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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 931-2003, 10 September 2003

An Act respecting school elections
(R.S.Q., c. E-2.3)

School elections

— Reimbursement of election expenses of candidates

Regulation respecting the reimbursement of election expenses of candidates in school elections

WHEREAS, under section 210 of the Act respecting school elections (R.S.Q., c. E-2.3), the Government shall, by regulation, determine rules for the fixing of the amount of election expenses that may be reimbursed to a person who is a candidate for the office of school commissioner;

WHEREAS, under that section, the regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, by Order in Council 1132-90 dated 8 August 1990, the government made the Regulation respecting the reimbursement of election expenses of candidates in school elections;

WHEREAS it is expedient to amend the Regulation respecting the reimbursement of election expenses of candidates in school elections;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 9 July 2003, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments in order to take into account the comments received;

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

THAT the Regulation respecting the reimbursement of election expenses of candidates in school elections, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the reimbursement of election expenses of candidates in school elections

An Act respecting school elections
(R.S.Q., c. E-2.3, ss. 207 and 210; 2002, c.10, s. 80)

1. The amount of the reimbursement referred to in section 207 of the Act is determined in accordance with the following rules:

(1) for the first \$500 of expenses, an amount equal to 75% of those expenses; and

(2) for expenses exceeding the first \$500, an amount equal to 50% of those expenses.

2. This Regulation replaces the Regulation respecting the reimbursement of election expenses of candidates in school elections made by Order in Council 1132-90 dated 8 August 1990.

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

5920

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The CITY OF CHAMBLY, a legal person established in the public interest, having its head office at 1, Place de la Mairie, Province of Québec, represented by the mayor, Pierre Bourbonnais, and the clerk, Louise Bouvier, under resolution number 2003-06-433, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2003-05-394, passed at its meeting of May 20 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 2, of the year two thousand three in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 2 of the year two thousand three 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 June 17 of the year 2003, resolution No. 2003-06-433 approving the text of the agreement and authorising 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 cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

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

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

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

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

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

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

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

3. ELECTION

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

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to pro-

vide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

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

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

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

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

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

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

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

5. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

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

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

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from electors;

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

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

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, 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 box

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*”.

6.8 Mobile polling station

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

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

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

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

6.9 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

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

(1) the name of the municipality;

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

(3) the ballot papers;

(4) the bar code.

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

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

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

(3) the name and address of the printer;

(4) the bar code.”.

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 **Withdrawal of authorization or recognition**

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

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

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

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

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

6.18 **Provision of polling materials**

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

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

The following is substituted for section 207 of the Act :

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

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

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

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

The following is substituted for section 209 of the Act :

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

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

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

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

6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act :

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

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

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

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

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

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

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

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

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

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

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

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

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

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

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

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

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

The following is substituted for section 238 of the Act:

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

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

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

(3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.

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

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

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

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

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

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

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

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

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

Section 244 of the Act is revoked.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

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

6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.37 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.38 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.39 Notice to the Minister

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

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

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

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

6.41 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31, 2009.

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 of the year 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 2 of the year 2003 using traditional methods;

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

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

— the results obtained during the addition of the votes and the correspondence between the number of ballot

paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

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

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 2 of the year 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 Chambly, on this 30th day of the month of June of the year two thousand three

THE CITY OF CHAMBLY

By: _____
PIERRE BOURBONNAIS, *Mayor*

LOUISE BOUVIER, *Clerk*

In Québec, on this 28th day of the month of July of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 25th day of the month of August of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

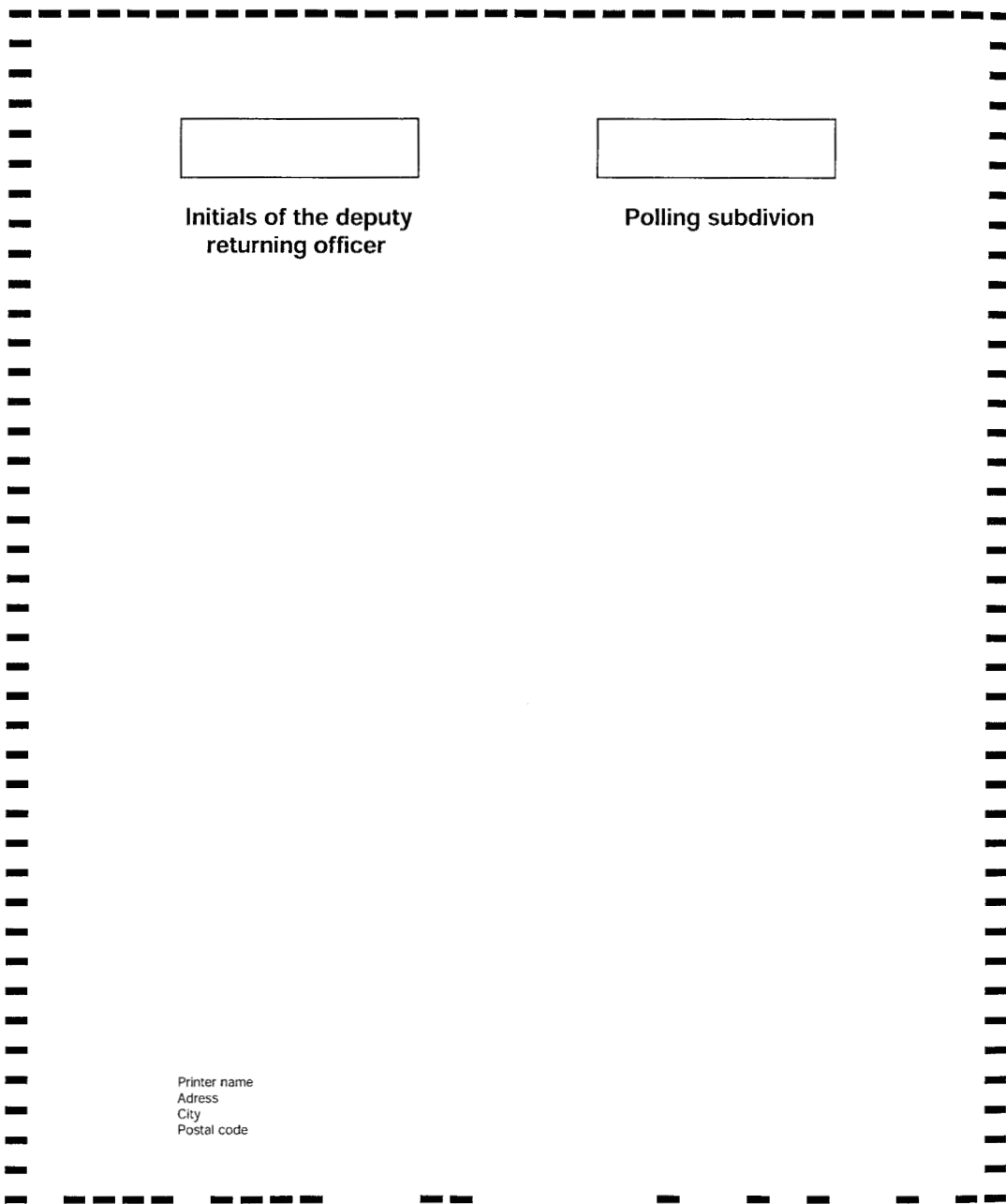
MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office

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



**Initials of the deputy
returning officer**

Polling subdivision

Printer name
Address
City
Postal code

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF MONT-SAINT-HILAIRE, a legal person established in the public interest, having its head office at 100, rue du Centre-Civique, Mont-Saint-Hilaire, Province of Québec, represented by the mayor, Mr. Paul Sofio, and the assistant clerk, Mrs. Julie Laurin, under resolution numbers 2003-218 and 2003-264, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2003-176, passed at its meeting of June 2nd, 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF

ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of November 2nd, 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a municipal election on November 2nd, 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 July 7th, 2003, resolution No. 2003-218 and, at its meeting of August 4th, 2003, resolution No. 2003-264 approving the text of the agreement and authorizing the mayor, or in his absence the substitute mayor, and the clerk, or in her absence the assistant 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 cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

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

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

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

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

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

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

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

3. ELECTION

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

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

4. SECURITY MECHANISMS

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

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

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

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

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

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

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

5. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

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

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

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from electors;

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

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

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, 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 box

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*”.

6.8 Mobile polling station

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

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

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

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

6.9 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

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

(1) the name of the municipality;

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

(3) the ballot papers;

(4) the bar code.

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

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

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

(3) the name and address of the printer;

(4) the bar code.”.

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 **Withdrawal of authorization or recognition**

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

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

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

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

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

The Act is amended by inserting the following after section 200 :

“**200.1** The electors of the following polling places shall indicate their vote on the same type of ballot paper as that used on the polling day :

(a) Polling place : 550, Laurier blvd.,

(b) Polling place : 270, Radisson street.

The returning officer shall notify each authorized party or recognized ticket and each authorized independent candidate of his decision as soon as practicable.

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 closing of the poll, the deputy returning officer and the poll clerk shall seal the ballot box and affix their initials to it.

200.2 At the closing of the poll, the deputy returning officer shall deliver the ballot box containing the ballot papers provided in section 200.1 to the officer in charge of information and order (P.R.I.M.O.).

The officer in charge of information and order (P.R.I.M.O.) shall, in the presence of the 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.

The returning officer shall notify each authorized party or recognized ticket and each authorized independent candidate of his decision regarding the polling place where the compilation of results will be done as soon as practicable.”.

6.18 **Provision of polling materials**

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

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

The following is substituted for section 207 of the Act :

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

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

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

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

The following is substituted for section 209 of the Act :

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

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

POLLING PROCEDURE

6.20 Presence at the polling station

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

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

6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 Compilation of results

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

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

assigned to the polling stations at the polling place may be present.

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

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

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

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

(2) the number of electors admitted to vote;

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

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

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

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

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

6.28 Compiling sheet

Section 231 of the Act is revoked.

6.29 Counting of the votes

Section 232 of the Act is revoked.

6.30 Rejected ballot papers

The following is substituted for section 233 of the Act:

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

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

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

6.31 Rejected ballot papers, procedural omission, valid ballot papers

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

6.32 Contested validity

The following is substituted for section 237 of the Act:

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

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

The following is substituted for section 238 of the Act:

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

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

- (3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.

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

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

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

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

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

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an

envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

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

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

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

Section 244 of the Act is revoked.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

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

6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.37 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.38 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.39 Notice to the Minister

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

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

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

6.41 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 1st, 2009.

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 municipal election held on November 2nd, 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system;
- the cost of adapting election procedures;
- non-recurrent costs likely to be amortized;
- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the municipal election on November 2nd, 2003 using traditional methods;
- the number and duration of incidents during which voting was stopped, if any;
- the advantages and disadvantages of using the new method of voting;
- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;
- the examination of rejected ballot papers, if it has been completed.

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

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

12. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES :

In Mont-Saint-Hilaire, on this 7th day of the month of August of the year 2003

THE MUNICIPALITY OF MONT-SAINT-HILAIRE

By: _____
PAUL SOFIO, *Mayor*

JULIE LAURIN, *Assistant Clerk*

In Québec, on this 15th day of the month of August of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 25th day of the month of August of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER



MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office	
Marie BONENFANT	●
Jean-Charles BUREAU <small>Appartenance politique</small>	●
Pierre-A. LARRIVÉE	●

City Councillor District 1	
Luc GAUTHIER	●
Carl LUSSIER	●
Hélène ROCHETTE <small>Appartenance politique</small>	●
Sylvain SAINT-PIERRE	●



**Initials of the deputy
returning officer**

Polling subdivion

Printer name
Adress
City
Postal code



Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF ROBERVAL, a legal person established in the public interest, having its head office at 851, boulevard Saint-Joseph, Roberval, Province of Québec, represented by the mayor, Mr. Denis Lebel, and the clerk, Mr. Jean-Guy Tardif, under resolution number 2003-343, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2003-310, passed at its meeting of June 16, 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the partial election of September 21, 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a partial election on September 21, 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 partial election;

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

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

WHEREAS the council of the MUNICIPALITY passed, at its meeting of July 7, 2003, resolution No. 2003-343 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

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

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

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

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

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

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

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

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

3. ELECTION

3.1 For the purposes of the partial election of September 21, 2003 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

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

4. SECURITY MECHANISMS

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

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

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

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

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

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

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

5. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

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

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

(1) assist the senior deputy returning officer in the latter’s duties 0;

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from electors;

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

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

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, 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 box

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*”.

6.8 Mobile polling station

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

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

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

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

6.9 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

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

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

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

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

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 **Withdrawal of authorization or recognition**

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

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

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

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

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

6.18 **Provision of polling materials**

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

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

The following is substituted for section 207 of the Act :

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

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

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

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

The following is substituted for section 209 of the Act :

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

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

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

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

6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act :

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

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

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

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

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

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

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

(2) the number of electors admitted to vote;

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

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

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

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

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

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

(1) has not been marked;

(2) has been marked in favour of more than one candidate;

(3) has been marked in favour of a person who is not a candidate.

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

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

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

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

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

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

The following is substituted for section 238 of the Act:

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

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

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

(3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.

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

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

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

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

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

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

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

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

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

Section 244 of the Act is revoked.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

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

6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.37 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.38 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.39 Notice to the Minister

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

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the

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

6.41 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31, 2009.

9. AMENDMENT

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

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

10. ASSESSMENT REPORT

Within 120 days following the partial election held on September 21, 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system;

— the cost of adapting election procedures;

— non-recurrent costs likely to be amortized;

— a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the partial election on September 21, 2003 using traditional methods;

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

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

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

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

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the partial election held on September 21, 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 Roberval, on this 8th day of the month of July of the year 2003

THE MUNICIPALITY OF ROBERVAL

By: _____
DENIS LABEL, *Mayor*

JEAN-GUY TARDIF, *Clerk*

In Québec, on this 28th day of the month of July of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 25th day of the month of August of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office

Marie BONENFANT ●

Jean-Charles BUREAU ●
Appartenance politique

Pierre-A. LARRIVÉE ●

Councillor seat no. 1

Robert ALLARD ●

Denise LESSARD ●
Appartenance politique

Serge LECLERC ●

Councillor seat no. 2

Jean-Pierre BRODEUR ●
Appartenance politique

Guy BROSEAU ●

Maurice RICHARD ●

Councillor seat no. 3

Gérard CYR ●
Appartenance politique

Claudine DUSSAULT ●

Anne DUBÉ ●

Monique LEMAIRE ●

Councillor seat no. 4

Luc GAUTHIER ●

Carl LUSSIER ●
Appartenance politique

Hélène ROCHETTE ●

Sylvain ST-PIERRE ●

Councillor seat no. 5

Joël MORIN ●
Appartenance politique

Alain PERRON ●

Councillor seat no. 6

Claude BRETON ●

Alain TREMBLAY ●
Appartenance politique

<input type="text"/>	<input type="text"/>
Initials of the deputy returning officer	Polling subdivision
Printer name Address City Postal code	

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The TOWN OF LORRAINE, a legal person established in the public interest, having its head office at 33, boulevard De Gaulle, Lorraine, Province of Québec, J6Z 3W9 represented by the mayor, M. Gilles Pelletier, and the clerk, Mrs. Sandra De Cicco, under resolution number 2003-06-16, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2003-06-16, passed at its meeting of June 10th 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 2nd 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 2nd 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 8th 2003, resolution No. 2003-07-14 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

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

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

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

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

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

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

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

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

3. ELECTION

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

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

4. SECURITY MECHANISMS

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

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

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

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

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

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

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

5. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

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

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

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from electors;

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

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

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, 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 box

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*”.

6.8 Mobile polling station

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

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

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

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

6.9 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

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

(1) the name of the municipality;

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

(3) the ballot papers;

(4) the bar code.

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

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

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

(3) the name and address of the printer;

(4) the bar code.”.

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 **Withdrawal of authorization or recognition**

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

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

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

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

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

6.18 **Provision of polling materials**

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

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

The following is substituted for section 207 of the Act :

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

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

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

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

The following is substituted for section 209 of the Act :

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

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

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

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

6.21 **Initiailling 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 initiailling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

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

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

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

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

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

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

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

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

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

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

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

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

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

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

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

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

The following is substituted for section 238 of the Act:

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

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

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

(3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.

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

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

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

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

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

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

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

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

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

Section 244 of the Act is revoked.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

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

6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.37 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.38 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.39 Notice to the Minister

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

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the

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

6.41 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31st 2009.

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 2nd 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points :

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system :

– the cost of adapting election procedures ;

– non-recurrent costs likely to be amortized ;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 2nd 2003 using traditional methods ;

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

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

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

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

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 2nd 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 the Town of Lorraine, on this 21st day of the month of July of the year 2003

THE TOWN OF LORRAINE

By: _____
M. GILLES PELLETIER, *Mayor*

Mrs. SANDRA DE CICCO, *Clerk*

In Québec, on this 28th day of the month of July of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 25th day of the month of August of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office

Marie BONENFANT ●

Jean-Charles BUREAU ●
Appartenance politique

Pierre-A. LARRIVÉE ●

Councillor seat no. 1

Robert ALLARD ●

Denise LESSARD ●
Appartenance politique

Serge LECLERC ●

Councillor seat no. 2

Jean-Pierre BRODEUR ●
Appartenance politique

Guy BROUSSEAU ●

Maurice RICHARD ●

Councillor seat no. 3

Gérard CYR ●
Appartenance politique

Claudine DUSSAULT ●

Anne DUBÉ ●

Monique LEMAIRE ●

Councillor seat no. 4

Luc GAUTHIER ●

Carl LUSSIER ●
Appartenance politique

Hélène ROCHETTE ●

Sylvain ST-PIERRE ●

Councillor seat no. 5

Joël MORIN ●
Appartenance politique

Alain PERRON ●

Councillor seat no. 6

Claude BRETON ●

Alain TREMBLAY ●
Appartenance politique

Initials of the deputy returning officer	Polling subdivision
Printer name Address City Postal code	

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF MASCOUCHE, a legal person established in the public interest, having its head office at 3034, chemin Sainte-Marie, Mascouche, Province of Québec, represented by the mayor, Richard Marcotte, and the clerk, M^e Danielle Lord, under resolution number 03-07-388, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 03-07-388, passed at its meeting of July 7th 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 2nd 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 2nd 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 7th 2003, resolution No. 03-07-388 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “Computerized polling station” means an apparatus consisting of the following devices:

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

— a card reader for cards with bar codes;

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

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

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

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

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

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

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

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

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

3. ELECTION

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

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

4. SECURITY MECHANISMS

4.1 Computerized polling stations

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

4.2 Electronic ballot boxes

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

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

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

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

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

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

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

5. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

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

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

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from electors;

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

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

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

6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

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

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

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

(3) assist the deputy returning officer.”.

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, 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.”.

6.6 Notice of election

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

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

6.7 Polling subdivisions

The following is substituted for section 104 of the Act:

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

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

6.8 Verification of computerised polling stations and electronic ballot box

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

“§1.1 Verification of computerized polling stations

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

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

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

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

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

§1.2 Verification of electronic ballot box

173.2. The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and

that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm *Conseillers en gestion et informatique CGI inc.* and the representatives of the candidates.

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

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

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

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

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

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

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

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

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

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

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

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

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*".

6.9 Mobile polling station

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

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

175.2. The 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."

6.10 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

At the close of the second day of advance polling, where applicable, the senior deputy returning officer,

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

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope 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.”

6.11 Booths

The following is substituted for section 191 of the Act:

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

6.12 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.13 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.14 Ballot paper cards

The following is substituted for section 197 of the Act:

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

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

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

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

6.15 Confidentiality sleeve

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

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

6.16 Withdrawal of a candidate

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

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

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

6.17 Withdrawal of authorization or recognition

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

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

6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

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

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

6.19 Provision of polling materials

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

6.20 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total

of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

207.1. In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act :

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

POLLING PROCEDURE

6.21 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act :

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

6.23 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

6.24 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

6.25 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

6.26 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

6.27 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.28 Compilation of results

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors admitted to vote;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

6.29 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

6.32 Rejected ballot papers, procedural omission, valid ballot papers

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

6.33 Contested validity

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

6.34 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;
- (3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

6.35 **Separate, sealed and initialled envelopes given to the returning officer**

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes, place them in a recipient, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”

Section 244 of the Act is revoked.

6.36 **Addition of votes**

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”

6.37 **Adjournment of the addition of votes**

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”

6.38 **Placing in envelope**

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”

6.39 **New counting of the votes**

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he

determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

6.40 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

6.41 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

6.42 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before October 31st 2003.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the general election held on November 2nd 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

- the cost of using the electronic voting system;
- the cost of adapting election procedures;
- non-recurrent costs likely to be amortized;
- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 2nd 2003 using traditional methods;
- the number and duration of incidents during which voting was stopped, if any;
- the advantages and disadvantages of using the new method of voting;
- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;
- the examination of rejected ballot papers, if it has been completed.

11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 2nd 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 Mascouche, on this 16th day of the month of July of the year 2003

THE MUNICIPALITY OF MASCOUCHE

By: _____
RICHARD MARCOTTE, *Mayor*

DANIELLE LORD, *Clerk*

In Québec, on this 28th day of the month of July of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 25th day of the month of August of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office

Marie BONENFANT**Jean-Charles BUREAU**
Appartenance politique**Pierre-A. LARRIVÉE**City Councillor
District 1**Luc GAUTHIER****Carl LUSSIER****Hélène ROCHETTE**
Appartenance politique**Sylvain SAINT-PIERRE**

Initials of the deputy returning officer	Polling subdivision
Printer name Address City Postal code	

Gouvernement du Québec

Agreement

An Act respecting school elections
(R.S.Q., c. E-2.3)

AGREEMENT CONCERNING A NEW VOTING MECHANISM FOR AN ELECTION BY MAIL IN CERTAIN REMOTE SECTORS

AGREEMENT CONCLUDED

BETWEEN

LA COMMISSION SCOLAIRE DE L'ÉNERGIE, a public legal person having the necessary powers to carry out the functions conferred on it by law, its administrative office situated at 2072, rue Gignac, Shawinigan, Province of Québec, represented by the President of the council of commissioners, Jean-Yves Laforest, resolution number 39 0803, here after referred to as

THE SCHOOL BOARD

AND

M^e Marcel Blanchet, in his function as Chief Electoral Officer of Quebec, nominated to this position in virtue of the Act respecting school elections (L.R.Q., c. E-3.3) in effect and having his main office at 3460, rue de La Pérade, Sainte-Foy, province of Québec, here after referred to as

THE CHIEF ELECTORAL OFFICER

WHEREAS the council of commissioners of the SCHOOL BOARD, by its resolution number 10 0703, adopted at the meeting of July 2nd 2003, wishes to invoke the provisions of the Act respecting school elections in order to conclude an agreement with the CHIEF ELECTORAL OFFICER to test a new method of voting by mail for the general elections of November 16th of the year 2003 in certain remote sectors of the School Board;

WHEREAS the articles 282.2 and 282.3 of the Act respecting school elections (L.R.Q., c. E-2.3) provide what follows:

“**282.2.** A school board may, in accordance with an agreement made with 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 a period of application.

The agreement must describe the new methods of voting and mention the provisions of the Act it amends or replaces. The agreement has the effect of law.

282.3. After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education and the chief electoral officer.”;

WHEREAS the SCHOOL BOARD accepts to enter into an agreement for a new voting mechanism for an election by mail in certain remote sectors for the holding of the general election of November 16th of the year 2003 and, with the necessary addendums, would prevail for ulterior polling provided in the agreement;

WHEREAS there is cause to foresee the procedure to be applied over the territory of the SCHOOL BOARD during this general election;

WHEREAS an agreement must be concluded between the SCHOOL BOARD and the CHIEF ELECTORAL OFFICER;

WHEREAS the choice of the new voting mechanism is under the responsibility of the SCHOOL BOARD;

WHEREAS the council of commissioners of the SCHOOL BOARD adopted, during its meeting of August 19th of the year 2003, resolution number 39 0803 approving the text of the agreement and authorizing the president of the council of commissioners to sign the present agreement;

WHEREAS the Returning Officer of the SCHOOL BOARD is responsible for the application of the present agreement and its application;

THEREFORE, the parties agree to the following:

1. INTRODUCTION

The introduction of the present agreement is included in the agreement.

2. INTERPRETATION OF THE AGREEMENT

Unless otherwise stated, the following expressions, terms and words have, in the present agreement, the meaning and application that are given to them in the present article.

2.1 “Envelope ENV-1”

An opaque envelope to fit the ballot and that does not identify the elector with the note on the back of the envelope: “Insert ballot in this envelope”.

2.2 “Envelope ENV-2”

The envelope includes the name and address of the Returning Officer and serves to receive the envelop ENV-1, a photocopy of one of the documents stated in article 112.5 of the Act Respecting School Elections, as well by article 4.24 of the present agreement, and the declaration of the elector or the person assisting the elector.

2.3 “Declaration document of the elector and of the person providing assistance”

This document contains the following references:

“The elector must sign the following declaration: “I am capable of voting and I have not already voted in this election”.

“The person giving assistance must sign a declaration to this effect that he/she is the elector’s spouse or parent in the sense given by article 58.3 of the Act Respecting School Elections or that he/she is not a parent or spouse and that he/she has not already given assistance to another elector during this poll and that he/she will not reveal the candidate for whom the elector has voted in his/her presence.”.

2.4 “Instructions to the elector”

The information given to the elector when voting.

3. ELECTIONS

3.1 For the purpose of the general elections of November 16th of the year 2003 in the School Board, the vote by mail will be used in the following remote sectors:

- Obedjiwan, ri
- Clova (Obedjiwan,no)
- Rivière-Windigo,no
- Casey
- Sanmaur
- Wemotaci, ri

3.2 The School Board must take the necessary means to adequately inform the electors residing in those remote sectors targeted by article 3.1 about the testing of the new voting mechanism.

4. MODIFICATIONS TO THE ACT RESPECTING SCHOOL ELECTIONS

4.1 Discretion on the part of the Chief Electoral Officer in case of an error, emergency or exceptional circumstance

Article 30.8 of the Act Respecting School Elections (L.R.Q., c. E-2.3) is replaced by the following:

“**30.8.** If, during the election period within the meaning of section 206.1, 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 30.4 or in the agreement concluded in virtue of the article 282.2 of the Act Respecting School Elections does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its objective.

The Chief Electoral Officer shall first inform the Minister of Education of the decision he/she intends to make.

Within 30 days following Election 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 in session, within 30 days of resumption.”.

4.2 Representatives of Candidates

Articles 31 and 32 of the Act are replaced by the following:

“**31.** A ticket recognized under Division III of Chapter V may designate a person giving him/her a power of attorney to represent the candidates before the Deputy Returning Officer of the Ballot Reception Office and the Deputy Returning Officer of the Ballot Counting Office.

32. An independent candidate may designate a person giving him/her a power of attorney to represent him/her before the Deputy Returning Officer of the Ballot Reception Office and the Deputy Returning Officer of the Ballot Counting Office.”.

4.3 Poll Runners

Article 34 of the Act is replaced by the following:

“**34.** A recognized ticket under Division III of Chapter V, or an independent candidate may designate a

poll runner giving him/her a power of attorney to periodically collect a list of the persons having already exercised their right to vote.”.

4.4 Power of Attorney of a Representative or of a Poll Runner

Article 36 of the Act is modified by replacing the second paragraph by this one :

“The power of attorney is presented to the Deputy Returning Officer of the Ballot Reception Office or to the Deputy Returning Officer of the Ballot Counting Office.”;

Article 37 of the Act is modified by replacing the words “polling station” by the words “Ballot Counting Office”.

4.5 Election Notice

Article 38 of the Act is modified by adding, at the end of the first paragraph, the following paragraphs :

“8° the fact that the electors residing in the remote sectors :

Obedjiwan, ri, Clova (Obedjiwan,no), Rivière-Windigo, no, Casey, Sanmaur, Wemotaci, ri ;

9° the date the ballots will be sent out and the date and time by which they must be returned to the Returning Officer ;

10° the fact that electors not having received their ballots by mail at the latest on the 6th day before Election Day may contact the Returning Officer.”.

4.6 Notice of Revision to each address

Article 52 of the Act is modified by replacing the last sentence of the second paragraph by the following :

“In addition, it shall indicate the intended references in the 4th and 5th paragraph of article 85 as modified by article 4.7 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.7 Notice of Elections

Article 85 of the Act is modified by adding, at the end of the first paragraph, the following paragraphs :

“4° the date and time at which the ballots must be received by at the Deputy Returning Officer’s Ballot Reception Office ;

5° the address of the Returning Officer’s office and, if be the case, the Deputy Returning Officer’s office, the days and times the office is open for electors to obtain a ballot if he or she has not received it by mail ;

6° the address of the poll station where electors residing in remote sectors offering voting by mail can go to vote on Election Day.”.

4.8 Delivery of the Ballots by the Returning Officer

The Act is modified by the insertion, after article 86, of the following :

“**86.0.1.** The revision of the electoral list finalized and the notice of election given, the Returning Officer shall transmit by mail a package to each elector in remote sectors where voting by mail is offered, at least ten (10) days preceding Election Day. This package contains :

1° a ballot for the position of commissioner of the ward. The ballot includes the initials of the Returning Officer. The Returning Officer may allow that an exact copy of his/her initials be engraved, lithographed or printed ;

2° the envelopes intended in article 2 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections ;

3° the declaration form of the elector and of the person providing assistance ;

4° the instructions for voting intended in article 2 of the agreement concluded in virtue or article 282.2 of the Act Respecting School Elections.

86.0.2. At the latest the sixth (6th) day preceding Election Day, the Returning Officer must take necessary measures to inform electors residing in the remote sectors where voting by mail is offered that, those not having received their ballot, can obtain one at the Deputy Returning Officer’s Ballot Reception Office.

The elector may obtain a ballot after having sworn an oath that he/she has not received the ballot.”.

4.9 Repeals – Reminder Cards and Advanced Polls

Articles 86.1 to 93.2 of the Act are repealed.

4.10 Designation of the Ballot Reception Office, the Polling Office and the Counting Office

Article 93.3 of the Act is replaced by the following :

“**93.3.** The Returning Officer designates at least one office for the reception of ballots in the location where the envelopes containing the ballots are received vote.

He/She designates, for Election Day at the poll stations, as many poll stations that he/she determines necessary for the electors residing in the remote sectors where voting by mail is offered.

He/She designates one counting office for each ballot box.

93.4. The Returning Officer advises each recognized ticket in virtue of the Division III of Chapter V or each independent candidate of the decision taken in virtue of article 93.3, as modified by article 4.10 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.11 Deputy Returning Officers and Clerks of the Ballot Reception Office and the Counting Office

The Act is modified by the insertion, after article 95, of the following :

“**95.1.** The Returning Officer nominates a Deputy Returning Officer and Clerk for each Ballot Reception Office.

The Returning Officer nominates a Deputy Returning Officer and a Clerk for each Counting Office.”.

4.12 Duties of the Deputy Returning Officers of the Ballot Reception Office and the Counting Office

The Act is modified by the insertion, after article 96, of the following :

“**96.1.** The Deputy Returning Officer of the Ballot Reception Office has the following duties :

- 1° receive the envelopes from the electors ;
- 2° verify if the elector is inscribed on the electoral list ;
- 3° verify if the photocopy of the electors identification intended in article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, is included and if the signature is visible ;
- 4° verify if the elector’s declaration is signed and if the signature corresponds to the one on the identification ;

5° if the declaration is not signed or the photocopy of the identification is missing, communicate with the elector to obtain them ;

6° if the elector’s signatures on the identification and on the declaration form are the same, deposit the envelope ENV-1 which contains the ballot in the urn corresponding to the electors address.

96.2. The Deputy Returning Officer of the Counting Office has the following duties :

- 1° oversee the organization of the Counting Office ;
- 2° insure the good development of the counting of the ballots and maintain good order in the office ;
- 3° proceed with the counting of the votes ;
- 4° insure the secrecy of the vote ;
- 5° transmit to the Returning Officer the results of the vote and all the electoral materials.”.

4.13 Duties of the Clerks of the Ballot Reception Office and the Counting Office

The Act is modified by the insertion, after article 97, of the following :

“**97.0.1.** The Ballot Reception Office Clerk has the following duties :

- 1° The Ballot Reception Office Clerk has the following duties ;
- 2° indicate, on the electoral list, the electors that have voted ;
- 3° inscribe the annotations in the poll registry.

97.0.2. The Counting Office Clerk has the duty to assist the Counting Office Deputy Returning Officer in his/her duties.”.

4.14 Ballot for the Vote by Mail in Certain Remote Sectors

Article 99 of the Act is modified by replacing the first paragraph by the following :

“**99.** The Returning Officer shall have ballot papers printed in the format intended in the annex of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

4.15 Rescind – Stub and Talon of the Ballot

Article 100 of the Act is rescinded.

4.16 Rescind – Stub and Talon of the Ballot

Article 102 of the Act is rescinded :

“**102.** The Ballot contains on the reverse side, according to the specimen in annex :

1° a space destined to receive the initials of the Returning Officer, which may be printed, lithographed or engraved ;

2° the name of the School Board ;

3° the name and number of the ward ;

4° the date of Election Day ;

5° the name and address of the printer.

The annotation concerning the ward must correspond to the one in the declarations of candidature.”.

4.17 Withdrawal of a Candidature – Withdrawal of a Recognition

Articles 105 and 105.1 of the Act are replaced by the following :

“**105.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be used and before the ballots are sent out to the electors residing in the remote sectors where voting by mail is offered, the Returning Officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The Returning Officer must inform every elector to whom he/she gives such a ballot of the candidate’s withdrawal.

If a candidate withdraws after the ballots are sent out to the electors in the remote sectors where voting by mail is offered, the Returning Officer must advise those electors.

Any vote cast in favor of the candidate, before or after his/her withdrawal, is null.

105.1. Where the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used and before those ballots are sent out to electors residing in the remote sectors where voting by mail is offered, the Returning Officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

If recognition of a ticket is withdrawn after the ballots are sent out, the Returning Officer must inform the electors residing in the remote sectors where voting by mail is offered.”.

4.18 Materials Necessary for the Election

Article 105.2 of the Act is replaced by the following :

“**105.2.** The Returning Officer must make sure to have available in sufficient quantities, the ballots, the envelopes, the declaration forms for the electors and persons giving assistance, the instructions to the elector for the vote and at least one ballot box for each ward.”.

4.19 Ballot Box

Article 105.3 of the Act is replaced by the following :

“**105.3.** The ballot box must be made of durable material. There must be a slit or narrow opening on the top so constructed that the envelopes containing the ballots may be introduced therein through the opening, but cannot be withdrawn there from unless the box is opened.”.

4.20 Release of Supplies to the Ballot Reception Office Clerk and to the Poll Clerk

Article 106 of the Act is replaced by the following :

“**106.** The tenth (10th) day prior to Election Day at the polling stations, the Returning Officer releases to the Ballot Reception Office Clerk :

1° at least one ballot box for each ward ;

2° a copy of the electoral list ;

3° a poll registry.

He/She releases any supplies necessary for his/her duties.”.

4.21 Formalities Prior to Opening the Ballot Reception Office

The Act is modified by inserting, after article 110, the following:

“**110.1.** The Deputy Returning Officer and Clerk of the Ballot Reception Office must be present on the dates and times determined by the Returning Officer to open the office.

110.2. The representatives assigned to the Ballot Reception Office may be present at the same time as the Deputy Returning Officer and Clerk.”

DEVELOPPEMENT OF THE VOTE

4.22 Voting Period

Article 111 of the Act is replaced by the following:

“**111.** The voting period, for electors residing in remote sectors where voting by mail is offered, will start the tenth (10th) day preceding Election Day at the polling stations and end at 7 p.m. the second (2nd) day preceding Election Day at the poll station”.

4.23 Rescind – Leave to go Vote

Article 112 of the Act is rescinded.

4.24 Identification of the Elector Voting by Mail

The Act is modified by inserting, after article 112.4, the following:

“**112.5.** The elector voting by mail must include with his/her ballot, a photocopy of one of the following documents with the signature appearing clearly: the medical insurance card given by the Régie de l'assurance maladie du Québec, the driver's license or temporary license issued, in the plastic format, by the Société de l'assurance automobile du Québec, or the Canadian passport.

The elector whose documents listed above do not reproduce clearly his/her signature must join to this document another where the signature appears clearly.

112.6. If the elector did not include, with his/her ballot, the proper documents intended in article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, or has omitted to sign the electors declaration form, the Deputy Returning Officer of the Ballot Reception Office must take the necessary measures to contact the elector and ask to send the missing documents before 7 p.m. the

second (2nd) day preceding Election Day at the poll stations, or else the ballot will be void.

112.7. No one may use, by any means, information contained in the document sent by the elector in accordance with article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”

4.25 Voting by Mail in Certain Remote Sectors

The Act is modified by inserting, after article 129, the following:

“**129.1.** The elector voting by mail makes a mark in one of the circles using a pen or pencil.

The elector, after having marked the ballot, inserts it into the envelope identified as “ENVELOPE ENV-1”, seals it and inserts it into the envelope identified “ENVELOPE ENV-2” with one of the identification documents intended in article 112.5, as added by article 4.24 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections and the electors declaration form or the declaration form of the person giving assistance intended in article 2.3 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, that are signed. He/She must also write his/her name in printed letters along with his/her telephone number on the declaration form.

129.2. If the elector is incapable of completing the steps to vote, he/she is given assistance by someone in accordance with article 129.6, as added by article 4.25 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.

This person must complete the declaration form of the person giving assistance intended in article 2.3 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.

129.3. The elector can send the envelope ENV-2 by mail. He/She can also deposit it at the Ballot Reception Office.

Any ballot received after 7 p.m. on the second (2nd) day preceding Election Day at the poll stations will be void.

129.4. When the elector's name or address mentioned on the elector's declaration form is slightly different than what appears on the electoral list, the Deputy Returning Officer of the Ballot Reception Office must deposit the envelope containing the ballot in the ballot box corresponding to the elector's address.

129.5. The elector that has not received a ballot may request one from the Returning Officer or from the Ballot Reception Office Deputy Returning Officer.

In that case, the Deputy Returning Officer of the Ballot Reception Office must verify, on the electoral list, if the elector has already voted. If he/she has not voted, the Deputy Returning Officer gives the elector an envelope containing the ballot with the initials of the Returning Officer.

If the Deputy Returning Officer of the Ballot Reception Office has already received an envelope from the elector, he/she does not permit this elector to vote again and so does not give out another envelope.

The elector may have the first two (2) paragraphs prevail as of the sixth (6th) day preceding Election Day at the polling station.

129.6. The elector may have the first two (2) paragraphs prevail as of the sixth (6th) day preceding Election Day at the polling station:

1° either by the person that is his/her spouse or parent in the sense of article 58.3;

2° either by another person who declares, in accordance with article 2.3 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, that he/she has not assisted any other elector during the voting period.

129.7. The Returning Officer of the Election's Secretary may authorize an elector to vote by mail if his/her name appears on the electoral list of the Returning Officer, even if the name does not appear on the list used at the Ballot Reception Office. A note is made in the vote registry.

129.8. The elector who inadvertently marks incorrectly or damages the ballot may request another from the Ballot Reception Office Deputy Returning Officer. A note must be made in the vote registry.

129.9. The Ballot Reception Office Deputy Returning Officer deposits, without opening, envelope ENV-1 containing the ballot in the ballot box corresponding to the elector's address after having verified that the signatures on the declaration form and on the photocopy of the identification are the same. If they do not match, he/she must cancel envelope ENV-1 and deposit it in another envelope provided specifically for that purpose.

129.10. When an elector has voted, the Ballot Reception Office Clerk indicates this in the reserved area on the electoral list.

129.11. After the handling of the envelopes received at the Ballot Reception Office within the deadline established by the Returning Officer, the Ballot Reception Office Deputy Returning Officer returns the used electoral list to the Returning Officer with the supplies provided by article 106, as modified by article 4.20 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.

The Ballot Reception Office Clerk enters the following notes in the vote registry:

1° the date of Election Day at the polling stations and the name of the School Board;

2° the number of electors that sent in envelope ENV-1;

3° the number of cancelled ENV-1 envelopes per ballot box.

The Ballot Reception Office Deputy Returning Officer returns all the election material to the Returning Officer.”.

THE COUNT AND CENSUS OF THE VOTES AND LEGAL RECOUNT

4.26 Counting

Article 130 of the Act is replaced by the following:

“**130.** After the closing of the poll, the Counting Office Deputy Returning Officer proceeds with the counting of the votes with the help of the Counting Office Clerk.

The representatives assigned to the Counting Office may be present.”.

4.27 Notes in the Counting Registry

Article 131 of the Act is replaced by the following:

“**131.** Before opening the ballot box and before counting the votes, the Counting Office Clerk notes the following in the counting registry:

1° the date of the vote, the name of the School Board and the Counting Office number;

2° the names of the people designated by the Returning officer to proceed with the count;

3° the names of the representatives present during the count.”.

4.28 Opening of the Ballot Box, of the ENV-1 Envelopes and the Counting of the Votes

Article 132 of the Act is replaced by the following :

“**132.** The Counting Office Deputy Returning Officer opens the ballot box and takes one by one the ENV-1 envelopes, opens them and places the ballot before him/her.

132.1. The Counting Office Deputy Returning Officer proceeds with the count by taking the ballots one by one and lets each person examine it without touching it.”.

4.29 Rejected Ballots

Articles 133 and 134 of the Act are replaced by the following :

“**133.** All ballots marked as described in article 129.1, as added by article 4.25 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections, is valid. However, any ballot must be rejected if it :

- 1° was not provided by the Returning Officer ;
- 2° has not been marked ;
- 3° has been marked in favor of more than one candidate ;
- 4° has been marked in favor of someone that is not a candidate ;
- 5° has been marked elsewhere than in the circles ;
- 6° has a mark enabling the identification of the elector ;
- 7° has unnecessary or insulting inscriptions ;
- 8° is damaged.

134. Any ballot without the initials of the Returning Officer must be rejected.”.

4.30 Repeal – Omission of the Removal of the Ballot Stub

Article 135 of the Act is modified by repealing the first paragraph.

4.31 Contesting the Validity of a Ballot

Article 136 of the Act is replaced by the following :

“**136.** The Counting Office Deputy Returning Officer shall consider every objection raised in relation to the validity of a ballot and decide it immediately.

The objection and the decision of the Counting Office Deputy Returning Officer shall be entered in the counting registry.”.

4.32 Statement of Votes

Article 137 of the Act is replaced by the following :

“**137.** After having examined all the ballots received, the Counting office Deputy Returning Officer draws up a statement of votes in which he/she indicates :

- 1° the total number of electors having voted, that must correspond to the number of envelopes deposited in the ballot box ;
- 2° the number of ballots in favor of each candidate ;
- 3° the number of ballots rejected during the count.

The Counting Office Deputy Returning Officer should print enough copies for him/herself, the Returning Officer and each candidate or representative assigned to the Counting Office.

He/She gives a copy to the candidate or his/her representative.”.

4.33 Distinct Envelopes

Article 138 of the Act is replaced by the following :

“**138.** After having drawn up the statement of votes, the Counting Office Deputy Returning Officer places in separate, distinct envelopes, the votes attributed to each candidate, the ballots rejected during the count, and the statement of votes. He/She seals these envelopes. The Deputy Returning Officer, Clerk and representatives wishing to, appose their initials on the sealed envelopes.

The envelopes and the count registry are deposited in the ballot box. Before the ballot boxes are closed, the Returning Officer gives to each Counting Office Deputy Returning Officer an envelope corresponding to his/her ballot box containing the ballots cancelled upon reception by the Deputy Returning Officer of the Ballot Reception Office.

This envelope is deposited in the ballot box without being opened.

A copy of the count report is deposited in the ballot box.”.

4.34 Closing of the Ballot Box

Closing of the Ballot Box :

“**139.** The Counting Office Deputy Returning Officer closes and seals the ballot box. The Deputy Returning Officer and Clerk of the Counting Office and the representatives that wish to, appose their initials on the seals. The Counting Office Deputy Returning Officer gives the ballot box to the Returning Officer or the person that he/she has designated.”.

4.35 Adjournment

Article 142 of the Act is modified by the insertion, in the second (2nd) paragraph and after the word “deputy returning officer”, of the words “of the Counting Office”.

4.36 Judicial Recount – Applicable Accommodations

Article 152 of the Act is modified by the insertion, after “135”, of the words “as modified by articles 4.29 and 4.30 of the agreement concluded in virtue of article 282.2 of the Act Respecting School Elections.”.

ELECTORAL CODE OF ETHICS

4.37 Giving Assistance to the Elector

Article 167 of the Act is replaced by the following :

“**167.** A person having given assistance to an elector must not reveal for whom the elector has voted.”.

4.38 Partisan Publicity and Partisan Work

Article 169 of the Act is replaced by the following :

“**169.** No person may, on the premises of a ballot reception office, use a sign to indicate his association with a recognized ticket or his support for or opposition to a ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the ballot reception office is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors standing in line are deemed to be the premises of the ballot reception office.”.

PENAL ACCOMODATIONS

4.39 Infractions – Modification or Duplication of Initials

Article 214 of the Act is modified :

1° by adding, to paragraph 7, after the words “deputy returning officer”, the words “or of the returning officer”;

2° by adding the following paragraph :

“11° whoever falsely declares being the elector’s spouse, parent or roommate.”.

4.40 Other Modifications

The words “day preceding Election Day”, “day following Election Day”, “day chosen for Election Day” and “Election Day” are replaced, within the dispositions of the Act Respecting School Elections not modified by the present agreement, by the words “day preceding Election Day at the poll stations”, “day following Election Day at the poll stations”, “day chosen for Election Day at the poll stations” and “Election Day at the poll station.”.

5. DURATION AND APPLICATION OF THE AGREEMENT

The Returning Officer of the School Board is in charge of the application of the present agreement and, in consequence, of the good development of the trial run of the new voting mechanism for the general elections of November 16th of the year 2003 and for future votes until November 3rd of the year 2006.

6. MODIFICATIONS

The parties agree that the present agreement may be modified as needed to insure the good development of the general elections of the year 2003.

A note must be made in the evaluation report.

7. EVALUATION REPORT

Within a delay of 120 days after the holding of the general elections of November 16th of the year 2003, the returning officer of the school board transmits, in accordance with article 282.3 of the Act Respecting School Elections, an evaluation report to the Minister of Education and to the Chief Electoral officer, which details the following points :

— the election preparations (choice of the new voting mechanism, communication plan. Establishing of the ballot reception and counting offices, etc.);

— the development of the vote;

— the cost of using voting by mail:

– the cost of the adaptation of the electoral procedure;

– the cost connected to the voting of the electors residing in the remote sectors including the number of electors concerned;

— the advantages and disadvantages of using the new voting mechanism;

— the statistics relating to the vote by mail, notably:

– the participation rate of the electors;

– the number of electors having voted by mail;

– the number of cancelled ENV-1 envelopes.

8. APPLICATION OF THE ACT RESPECTING SCHOOL ELECTIONS

The Act Respecting School Election (L.R.Q., c. E-2.3) is applicable to all elections targeted by the present agreement, subject to the dispositions of this Act that the present agreement modifies or replaces.

9. EFFECT OF THE AGREEMENT

The present agreement is in effect as of the moment the returning officer makes the first arrangements in an election to which it applies.

TWO COPIES OF THE AGREEMENT SIGNED:

In Shawinigan, this 25th day of the month of August of the year 2003

The COMMISSION SCOLAIRE DE L'ÉNERGIE

JEAN-YVES LAFOREST,
President of the council of commissioners

THE RETURNING OFFICER OF
THE SCHOOL BOARD

ROBERT DE LA CHEVROTIÈRE

AND

In Québec, this 27th day of the month of August of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

SCHEDULE

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A vertical rectangular ballot paper with a black background. It is divided into three horizontal sections by thin white lines. The top section is empty. The middle section contains the name "Rolland DANSEREAU" in white, bold, uppercase letters, followed by a white circle to its right. The bottom section contains the name "Claudette DENIS" in white, bold, uppercase letters, followed by a white circle to its right. Below the name "Claudette DENIS" is the text "Recognized ticket" in a smaller white font.

MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A rectangular box representing the reverse side of the ballot paper. It contains the following text and a box:

- Initials of returning officer
- Name of school board
- Name or number of electoral division
- Date of poll
- Name and address of printer

Gouvernement du Québec

Agreement

An Act respecting school elections
(R.S.Q., c. E-2.3)

AGREEMENT CONCERNING NEW VOTING METHOD FOR AN ELECTION BY MAIL

BETWEEN

The SCHOOL BOARD OF THE NAVIGATEURS, a legal person established in the public interest, having its headquarters at 1860, 1^{re} Rue, Saint-Romuald, G6W 5M6, in the Province of Québec, hereinafter represented by Mr. Anicet A. Gagné, president of the school board, and Mr. Daniel Vachon, president of elections, under the terms of a resolution bearing number CC-02-03-826, hereinafter referred to as

THE SCHOOL BOARD

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to the said position pursuant to the Election Act (R.S.Q., c. E-3.3), acting herein in that capacity, and having his principal office at 3460, rue de La Pérade, Sainte-Foy, in the province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

WHEREAS the board of commissioners of the SCHOOL BOARD, by resolution number CC-03-04-883, adopted at the sitting of August 26, 2003, expressed its desire to avail itself of the provisions of the Act respecting school elections in order to enter into an agreement with the CHIEF ELECTORAL OFFICER so as to allow for the use of mail for the school election on November 16th in the year 2003 for the SCHOOL BOARD;

WHEREAS sections 282.2 and 282.3 of the Act respecting school elections (R.S.Q., c. E-2.3) provides as follows:

“**282.2.** A school board may, in accordance with an agreement made with 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 a 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.

282.3. After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education and the chief electoral officer.”;

WHEREAS the SCHOOL BOARD wishes to avail itself of these provisions for the school election on November 16th in the year 2003 and could also avail itself thereof, with the necessary adaptations, for polling held after the poll for which this agreement was entered into. The adaptations shall be the subject of an addendum to this agreement;

WHEREAS it is appropriate to stipulate the procedure applicable to the territory of the SCHOOL BOARD during the said school election;

WHEREAS an agreement must be entered into by the SCHOOL BOARD and the CHIEF ELECTORAL OFFICER;

WHEREAS the SCHOOL BOARD is solely responsible for selecting the new voting method;

WHEREAS the board of commissioners of the SCHOOL BOARD, at its sitting on August 26 in the year 2003, adopted resolution number CC-03-04-883 approving the text of the agreement and authorizing the director general to sign this agreement;

WHEREAS the returning officer of the SCHOOL BOARD is responsible for enforcing this agreement and for applying the means required for its implementation;

ACCORDINGLY, the parties agree as follows:

1. PREAMBULE

The preamble to this agreement forms an integral part thereof.

2. INTERPRETATION

In this agreement, unless otherwise indicated explicitly or by the context of a provision, the following expressions, terms and words have the meaning and application stipulated in this article.

2.1 “Envelope ENV-1”

An opaque envelope that is large enough to contain the ballot, that does not identify the elector in any way whatsoever, and that bears the following instruction on the front: “Place the ballot in this envelope”.

2.2 “Envelope ENV-2”

An envelope bearing the name and address of the returning officer, used to hold envelope ENV-1, a photocopy of one of the proofs of identity stipulated in section 112.5, as added by article 4.24 of this agreement, and the declaration of the elector or of the person assisting the elector.

2.3 “Declaration of the Elector and the Person Assisting the Elector” Form

A document bearing the following statements :

“The elector must sign the following declaration: “I am qualified to vote and I have not yet voted in this election.”.

“The person assisting the elector must sign the declaration, stipulating that he or she is the spouse or a relative of the elector within the meaning of section 58.3 of the Act respecting school elections, or that he or she is not a relative or the spouse of the elector, has not previously assisted another elector during the poll, and promises not to reveal the name of the candidate for whom the elector voted in his or her presence.”.

2.4 “Instructions to Electors”

The information given to electors on how to vote.

3. ELECTIONS

3.1 Voting by mail will be used for the purposes of the school election on November 16th in the year 2003 in the territory of the SCHOOL BOARD.

3.2 The SCHOOL BOARD must take the steps required to inform its electors that it will be testing the new voting method.

4. AMENDMENTS TO THE ACT RESPECTING SCHOOL ELECTIONS

4.1 Discretion of the Chief Electoral Officer Subsequent to an Error, Emergency or Exceptional Circumstance

Section 30.8 of the Act respecting school elections (R.S.Q., c. E-2.3) is replaced by the following section :

“**30.8.** If, during the election period within the meaning of section 206.1, 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 30.4 or in the agreement entered into pursuant to

section 282.2 of the Act respecting school elections 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 Education of the decision he intends to make.

Within 30 days following the date established as the last day of the poll, 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 in session, within 30 days of resumption.”.

4.2 Representatives of Candidates

Sections 31 and 32 of the said Act are replaced by the following sections :

“**31.** A ticket recognized under Division III of Chapter V may designate a person and give that person a power of attorney to represent its candidates before the deputy returning officer at the polling station, the deputy returning officer at the ballot receipt office and the deputy returning officer at the counting office.

32. An independent candidate may designate a person and give that person a power of attorney to represent him before the deputy returning officer at the polling station, the deputy returning officer at the ballot receipt office and the deputy returning officer at the counting office.”.

4.3 Poll Runners

Section 34 of the said Act is replaced by the following section :

“**34.** A ticket recognized pursuant to Division III of Chapter V, or an independent candidate, may designate a poll runner and give that person a power of attorney to periodically collect from its representative a list of the persons who have already exercised their right to vote.”.

4.4 Power of Attorney of Representatives and Poll Runners

Section 36 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The power of attorney shall be presented to the deputy returning officer at the polling station, the deputy returning officer at the ballot receipt office or the deputy returning officer at the counting office.”.

Section 37 of the said Act is amended by replacing the words “polling station” by the words “counting office”.

4.5 Notice of Election

Section 38 of the said Act is replaced by the following section:

“**38.** Not later than the 44 days before the date established as the last day of the poll, the returning officer shall give a public notice setting forth the following particulars:

- (1) the place, dates and hours for filing nomination papers;
- (2) the particulars that must be set forth in the nomination papers and the documents that must be attached;
- (3) the fact that if two or more candidates are nominated for a seat of commissioner, a poll will be held to elect one of them;
- (4) the fact that the voting method is voting by mail;
- (5) the date on which ballots will be mailed and the date and time by which they must be returned to the returning officer;
- (6) the name of the election clerk;
- (7) the telephone number and address of the office of the returning officer;
- (8) the fact that electors who have not received the mailing six days before the date established as the last day of the poll may contact the returning officer.

The notice shall also indicate that any elector who, as of 1 September preceding the last day of the poll, does not have a child to whom section 1 of the Education Act (R.S.Q., c. I-13.3) applies who is admitted to educational services provided by any school board having jurisdiction over the territory in which the elector is domiciled may serve the notice referred to in section 18, and may also indicate the deadline and address for service of such a notice.

The returning officer shall send a certified copy of the notice of election to the Chief Electoral Officer.”.

4.6 Notice of Revision to Every Address

Section 52 of the said Act is amended by replacing the last sentence of the second paragraph by the following sentence: “In addition, it shall indicate the information

stipulated in subparagraphs 3 and 5 of section 85, as amended by article 4.7 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”.

4.7 Notice of Poll

Section 85 of the said Act is replaced by the following section:

“**85.** If the returning officer has received more than one nomination for an electoral division, he shall announce that a poll will be held by publishing a notice indicating:

- (1) for each division where a poll is necessary, the names and addresses of the candidates, in alphabetical order of the candidates’ names;
- (2) where applicable, the name of the recognized ticket of which the candidate is a member;
- (3) the latest date and time when ballots must be received by the deputy returning officer at the ballot receipt office;
- (4) the address of the office of the returning officer and, where applicable, the addresses of the offices of the returning officer’s assistants, and the opening dates and hours of the office at which electors may obtain ballots if they have not received them by mail;
- (5) the date and hours during which the polling stations will be open and the addresses at which they will be established on the last day of the poll.”.

4.8 Transmission of Ballots by the Returning Officer

The said Act is amended by inserting the following sections after section 86:

“**86.0.1.** After completing the revision of the list of electors and giving the notice of poll, and not later than the tenth day preceding the date established as the last day of the poll, the returning officer shall mail packages to the electors entered on the list of electors. Every package shall contain:

- (1) a ballot paper for the position of commissioner for the electoral division. The ballot paper must bear the initials of the returning officer. The returning officer may allow a facsimile of his initials to be engraved, lithographed or printed;

(2) the envelopes mentioned in article 2 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections;

(3) the form bearing the declaration of the elector and the person providing assistance;

(4) the voting instructions mentioned in article 2 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

86.0.2. Not later than the sixth day preceding the date established as the last day of the poll, the returning officer shall take the steps required to inform electors who have not received a ballot paper that they may obtain one from the deputy returning officer at the ballot receipt office.

An elector may obtain a ballot paper in this way after swearing that he has not received one from another source.”.

4.9 Repeal – Reminder and Advance Poll

Sections 86.1 to 93.2 of the said Act are repealed.

4.10 Establishment of the Ballot Receipt Office and the Counting Office

Section 93.3 of the said Act is replaced by the following sections:

“**93.3.** The returning officer shall establish at least one ballot receipt office in the place at which the envelopes containing the ballots are received.

For the last day of the poll, he shall establish as many polling stations as he considers necessary.

He shall establish a counting office for every ballot box.

93.4. The polling officer shall notify every ticket recognized pursuant to Division III of Chapter V, and every independent candidate, of the decision made under section 93.3, as amended by article 4.10 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”.

4.11 Deputy Returning Officer and Poll Clerk at the Ballot Receipt Office and Deputy Returning Officer and Poll Clerk at the Counting Office

The said Act is amended by inserting the following section after section 95:

“**95.1.** The returning officer shall appoint a deputy returning officer and a poll clerk for every ballot receipt office.

The returning officer shall appoint a deputy returning officer and a poll clerk for every counting office.”.

4.12 Duties of the Deputy Returning Officer at the Ballot Receipt Office and the Deputy Returning Officer at the Counting Office

The said Act is amended by inserting the following section after section 96:

“**96.1.** The deputy returning officer at the ballot receipt office shall, in particular:

(1) receive the envelopes sent by electors;

(2) ensure that every elector is entered on the list of electors;

(3) ensure that the photocopy of the document proving the elector’s identity, as stipulated in section 112.5 added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, is attached, and that the elector’s signature appears thereon;

(4) ensure that the elector’s declaration is signed and that the signature corresponds to that shown on the photocopy of the proof of identity;

(5) if the elector’s declaration is not signed or if the photocopy of the proof of identity is missing, contact the elector to obtain it or them;

(6) if the signature of the elector on the proof of identity and on the elector’s declaration are identical, place envelope ENV-1, containing the ballot, in the ballot box corresponding to the elector’s address.

96.2. The deputy returning officer at the counting office shall, in particular:

(1) see to the physical arrangement of the counting office;

(2) ensure that the count is properly conducted and that order is maintained in the counting office;

(3) proceed with the counting of the votes;

(4) ensure the secrecy of the vote;

(5) transmit the results of the poll to the returning officer and deliver all election material to him.”.

4.13 Duties of the Poll Clerk at the Ballot Receipt Office and the Poll Clerk at the Counting Office

The said Act is amended by inserting the following sections after section 97:

“**97.0.1.** The poll clerk at the ballot receipt office shall, in particular:

- (1) assist the deputy returning officer at the ballot receipt office;
- (2) enter a note on the list of electors to indicate that the elector has voted;
- (3) enter particulars in the poll register.

97.0.2. The poll clerk at the counting office shall, in particular, assist the deputy returning officer at the counting office.”.

4.14 Ballot Papers

Section 99 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**99.** The returning officer shall cause ballot papers to be printed in the form prescribed in the schedule to the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”.

4.15 Repeal – Counterfoil and Stub of Ballot Paper

Section 100 of the said Act is repealed.

4.16 Reverse of the Ballot Paper

Section 102 of the said Act is replaced by the following section:

“**102.** The ballot paper, as shown in the example in the schedule, shall contain, on the reverse:

- (1) a space reserved for the initials of the returning officer, which may be printed, lithographed or engraved;
- 2) the name of the school board;
- (3) the name or number of the electoral division concerned;
- (4) the date of the poll;
- (5) the name and address of the printer.

The designation of the electoral division concerned must correspond to that appearing in the nomination papers.”.

4.17 Withdrawal of Candidacy – Withdrawal of Recognition

Sections 105 and 105.1 of the said Act are replaced by the following sections:

“**105.** Where a candidate withdraws from the election when it is too late to have the ballot papers reprinted, but before the ballot papers are mailed to the electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every elector to whom he sends such a ballot paper of the candidate’s withdrawal.

If a candidate withdraws from the election after the ballot papers have been mailed, the returning officer shall notify the electors of the withdrawal.

Any vote case in favour of the candidate, before or after his withdrawal, is null.

105.1. Where the recognition of a ticket is withdrawn when it is too late to have the ballot papers reprinted but before the ballot papers are mailed to the electors, the returning officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

Where the recognition of a ticket is withdrawn after the ballot papers have been mailed, the returning officer shall notify the electors of the withdrawal.”.

4.18 Election Material

Section 105.2 of the said Act is replaced by the following section:

“**105.2.** The returning officer shall ensure that he has, at his disposal, sufficient quantities of ballot papers, envelopes, declaration forms for electors and persons providing assistance and voting instructions for electors, and at least one ballot box for every electoral division.”.

4.19 Ballot Boxes

Section 105.3 of the said Act is replaced by the following section:

“**105.3.** Each ballot box must be made of durable material with an opening on the top so constructed that the envelopes containing the ballot papers may be inserted into the box through the opening but not withdrawn therefrom unless the box is opened.”.

4.20 Delivery of Materials to the Deputy Returning Officer at the Ballot Receipt Office and the Deputy Returning Officer at the Polling Station

Section 106 of the said Act is replaced by the following section:

“**106.** On the tenth day prior to the day established as the last day of the poll, the returning officer shall deliver to the deputy returning officer at the ballot receipt office:

- (1) at least one ballot box for every electoral division;
- (2) a copy of the list of electors;
- (3) a poll book.

He shall also supply the deputy returning officer with any other material required for the election.

106.1. Not later than one hour before the time fixed for the opening of the polling station on the last day of the poll, the returning officer shall deliver to the deputy returning officer at the polling station, in a sealed ballot box, after affixing his initials or a printed mark containing his initials to the seals:

(1) the copy of the list of electors used by the ballot receipt office, comprising the electors who are entitled to vote at the polling station;

(2) a poll book;

(3) the required number of ballot papers and ENV-1 envelopes, which, for each position for which a poll is being held at the polling station, shall not exceed the number of electors entitled to vote in the poll;

(4) the forms and other documents required for the poll.

He shall also supply any other materials required for the poll.”.

4.21 Formalities Prior to the Opening of the Ballot Receipt Office

The said Act is amended by inserting the following sections after section 110:

“**110.1.** The deputy returning officer and the poll clerk at the ballot receipt office must be present on the days and for the hours established by the returning officer for the opening of the office.

110.2. The representatives assigned to the office at which the ballot papers are received may be present on the same days and at the same hours as the deputy returning officer.”.

POLLING PROCEDURE

4.22 Polling Period

Section 111 of the said Act is replaced by the following section:

“**111.** The polling period begins on the tenth day preceding the date established as the last day of the poll and ends at 7:00 p.m. on the last day of the poll, subject to any extension of the polling period stipulated in section 128.

Every polling station established by the returning officer on the last day of the poll shall be open from 9:00 a.m. to 7:00 p.m.”.

4.23 Repeal – Leave for Voting

Section 112 of the said Act is repealed.

4.24 Identification of Electors Voting by Mail

The said Act is amended by inserting the following sections after section 112.4:

“**112.5.** An elector who votes by mail must enclose, with his ballot paper, a photocopy of one of the following documents bearing his signature: a health insurance card issued by the Régie de l’assurance maladie du Québec, a driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, or a Canadian passport.

If the documents mentioned in the first paragraph do not bear the elector’s signature, the elector must enclose another proof of identity bearing his signature.

112.6. If the elector fails to enclose, with his ballot paper, a photocopy of one of the documents stipulated in section 112.5, added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, or has omitted to sign the elector's declaration, the deputy returning officer at the ballot receipt office must take the necessary steps to contact the elector and ask him to transmit the missing documents before 7:00 p.m. on the last day of the poll, failing which his ballot paper will be cancelled.

112.7. No person may note down or otherwise collect information contained in a document submitted by an elector in accordance with section 112.5, added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”

4.25 Voting at the Polling Station

Section 115 of the said Act is amended by replacing the figure “106” in the third line by the words and figures “106.1, added by article 4.20 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections”.

Section 116 of the said Act is replaced by the following section:

“**116.** The deputy returning officer shall give to an elector who has been admitted to vote but does not have in his possession envelope ENV-1 and the ballot paper mailed by the returning officer, the ballot paper to which he is entitled. He shall also give to the elector an envelope ENV-1 and a pencil.”

Sections 119 and 120 of the said Act are replaced by the following sections:

“**119.** The elector shall proceed to the polling booth and shall mark the ballot paper received from the returning officer or the deputy returning officer in the circle opposite the name of the candidate in favour of whom he wishes to vote.

120. After marking the ballot paper, the elector shall place it in envelope ENV-1.

The elector shall then hand the envelope to the deputy returning officer, who shall place it in the ballot box corresponding to the elector's address.”

Section 122 of the said Act is repealed.

4.26 Voting by Mail

The said Act is amended by inserting the following sections after section 129:

“**129.1.** An elector who votes by mail shall mark the ballot paper in one of the circles using a fountain pen, a ballpoint pen or a pencil.

The elector, after marking the ballot paper received from the returning officer, shall place it in the envelope marked “Envelope ENV-1”, seal the envelope and place it in the envelope marked “Envelope ENV-2”, together with one of the identity documents mentioned in section 112.5, added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, and the elector's declaration or the declaration of the person providing assistance mentioned in article 2.3 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, duly signed. The elector shall also write his name in block letters on the declaration, and his telephone number.

129.2. If the elector is unable to perform the operations required to vote, he may be assisted by another person, in conformity with section 129.6, added by article 4.26 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

The person concerned must complete the declaration of the person providing assistance, as mentioned in article 2.3 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

129.3. The elector may transmit envelope ENV-2 by mail, or he may file it at the ballot receipt office.

129.4. Where the name or address of the elector as shown on the elector's declaration is slightly different from the name or address entered on the list of electors, the deputy returning officer at the ballot receipt office is required to place the envelope containing the elector's ballot paper in the ballot box corresponding to the address of the elector.

129.5. An elector who does not receive a ballot paper may contact the returning officer or the deputy returning officer at the ballot receipt office to obtain one.

In such a case, the deputy returning officer at the ballot receipt office must check the list of electors to see if the elector has already voted. If the elector has not voted, the deputy returning officer shall give the elector an envelope containing a ballot paper bearing the initials of the returning officer.

If the deputy returning officer at the ballot receipt office has already received the elector's envelope, he shall not allow the elector to vote, and shall not give the elector another envelope.

The elector may avail himself of the first two paragraphs from the sixth day prior to the date established as the last day of the poll.

The poll clerk at the ballot receipt office shall enter an indication thereof in the poll book.

129.6. An elector who is unable to mark his ballot paper himself may be assisted:

(1) either by a person who is the elector's spouse or a relative within the meaning of section 58.3;

(2) or by another person who declares, in accordance with article 2.3 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, that he has not assisted another elector during the poll.

129.7. The returning officer or the election secretary may authorize an elector to vote by mail if the elector's name does not appear on the list of electors used at the ballot receipt office but does appear on the list of electors held by the returning officer. An indication thereof shall be entered in the poll book.

129.8. An elector who has inadvertently marked or spoiled his ballot paper may approach the deputy returning officer at the ballot receipt office for a new ballot paper, in exchange for the spoiled ballot paper. An indication thereof shall be entered in the poll book.

129.9. The deputy returning officer at the ballot receipt office shall place envelope ENV-1, containing the ballot paper, unopened in the ballot box corresponding to the elector's address, after ensuring that the signature of the elector on the elector's declaration corresponds to the signature on the photocopy of the proof of identity. If the signatures do not correspond, the deputy returning officer shall cancel envelope ENV-1 and place it in an envelope provided for that purpose.

129.10. When an elector has voted, the poll clerk at the ballot receipt office shall enter an indication thereof on the list of electors, in the space provided.

129.11. After processing the envelopes received from electors on the last day established by the returning officer for the return of envelopes to the ballot receipt office, the deputy returning officer at the ballot receipt office shall give the list of electors to the returning officer, along with the material mentioned in section 106,

as amended by article 4.20 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

The poll clerk at the ballot receipt office shall enter the following particulars in the poll book:

- 1) the date of the poll and the name of the school board;
- 2) the number of electors who sent envelope ENV-1;
- 3) the number of cancelled ENV-1 envelopes per ballot box.

The deputy returning officer at the ballot receipt office shall return all the election material to the returning officer.”.

COUNTING OF VOTES, ADDITION OF VOTES AND JUDICIAL RECOUNT

4.27 Counting of Votes

Section 130 of the said Act is replaced by the following section:

“**130.** After the close of the poll, the deputy returning officer at the counting office, assisted by the poll clerk, shall count the votes.

The representatives assigned to the counting office may be present.

Where a counting office is located in the same premises as one or more voting stations, the count may not begin until the poll has closed in the polling station or stations.”.

4.28 Notes in the Poll Book

Section 131 of the said Act is replaced by the following section:

“**131.** Before the ballot box is opened and before the votes are counted, the poll clerk at the counting office shall enter in the poll book:

- (1) the date of the poll, the name of the school board and the number of the counting office;
- (2) the names of the persons appointed by the returning officer to perform the count;
- (3) the names of the representatives present at the count.”.

4.29 Opening of the Ballot Box, Opening of ENV-1 Envelopes and Counting of the Votes

Section 132 of the said Act is replaced by the following sections :

“**132.** The deputy returning officer at the counting office shall open the ballot box and take the ENV-1 envelopes one by one, open them and place the ballot papers in front of him.

132.1. The deputy returning officer at the counting office shall then count the votes by taking the ballot papers one by one and allowing each person present to examine each ballot, without touching it.”.

4.30 Rejected Ballot Papers

Sections 133 and 134 of the said Act are replaced by the following sections :

“**133.** Every ballot paper marked as provided in section 129.1, added by article 4.26 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, is valid. However, a ballot paper shall be rejected if it :

- (1) was not furnished by the returning officer ;
- (2) has not been marked ;
- (3) has been marked in favour of more than one candidate ;
- (4) has been marked in favour of a person who is not a candidate ;
- (5) has been marked elsewhere than in one of the circles ;
- (6) bears a mark by which the elector can be identified ;
- (7) bears fanciful or injurious entries ;
- (8) has been spoiled.

134. Every ballot paper that does not bear the initials of the returning officer shall be rejected.”.

4.31 Repeal – Failure to Remove the Stub

Section 135 of the said Act is amended by repealing the first paragraph.

4.32 Objection Concerning the Validity of a Ballot Paper

Section 136 of the said Act is replaced by the following section :

“**136.** The deputy returning officer at the counting station shall consider every objection raised in relation to the validity of a ballot and shall decide it immediately.

The objection and the decision of the deputy returning officer at the counting station shall be entered in the poll book.”.

4.33 Statement of Votes

Section 137 of the Act is replaced by the following section :

“**137.** After examining all the ballot papers received, the deputy returning officer at the counting office shall draw up a statement of votes indicating :

- (1) the total number of electors who have voted, corresponding to the number of envelopes placed in the ballot box ;
- (2) the number of ballots in favour of each candidate ;
- (3) the number of ballots rejected during the count.

The deputy returning officer at the counting office shall produce sufficient copies of the statement of votes to enable himself, the returning officer and every candidate or representative assigned to the counting office to have one.

He shall hand a copy of the statement to every candidate or representative.”.

4.34 Separate Envelopes

Section 138 of the said Act is replaced by the following section :

“**138.** After drawing up the statement of votes, the deputy returning officer at the counting office shall then place, in separate envelopes, the ballot papers marked in favour of each candidate, the ballot papers rejected during the count, and the statement of votes. He shall seal the envelopes. The deputy returning officer, the poll clerk at the counting office and those representatives wishing to do so shall affix their initials to the seals.

The envelopes and the poll book shall be placed in the ballot box. Before the ballot box is closed, the returning officer shall give the deputy returning officer at the counting office an envelope corresponding to the ballot box, containing the ballots that were cancelled upon receipt by the deputy returning officer at the ballot receipt office.

The envelope shall be placed, unopened, in the ballot box.

A copy of the statement of votes shall also be placed in the ballot box.”.

4.35 Sealing of the Ballot Box

Section 139 of the said Act is replaced by the following section:

“**139.** The deputy returning officer at the counting office shall close and seal the ballot box. He, the poll clerk at the counting office and those representatives wishing to do so shall affix their initials to the seals. The deputy returning officer at the counting office shall then deliver the ballot box to the returning officer or to the person designated by him.”.

4.36 Addition of Votes

Section 140 of the said Act is replaced by the following section:

“**140.** The addition of the votes shall begin at the time fixed by the returning officer on the night on which the poll is closed. It shall take place at the office of the returning officer, and any candidate or elector may be present.”.

Section 141 of the said Act is amended by inserting the words “at the counting offices” after the words “deputy returning officers” in the second line.

4.37 Adjournment

Section 142 of the said Act is amended by inserting the words “at the counting office” after the words “deputy returning officer” in the second line of the second paragraph.

4.38 Judicial Recount – Applicable Provisions

Section 152 of the said Act is amended by inserting the words “as amended by articles 4.30 and 4.31 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections,” after the figure “135” in the first line.

ELECTORAL CODE OF ETHICS

4.39 Assistance for Electors

Section 167 of the said Act is replaced by the following section:

“**167.** A person who has given assistance to another elector shall not reveal the name of the candidate for whom the elector has voted.”.

4.40 Partisan Publicity and Partisan Work

Section 169 of the said Act is replaced by the following section:

“**169.** No person may, on the premises of a ballot receipt office or on the premises of a voting station, use a sign to indicate his association with a recognized ticket or his support for or opposition to a ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the ballot receipt office or the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of the ballot receipt office or the polling station.”.

PENAL PROVISIONS

4.41 Offences – Modification or Imitation of Initials

Section 214 of the said Act is amended:

(1) by adding the words “or returning officer” after the words “deputy returning officer” in subsection 7;

(2) by adding the following subsection:

“(11) falsely claims to be the spouse, a relative or a person living with the elector.”.

4.42 Other Amendments

In all provisions of the Act respecting school elections that are not amended by this agreement, the words “day before polling day”, “day following polling day” and “polling day” are replaced respectively by the words “day before the date established as the last day of the poll”, “day following the date established as the last day of the poll” and “day established as the last day of the poll”.

5. DURATION AND APPLICATION OF THE AGREEMENT

The returning officer of the school board is responsible for applying this agreement, and accordingly for the proper conduct of the trial of the new voting method in the school election on November 16th in the year 2003.

6. MODIFICATION

The parties agree that this agreement may be modified as required to ensure the proper conduct of the school election on November 16th in the year 2003.

Any such modification shall be indicated in the assessment report.

7. ASSESSMENT REPORT

Within 120 days after the holding of the school election on November 16th in the year 2003, the returning officer of the school board, in compliance with section 282.3 of the Act respecting school elections (R.S.Q., c. E-2.3), shall submit an assessment report to the Minister of Education and the Chief Electoral Officer, addressing the following points among others:

— the preparations for the election (choice of new voting method, communications plan, establishment of polling stations, ballot receipt offices and counting offices, etc.);

— the conduct of the poll;

— the cost of using the mail voting method:

– cost of adapting the election procedure;

– a comparison of actual costs with estimated costs for the holding of the poll using new voting methods and the projected cost of a traditional election for the school election on November 16th in the year 2003;

— the advantages and disadvantages of using the new voting methods;

— statistics relating to the mail voting method, including:

– the elector participation rate;

– the number of electors who voted by mail and the number who voted at the polling station;

– the number of cancelled ENV-1 envelopes.

8. APPLICATION OF THE ACT RESPECTING SCHOOL ELECTIONS

The Act respecting school elections (R.S.Q., c. E-2.3) applies to the school election on November 16th in the year 2003 in the territory of the school board, subject to the provisions of the said Act that are amended or replaced by this agreement.

9. EFFECT OF THE AGREEMENT

This agreement comes into effect at the time the returning officer takes the first action for the purposes of the election to which it applies.

AGREEMENT SIGNED IN DUPLICATE:

At Lévis, on this 26th day of the month of August in the year 2003

THE SCHOOL BOARD OF THE NAVIGATEURS

By: _____
ANICET A. GAGNÉ, *President*

By: _____
DANIEL VACHON, *President of elections*

In Québec, on this 27th day of the month of August in the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

SCHEDULE

SAMPLE BALLOT PAPER

MODEL OF THE OBERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A black rectangular ballot paper with two white horizontal bands. The top band contains the name "Rolland DANSEREAU" followed by a white circle. The bottom band contains the name "Claudette DENIS" followed by a white circle, with the text "Political affiliation" centered below the name.

MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A white rectangular ballot paper with a black border. It contains the following text and a box:

- Initials of returning officer
- Name of municipality
- Name or number of office
- Date of poll
- Name and address of printer

Transport

Gouvernement du Québec

O.C. 954-2003, 10 September 2003

An Act respecting roads
(R.S.Q., c. V-9)

Amendment to Order in Council 98-2003 dated 29 January 2003 concerning strategic bridges the management of which is under the responsibility of the Minister of Transport

WHEREAS, under section 2 of the Act respecting roads (R.S.Q., c. V-9), the Government may, by an order published in the *Gazette officielle du Québec*, recognize certain bridges as strategic;

WHEREAS, under the same section, the management of such strategic bridges is under the responsibility of the Minister of Transport;

WHEREAS, under section 16 of the Act, a municipality shall remain responsible for the maintenance of the roadway, sidewalks, railings, drainage and lighting of bridges recognized as strategic by the Government;

WHEREAS Order in Council 98-2003 dated 29 January 2003, published in Part 2 of the *Gazette officielle du Québec* of 12 February 2003, page 941, recognized certain bridges as strategic in order for their management to be under the responsibility of the Minister of Transport, even if they are part of roads the management of which is under the responsibility of municipalities, and for the latter to remain responsible for the maintenance of the roadway, sidewalks, railings, drainage and lighting of such bridges;

WHEREAS it is expedient to amend the Schedule to Order in Council 98-2003 to add Pont de Terrebonne (07721), located on Route 125 crossing Rivière des Mille Îles in Ville de Laval (6500500) and Ville de Terrebonne (6400800), to the list of strategic bridges in order that the management of the bridge be under the responsibility of the Minister of Transport, even if the bridge is part of a road the management of which is under the responsibility of those municipalities, and that those municipalities remain responsible for the maintenance of the roadway, sidewalks, railings, drainage and lighting of the bridge;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Schedule to Order in Council 98-2003 dated 29 January 2003 be amended by adding Pont de Terrebonne (07721), located on Route 125 crossing Rivière des Mille Îles in Ville de Laval (6500500) and Ville de Terrebonne (6400800);

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5919

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Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

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