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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 813-2003, 11 August 2003

An Act respecting the Ministère des Affaires municipales et de la Métropole
(R.S.Q., c. M-22.1)

Ministère des Affaires municipales et de la Métropole

— Signing of certain documents — Amendments

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole

WHEREAS, under section 18 of the Act respecting the Ministère des Affaires municipales et de la Métropole (R.S.Q., c. M-22.1), the Government may, by regulation, determine the cases in which the signature of a document by a public servant is binding on the Minister and may be attributable to the Minister;

WHEREAS, by Order in Council 589-2000 dated 17 May 2000, the Government made the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole;

WHEREAS, by Order in Council 1129-2000 dated 27 September 2000, the Government amended the Regulation;

WHEREAS it is expedient to again amend the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole*

An Act respecting the Ministère des Affaires municipales et de la Métropole
(R.S.Q., c. M-22.1, s. 18)

1. The title of the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole is amended by replacing “et de la Métropole” by “, du Sport et du Loisir”.

2. Section 1 is amended by replacing “et de la Métropole” in the first paragraph by “, du Sport et du Loisir”.

3. Section 2 is amended

(1) by inserting “or associate” after “assistant” in paragraph 1;

(2) by striking out “and their addenda” in subparagraph *d* of paragraph 1;

(3) by inserting “or the Cabinet” after “Trésor” in subparagraph *d* of paragraph 1;

(4) by adding the following after subparagraph *d* of paragraph 1:

“(d.1) other documents pertaining to the promise or granting of subsidies;”;

(5) by striking out “and their addenda” in subparagraph *a* of paragraph 4;

(6) by adding the following after subparagraph *b* of paragraph 5:

“(c) requests for opinions provided for in sections 75.11, 267, 267.2 and 267.3 of the Act respecting land use planning and development, section 89 of the Charter of

* The Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole, made by Order in Council 589-2000 dated 17 May 2000 (2000, G.O. 2, 2307), was amended by the regulation made by Order in Council 1129-2000 dated 27 September 2000 (2000, G.O. 2, 5121).

Ville de Gatineau (R.S.Q., c. C-11.1), section 264 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) and section 227 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02); and

(d) documents resulting from the exercise of the Minister's powers provided for in section 149 of the Act respecting the Communauté métropolitaine de Montréal and section 141 of the Act respecting the Communauté métropolitaine de Québec;";

(7) by adding the following after paragraph 5:

"(5.1) the director of the direction responsible for metropolitan development and institutional relations of:

(a) notices provided for in the last paragraphs of each of sections 50, 53.6, 56.3 56.13 and 64 of the Act respecting land use planning and development;

(b) documents resulting from the exercise of the powers of the Minister provided for in section 239 of the Act respecting land use planning and development and section 149 of the Act respecting the Communauté métropolitaine de Montréal; and

(c) requests for opinions provided for in section 264 of the Act respecting the Communauté métropolitaine de Montréal;

(5.2) the director of a regional direction, for the objects within the jurisdiction of the direction, of documents resulting from the exercise of the powers of the Minister provided for in section 239 of the Act respecting land use planning and development;

(5.3) the director of the direction responsible for the promotion of safety in sports, of documents resulting from the exercise of the powers of the Minister provided for in section 25 of the Act respecting safety in sports (R.S.Q., c. S-3.1);";

(8) by striking out "professional and auxiliary" in subparagraph *a* of paragraph 7;

(9) by striking out ", leasing" and ", including maintenance and repairs" in subparagraph *b* of paragraph 7;

(10) by replacing paragraph 8 by the following:

"(8) the director of the direction responsible for informational services, of the following documents, provided that they include an expenditure or receipt not exceeding \$100,000:

(a) services contracts; and

(b) supply contracts;";

(11) by inserting "and auxiliary" after "financial" in paragraph 9;

(12) by striking out "professional and auxiliary" in subparagraph *a* of paragraph 9;

(13) by replacing "leasing" in subparagraph *b* of paragraph 9 by "construction";

(14) by replacing "leasing" in subparagraph *b* of paragraph 10 by "construction";

(15) by replacing paragraphs 11 to 13 by the following:

"(11) the director of a direction, for the objects within the jurisdiction of the direction, of:

(a) the following documents, provided that they include an expenditure or receipt not exceeding \$25,000:

i. services contracts;

ii. supply contracts;

iii. service agreements with other departments and public bodies; and

iv. memoranda of understanding; and

(b) documents pertaining to the promise or granting of subsidies under programs for which the norms, terms and conditions of awarding have been approved by the Conseil du trésor or the Cabinet;

(12) the person responsible for the coordination of land development, of the following documents, provided that they include an expenditure or receipt not exceeding \$25,000:

(a) services contracts;

(b) supply and construction contracts;

(c) documents that entail an application or a commitment by the Department to the Société immobilière du Québec; and

(d) service agreements with other departments and public bodies;

(13) a department head, for the objects within the jurisdiction of the department, of the following documents, provided that they include an expenditure or receipt not exceeding \$10,000:

(a) services contracts;

(b) supply contracts;

(c) service agreements with other departments and public bodies; and

(d) memoranda of understanding.”.

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

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Gouvernement du Québec

O.C. 815-2003, 11 August 2003

Professional Code
(R.S.Q., c. C-26)

Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders — Amendments

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the Government may, by regulation, after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code and of the orders concerned, namely the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and the Ordre des orthophonistes et audiologistes du Québec, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, with the educational institutions and the orders concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of university-level diplomas, the Fédération des cégeps in the case of college-level diplomas, and the Minister of Education;

WHEREAS, in accordance with that provision, the Office carried out the required consultations;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the provisions amending that Regulation were published separately as drafts in Part 2 of the *Gazette officielle du Québec* of 18 December 2002, with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, following those publications, no comments were made to the Chair of the Office;

WHEREAS it is expedient to consolidate the amendments proposed in the published drafts into one regulation and to make corrections to the names of some of the diplomas concerned;

WHEREAS, on 31 January 2003 and 17 February 2003, the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and the Ordre des orthophonistes et audiologistes du Québec respectively agreed to the proposed amendments;

WHEREAS, on 20 February 2003, the Office gave a favourable opinion on the making by the Government of the Regulation attached to this Order in Council;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 1.12 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by substituting the following for paragraphs *a* and *b*:

“(a) Maîtrise professionnelle en orthophonie (M.P.O.) from Université de Montréal;

(b) Maîtrise professionnelle en audiologie (M.P.A.) from Université de Montréal;

(c) Master of Science (Applied) in Communication Sciences and Disorders; Speech-Language Pathology Specialization from McGill University; and

(d) Maîtrise en orthophonie (M. Sc.) from Université Laval.”.

2. The following is substituted for section 1.23:

“**1.23.** The following diplomas awarded by the teaching establishments listed below give access to the permits mentioned hereafter, issued by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec:

(1) a guidance counsellor's permit:

(a) Maîtrise en sciences de l'orientation (M.A.) with internship and paper, from Université Laval;

(b) Maîtrise en orientation (M.Ed.) with internship and paper, from Université de Sherbrooke;

(c) Master of Arts (M.A.), non-thesis, Counselling Psychology Program, from McGill University; and

(d) Maîtrise en éducation (M.Ed), “carrièreologie” concentration (with internship), from Université du Québec à Montréal; and

(2) a psychoeducator's permit:

(a) Maîtrise en psychoéducation (M.Sc.) with internships and Maîtrise en psychoéducation (M.Sc.) with internships and thesis, from Université de Montréal;

(b) Maîtrise en psychoéducation (M.Sc.) and Maîtrise en psychoéducation (M.Sc.) with research, from Université de Sherbrooke; and

(c) Maîtrise en psychoéducation (M.Sc.) with internships, from Université du Québec en Abitibi-Témiscamingue, Université du Québec en Outaouais and Université du Québec à Trois-Rivières.”.

3. Section 1 of this Regulation does not affect the rights of a person who holds a diploma giving access to the permit of the Ordre des orthophonistes et audiologistes du Québec on 10 September 2003 or is registered in a program giving access to that diploma.

4. Section 2 of this Regulation does not affect the rights of a person who, on 11 September 2003, holds a Maîtrise en psychologie (M.Ps.), option Psychologie du counselling from Université de Montréal, or a Maîtrise en psychoéducation (M.Ed.) with internships from Université de Sherbrooke, or is registered in a program giving access to either diploma.

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

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Gouvernement du Québec

O.C. 816-2003, 11 August 2003

Professional Code
(R.S.Q., c. C-26)

Midwives — Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of midwives

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des sages-femmes du Québec must establish, by regulation, a con-

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1419-2002 dated 4 December 2002 (2002, *G.O.* 2, 6487). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

ciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS the Bureau of the Ordre des sages-femmes du Québec adopted the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 March 2003 with a notice that it could be submitted for approval to the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of midwives

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I GENERAL

1. The syndic of the Ordre des sages-femmes du Québec shall give a copy of this Regulation to any person who requests it and to the person who makes an application for conciliation.

In this Regulation, “syndic” includes the assistant syndic and the corresponding syndic of the Order, where applicable.

2. A person who has a dispute with a midwife concerning the amount of an account for professional services may apply for conciliation by the syndic, even if the account has been paid in whole or in part.

When such conciliation has not settled the dispute, the person may apply for arbitration.

3. A midwife may not institute proceedings in respect of an account

(1) before the expiry of the period granted for the application for conciliation in section 4;

(2) if there is an application for conciliation, before the expiry of the 30-day period provided for the application for arbitration in the first paragraph of section 9; and

(3) if there is an application for arbitration, until a decision is rendered by the council of arbitration.

Despite the preceding, a midwife may institute proceedings in respect of an account, with the authorization of the syndic, if the recovery of her fees could be jeopardized failing the institution of such proceedings.

DIVISION II CONCILIATION

4. An application for conciliation must be sent to the syndic within 45 days of receipt of the account by the person referred to in section 2.

When the payment of the account has been withdrawn or withheld by the midwife from the funds she holds or receives for or on behalf of the woman, the period runs from the day on which the latter becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account for which no payment, withdrawal or withholding has been carried out may be sent to the syndic after the expiry of the 45-day period, provided that it is sent before proceedings in respect of an account are served.

5. Upon receipt of an application for conciliation, the syndic shall send a copy of the application by registered or certified mail to the midwife.

6. The syndic shall proceed with the conciliation in the manner considered most appropriate.

7. Any agreement reached during conciliation must be in writing, signed by the person referred to in section 2 and the midwife, and filed with the secretary of the Order.

8. When conciliation does not lead to an agreement within 45 days of receipt of the application for conciliation, the syndic shall, within the 20 following days, send a conciliation report by registered or certified mail to the person referred to in section 2 and to the midwife.

The syndic's conciliation report must pertain to, where applicable,

- (1) the amount of the account in dispute;
- (2) the amount that the person referred to in section 2 acknowledges owing;
- (3) the amount that the midwife acknowledges having to refund or is willing to accept in settlement of the dispute; and
- (4) the amount suggested by the syndic during conciliation as payment to the midwife or refund to the person referred to in section 2.

The syndic shall also send the person referred to in section 2 the form in Schedule I and indicate the procedure and deadline for submitting the dispute to arbitration.

DIVISION III **ARBITRATION PROCEDURE**

§1. Application for arbitration

9. When conciliation did not lead to an agreement, the person referred to in section 2 may, within 30 days of receipt of the conciliation report, apply for arbitration of the account by sending by registered or certified mail the duly completed form prescribed in Schedule I to the secretary of the Order.

The person referred to in section 2 shall enclose a copy of the conciliation report with the application and, where applicable, the deposit of the amount the person acknowledged owing in conciliation, as indicated in the syndic's report.

10. Upon receipt of the application for arbitration, the secretary of the Order shall notify the midwife concerned by certified or registered mail and, where applicable, enclose the amount deposited in accordance with the second paragraph of section 9.

In such a case, the arbitration shall pertain only to the amount still in dispute.

11. An application may only be withdrawn in writing and with the consent of the midwife.

12. A midwife who acknowledges owing a refund shall deposit the amount with the secretary of the Order, who shall then remit it to the person referred to in section 2.

In such a case, the arbitration shall pertain only to the amount still in dispute.

13. Any agreement reached between the person referred to in section 2 and the midwife after the application for arbitration has been filed must be in writing, signed by the parties, and filed with the secretary of the Order or, if the agreement is reached after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2. Establishment of the council of arbitration

14. The council of arbitration shall be composed of three arbitrators when the amount in dispute is \$2,500 or more and of a single arbitrator when the amount is less than \$2,500.

15. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council consists of three arbitrators, the Bureau shall appoint the chair.

16. The secretary of the Order shall inform in writing the arbitrators and the parties that a council has been formed.

17. Before acting, the member or members of the council of arbitration shall take the oath prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

18. An application for the recusation of an arbitrator may be made only on one of the grounds provided for in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25). It must be sent to the secretary of the Order, to the council of arbitration, and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or 10 days after the cause for recusation becomes known.

The Bureau shall rule on such applications and, where required, shall see to the replacement of the recused arbitrator.

§3. Hearing

19. The council of arbitration shall set the date, time and place of the hearing and shall give the parties at least 10 days' notice by registered or certified mail.

20. The parties are entitled to be represented by an advocate or to be assisted.

21. The council of arbitration shall, with diligence, hear the parties, receive their evidence, or record their failure to appear; to that end, the council shall follow the rules of procedure and rules of evidence it considers appropriate.

22. The council of arbitration may order the parties to submit to it, within a specified time, a statement of their claims together with supporting documents.

23. The party requesting that the testimony be recorded shall assume the organization and cost thereof.

24. In the event of an arbitrator's death or inability to act, the remaining arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the Bureau shall designate one of the remaining two arbitrators to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator and the dispute shall be reheard.

§4. Arbitration award

25. The council of arbitration shall issue its award within 45 days after completion of the hearing.

26. The award shall be rendered by a majority of the members of the council of arbitration. Failing a majority, the award shall be rendered by the chair.

In its award, the council of arbitration may confirm, reduce or cancel the account in dispute and may also determine, where applicable, the refund or payment to which a party may be entitled.

The award must be reasoned and signed by all the members; if a member refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though signed by all the members.

27. Each party shall bear the expenses it incurs for the arbitration.

28. In its award, the council of arbitration has full discretion to rule on the arbitration expenses, which are

the expenses incurred by the Order for the arbitration. The total amount of the expenses to be borne by a party may not exceed 15% of the amount to which the arbitration pertains.

However, in any case where expenses are awarded, those expenses shall equal a minimum of \$50.

29. When an agreement is reached between the parties before the council of arbitration renders its decision or when the application for arbitration is withdrawn in writing, the council shall nonetheless award the arbitration expenses in accordance with section 28.

30. When the account in dispute is confirmed in whole or in part or when a refund is awarded, the council of arbitration may add interest and an indemnity as provided in articles 1618 and 1619 of the Civil Code of Québec, calculated from the date of the application for conciliation.

31. The arbitration award is final and binding on the parties. It is also subject to compulsory execution after having been homologated pursuant to the procedure provided for in articles 946.1 to 946.6 of the Code of Civil Procedure.

32. Within five days of its issue, the arbitration award shall be filed with the secretary of the Order who, within 10 days after it is filed, shall send a certified copy of the award to the parties or their advocates, to the syndic and to the Bureau.

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

SCHEDULE I

(ss. 8 and 9)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned _____

_____ (name of woman)

_____ (domicile)

declare that

1. _____ (name of member of the Order)

is claiming from me (or refuses to refund to me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque to the member of the Ordre des sages-femmes du Québec representing the amount that I acknowledge owing and indicated in the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives.

4. I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

5. I agree to abide by the procedure provided for in the Regulation and, where required, to pay to _____ the amount of the arbitration award.
(name of member)

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Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “PERFAS-TAB” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The VILLE DE SAINT-PASCAL, a legal person established in the public interest, having its head office at 405, rue Taché, Saint-Pascal, G0L 3Y0, Province of Québec, represented by the mayor, Cécile Joseph and the clerk Mre Louise St-Pierre under a resolution bearing number 2003-07-289, hereinafter called

THE MUNICIPALITY

AND

Mre 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 Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION 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. 2003-05-216, passed at its meeting of may 26, 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 election 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 July 7, 2003, resolution No. 2003-07-289 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

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

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

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

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

2.5 “Transfer box” means the box in which the ballot paper cards are placed once the results of the poll have been compiled.

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

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

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

3. ELECTION

3.1 For the purposes of the general election of November 2, 2003 in the municipality, a sufficient number of PerFas-TAB electronic ballot boxes will be used.

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

4. SECURITY MECHANISMS

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

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

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

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

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

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

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

5. PROGRAMMING

Each memory card used is specially programmed by the firm PG Elections inc. to recognize and tally ballot papers in accordance with this agreement.

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

6.1 Election officers

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

6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

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

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

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

The following is substituted for section 80 of the Act:

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

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

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

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

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

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

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the partial statements of votes;

(8) put the ballot paper cards from the electronic ballot box recipient into the transfer boxes, seal them and give them to the returning officer;

(9) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the spaces provided for the affixing of the elector’s mark, and go to the polling station in order to obtain another ballot paper card;

(10) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

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

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

(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 a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

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

6.4 Discretion of the chief electoral officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

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

The chief electoral officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

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

6.5 Notice of election

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

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

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

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

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

6.7 Verification of electronic ballot boxes

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

“§1.1 Verification of electronic ballot boxes

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) he may not change the programming for the scanning of the mark made by an elector in the space provided for that purpose without supervision from the firm PG Elections inc.”.

6.8 Mobile polling station

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

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

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

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

6.9 Advance polling

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

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

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

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

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

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

182.1. The senior deputy returning officer, in the presence of the candidates or of their representatives who wish to be present, shall open the recipient of the electronic ballot box and place the ballot paper cards from the recipient in one or more transfer boxes, and seal the transfer boxes. The senior deputy returning officer shall then seal the opening of the electronic ballot box. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals. Next, the senior deputy returning officer shall place the electronic ballot box in its travel case and seal it. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The senior deputy returning officer shall then give the transfer boxes and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the transfer box or boxes until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

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

spoiled, refused or cancelled ballot paper cards from the first day shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

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

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

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

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

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

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed in accordance with the model shown in the Schedule, by reversing process so that, on the obverse, the indications appear in white on a dark-coloured background and each circle provided for the affixing of the elector’s mark appears in white inside an coloured circle. Every ballot paper shall contain bar codes.”.

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper card shall contain on the obverse, as shown in the attached specimen:

(1) a space for the identification of:

— the name or number of the borough;

— the name or number of the electoral district, where applicable;

(2) a space for the identification of the polling subdivision;

- (3) the ballot paper card(s);
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown on the attached specimen:

- (1) arrows indicating the direction of insertion of the ballot paper card in the vote tabulator;
- (2) a space for the initials of the deputy returning officer;
- (3) the name of the municipality;
- (4) the indication “municipal elections” and the polling date;
- (5) the name and address of the printer;
- (6) the indication of copyright, where applicable;
- (7) the bar code, where applicable.”

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 Withdrawal of authorization or recognition

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

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

6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

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

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

6.18 Provision of polling materials

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

6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

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

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

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

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

The following is substituted for section 209 of the Act:

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

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

POLLING PROCEDURE

6.20 Presence at the polling station

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

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

6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 Compilation of results

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

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

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

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

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

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

(2) the number of electors admitted to vote;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

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

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

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

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

6.28 Manual counting of the votes

Sections 231 to 244 of the Act, adapted as required, apply if a manual counting of the votes is necessary.

6.29 Compiling sheet

Section 231 of the Act is revoked.

6.30 Electronic counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

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

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

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

6.32 Rejected ballot papers, procedural omission, valid ballot papers

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

6.33 Contested validity

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the

poll in respect of the validity of the results following the printing of the results compiled by an electronic ballot box.”.

6.34 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

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

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards or those that were not inserted into the electronic ballot box;
- (3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, including a copy that must be given to the senior deputy returning officer.

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

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

Section 240 of the Act is revoked.

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

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

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

242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or their representatives who wish to be present, the senior deputy returning officer shall place the ballot paper cards from the electronic ballot box recipient in one or more envelopes, and then seal and initial the envelope or envelopes. Any representatives or candidates who wish to do so may initial the seal or seals.

The senior deputy returning officer shall place the envelope or envelopes in a transfer box. He shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. The senior deputy returning officer shall seal the envelope, initial it and place it in one of the transfer boxes.

The senior deputy returning officer shall place the large envelope received from the deputy returning officers in one of the transfer boxes.

The senior deputy returning officer shall then seal and initial the transfer boxes, allow the representatives who wish to do so to initial them, and give the boxes to the returning officer.

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

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

Section 244 of the Act is revoked.

6.36 Addition of votes

The following is substituted for section 247 of the Act:

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

6.37 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.38 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.39 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.40 Notice to the Minister

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

6.41 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing

access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or magistrate.”.

6.42 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before december 31, 2005.

9. AMENDMENT

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

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

10. ASSESSMENT REPORT

Within 120 days following the general election held on november 2, 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the chief electoral officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points :

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

- the conduct of the advance poll and the poll;

- the cost of using the electronic voting system;

- the cost of adapting election procedures;

- non-recurrent costs likely to be amortized;

- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected costs 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 ballot papers given out to the deputy returning officers and the number of ballot paper cards returned used and unused;

— a survey of rejected ballot papers, if the survey has been completed.

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on november 2, 2003 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES :

In Saint-Pascal, this 8th day of july 2003

THE VILLE DE SAINT-PASCAL

By: _____
CÉCILE JOSEPH, *Mayor*

LOUISE ST-PIERRE, *Clerk*

In Québec, on this 9th day of July 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 15th day of July 2003

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER CARD

Arrondissement
xxxxxxxxxxxxxxxxxxxx
Borough
District xxxxxxxxxxxxxx

Numéro de section de vote - Poll subdivision
01 02 03 04 05 06 07 08 09 10 11

Poste de maire
Mayor office

Xxxxxx XXXXXXXX

Xxxxxx XXXXXXXX
XXXXXXXXXXXX

Xxxxxx XXXXXXXX
XXXXXXXXXXXX

Poste de conseiller
Councillor office

Xxxxxx XXXXXXXX
XXXXXXXXXXXX

Xxxxxx XXXXXXXX
XXXXXXXXXXXX



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Initiales du scrutateur
Initials of DRO

Ville de Gestiville

Élections municipales
Municipal Elections

le 2 novembre 2003 / November 2, 2003

Droits d'auteur Solutions Nixsoft Inc. 2003

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Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Engineers

— Diplomas giving access to permits — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend section 1.21 to add new diplomas to the list of diplomas giving access to the permit of the Ordre des ingénieurs du Québec.

The main reason for the proposed amendments is the addition of the four following diplomas : baccalauréat en génie alimentaire, Université Laval ; baccalauréat en génie informatique, Université de Sherbrooke ; baccalauréat en génie des systèmes électromagnétiques, Université du Québec, offered by the Université du Québec à Rimouski and baccalauréat en génie électromécanique, Université du Québec, offered by the Université du Québec en Abitibi-Témiscamingue. Other technical amendments are also made.

The Order foresees that the amendments will have no impact on businesses of any size.

The draft Regulation will be submitted to the Office des professions and to the Order for their opinion. To that end, the Office will seek the opinion of the Order and send it to the Minister responsible for the administration of legislation respecting the professions with its own opinion, following the results of the consultation made with teaching establishments and other bodies concerned.

Further information may be obtained from Louise Laurendeau, Ordre des ingénieurs du Québec, 2020, rue University, 18^e étage, Montréal (Québec) H3A 2A5, tel. (514) 845-6141 or 1 800 461-6141, fax : (514) 845-1833.

Any 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. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions ; they may also be forwarded to the professional order concerned and to interested persons, departments and bodies.

MARC BELLEMARE,
*Minister responsible for the administration
of legislation respecting the professions*

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q, c. C-26, s. 184, 1st par.)

1. Section 1.21 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended

(1) by replacing “minéralogie” in paragraph *a* by “minéralurgie”;

(2) by adding the following at the end of paragraph *a*: “baccalauréat en génie alimentaire”;

(3) by adding the following at the end of paragraph *c*: “baccalauréat en génie informatique”;

(4) by replacing “Technologie Supérieure” in paragraph *d* by “technologie supérieure”;

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1419-2002 dated 4 December 2002 (2002, *G.O.* 2, 6487). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(5) by replacing “Bachelor Engineering in Computer Engineering” in the French text of paragraph *i* by “Bachelor of Engineering in Computer Engineering”;

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

“(j) diplôme de baccalauréat en ingénierie, B. ing., obtained upon completion of the program “Baccalauréat en génie des systèmes électromagnétiques” of the Université du Québec offered by the Université du Québec à Rimouski;

(k) diplôme de baccalauréat en ingénierie, B. ing., obtained upon completion of the program “Baccalauréat en génie électromécanique” of the Université du Québec offered by the Université du Québec en Abitibi-Témiscamingue.”

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

5870

Draft Regulation

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)

Upper limit of kill for moose for 2003

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation respecting the 2003 upper limit of kill for moose, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to renew for one year the upper limit of kill for moose allocated to Natives and non-Natives in Area 17.

To that end, the Regulation proposes to set the limit of kill for moose in Area 17 at 140 moose, the same number as for 2002.

To date, study of the matter has revealed no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting:

Serge Bergeron
Société de la faune et des parcs du Québec
Direction des territoires fauniques et de la réglementation
675, boulevard René-Lévesque Est, 11^e étage, boîte 96
Québec (Québec)
G1R 5V7

Telephone: (418) 521-3880, extension 4078

Fax: (418) 646-5179

E-mail: serge.bergeron@fapaq.gouv.qc.ca

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Forests, Wildlife and Parks, 5700, 4^e Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

SAM HAMAD,
*Minister of Natural Resources,
Wildlife and Parks*

Regulation respecting the 2003 upper limit of kill for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1, s. 78, 1st par., subpar. *f*, 2nd and 3rd pars.)

1. The upper limit of kill for moose allocated to the Native people and non-Natives in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation made by Order in Council 27-90 dated 10 January 1990 is 140 moose for the period from 1 August 2003 to 31 July 2004.

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

5871

Municipal Affairs

Gouvernement du Québec

O.C. 814-2003, 11 August 2003

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amendment to the letters patent constituting Municipalité régionale de comté de Beauharnois-Salaberry

WHEREAS, under section 166 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the Government constituted Municipalité régionale de comté de Beauharnois-Salaberry by letters patent;

WHEREAS, under section 210.39.1 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) and section 109 of chapter 65 of the statutes of 1993, the Government may amend the letters patent of a regional county municipality where, by reason of that section 109, it contains provisions relating to the establishment, the composition or the rules governing the operation of an administrative committee, for the purpose of striking out, amending or replacing such provisions;

WHEREAS a petition for the amendment of the letters patent of Municipalité régionale de comté de Beauharnois-Salaberry was made by the council by Resolution 2003-04-67 dated 16 April 2003, for the purpose of striking out the provisions concerning the administrative committee;

WHEREAS it is expedient to amend the letters patent of Municipalité régionale de comté de Beauharnois-Salaberry;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the letters patent constituting Municipalité régionale de comté de Beauharnois-Salaberry be amended by striking out the seventeenth and eighteenth paragraphs of the operative part.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

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