 100 beats/min or more than 200 beats/min
- (36) femoral, impalpable or asymmetrical pulse
- (37) absent red reflex of the eye
- (38) abdominal mass
- (39) hip instability or subluxation of the hips
- (40) bulging anterior fontanelle

Cases of mandatory transfer

- (1) persistent hypothermia (36 °C rectal or 35.5 °C axillary) beyond two hours of life or persistent hyperthermia (38.5 °C rectal or 38°C axillary) beyond 12 hours of life
- (2) respiratory distress or apnea
- (3) jaundice within the first 24 hours
- (4) less than 36 weeks gestational age
- (5) APGAR less than 7 at 5 minutes
 less than 9 at 10 minutes
- (6) central cyanosis
- (7) newborn having required endotracheal intubation or positive pressure ventilation assistance beyond the second minute of life

- (8) any major anomaly requiring immediate intervention
- (9) persistent pallor beyond one hour of life
- (10) unilateral or bilateral choanal atresia
- (11) jitteriness or convulsions
- (12) lethargy or hypotonia
- (13) generalized ecchymoses or petechiae
- (14) abstinence syndrome
- (15) meteorism with food intolerance
- (16) upper or lower gastrointestinal hemorrhage
- (17) vomiting of bile or diarrhea

5755

Draft Regulation

Midwives Act
(R.S.Q., c. S-0.1)

Midwives

— Standards and conditions of practice for conducting home deliveries

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the standards and conditions of practice for conducting home deliveries, adopted by the Bureau of the Ordre des sages-femmes du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

According to the Order, the purpose of the draft Regulation is to set out the standards and conditions of practice that midwives must comply with for conducting home deliveries in order to provide safe services.

Further information may be obtained by contacting Raymonde Gagnon, Chair and Director General, Ordre des sages-femmes du Québec, 430, rue Sainte-Hélène, bureau 405, Montréal (Québec) H2Y 2K7, telephone: (514) 286-1313 or 1 877 711-1313; fax: (514) 286-0008.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation, as well as to the interested persons, departments and bodies.

JEAN-K. SAMSON,
Chair of the Office des
professions du Québec

Regulation respecting the standards and conditions of practice for conducting home deliveries

Midwives Act
(R.S.Q., c. S-0.1, s. 5, 1st par., subpar. 2)

DIVISION I SCOPE

1. This Regulation applies to midwives who conduct deliveries in a place of birth other than a facility maintained by an institution which operates a local community service centre or a hospital centre, as defined by the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), and established under the designation “home”.

DIVISION II STANDARDS OF PRACTICE

2. The midwife shall provide the woman with the information appearing in the consent form provided for in Schedule I in order to allow her to make an enlightened choice of the place of birth.

Where applicable, the midwife shall have the form signed by the woman who chooses to give birth at home.

3. Where a woman chooses to give birth at home during or after the 36th week of pregnancy, the midwife must meet the requirements set out in sections 4 and 5 during the first meeting that follows that choice and that takes place within the scope of the pregnancy follow-up.

DIVISION III CONDITIONS OF PRACTICE

4. Before the 36th week of pregnancy, the midwife must visit the home chosen for the birth.

The midwife must then ensure that on the due date, services may be provided in a safe environment.

To that end, a midwife shall take into account

(1) the accessibility to the home for herself and for ambulance services;

(2) the physical organization of the home;

(3) the immediate access to an adequate means of communication in situations requiring a medical consultation or an urgent transfer to a facility maintained by an institution which operates a general and specialized hospital centre; and

(4) the distance to travel between the home and the facility.

5. A midwife shall assess all the elements that are likely to influence the choice of the place of birth or the delivery process and discuss them with the woman.

Where applicable, the midwife shall make the appropriate recommendations to favour a normal delivery process.

6. During delivery, the midwife must have in her possession a copy of the record created by the midwife concerning the woman.

7. During delivery, the midwife must have in her possession the equipment, material and medications listed in Schedule II.

8. During delivery, a midwife who acknowledges the need for a transfer of clinical responsibility of the woman or child to a physician, in accordance with the Regulation respecting cases requiring consultation with a physician or transfer of clinical responsibility to a physician, approved by Order in Council (*insert the number and date of the Order in Council*), must accompany the woman or child until the woman or child is under medical care.

9. The midwife must dispose of biomedical waste in accordance with the Regulation respecting biomedical waste made by Order in Council 583-92 dated 15 April 1992.

10. A midwife who was unable to meet the requirements set out in sections 2 to 6 may nonetheless proceed with a imminent birth at home.

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

SCHEDULE I

(s. 2)

**CONSENT TO SERVICES OF A MIDWIFE
FOR HOME BIRTH**

I, the undersigned, _____, have decided to give birth at home, at _____ and be accompanied by a midwife.

I acknowledge having been informed of the following :

— the particularities of the different places of birth, the advantages and risks related thereto ;

— the measures related to home birth ;

— the cases in which consultation with a physician or transfer of clinical responsibility to a physician is required ;

— the emergency measures to be taken if there is a complication ;

— the criteria for transportation from the home to the hospital centre where indicated, including the distance involved.

I hereby understand that the planning of a home birth does not guarantee that I will give birth at home.

I hereby understand that I can change the choice of the place of birth at any time.

In witness whereof

I have signed: _____
at (municipality) _____
this (date) _____

Signature: _____

Name of midwife: _____

Licence number: _____

SCHEDULE II

(s. 7)

**LIST OF EQUIPMENT, MATERIAL AND
MEDICATIONS REQUIRED FOR HOME BIRTH**

The essentials for maternal and fetal monitoring ;

The essentials for delivery, including sterile instruments ;

The essentials for neonatal resuscitation, including intubation ;

The essentials for suture, including sterile instruments ;

The essentials for blood samples, injections and intravenous perfusions ;

The essentials for bladder catheterization ;

A container to dispose of biomedical waste ;

The following medications: oxytocics, local anaesthesia, replacement solutions for intravenous perfusion, oxygen, ophthalmic prophylaxis, vitamin K, epinephrine.

5756

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Municipality of Sainte-Victoire-de-Sorel (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1856	
Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Municipality of Pointe-Calumet (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1842	
Basic prescription drug insurance plan (An Act respecting prescription drug insurance, R.S.Q., c. A-29.01)	1841	M
Cartage industry — Québec region (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	1869	Draft
Collective agreement decrees, An Act respecting... — Cartage industry — Québec region (R.S.Q., c. D-2)	1869	Draft
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Municipality of Sainte-Victoire-de-Sorel (R.S.Q., c. E-2.2)	1856	
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Municipality of Pointe Calumet (R.S.Q., c. E-2.2)	1842	
Midwives — Cases requiring consultation with a physician or transfer of clinical responsibility to a physician (Midwives Act, R.S.Q., c. S-0.1)	1870	Draft
Midwives — Standards and conditions of practice for conducting home deliveries (Midwives Act, R.S.Q., c. S-0.1)	1875	Draft
Midwives Act — Midwives — Cases requiring consultation with a physician or transfer of clinical responsibility to a physician (R.S.Q., c. S-0.1)	1870	Draft
Midwives Act — Midwives — Standards and conditions of practice for conducting home deliveries (R.S.Q., c. S-0.1)	1875	Draft
Prescription drug insurance, An Act respecting... — Basic prescription drug insurance plan (R.S.Q., c. A-29.01)	1841	M

