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Laws and Regulations

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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 943-2003, 10 September 2003

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

Dietitians

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of dietitians

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre professionnel des diététistes du Québec made the Regulation to amend the Code of ethics of dietitians;

WHEREAS, pursuant to section 95.3 of the Professional Code, the Secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Code of ethics of dietitians, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of dietitians*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of dietitians is amended by inserting the following subdivision after subdivision 6 of Division II:

“§6.1. *Lifting of professional secrecy to protect individuals*

29.1. In addition to the cases provided for in section 25, a dietitian may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the dietitian has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the dietitian may only communicate the information to a person exposed to the danger, to that person's representative or to the persons who can come to that person's aid.

The dietitian may only communicate such information as is necessary to achieve the purposes for which the information is communicated, including the name of the person in danger and the name of the person who made the threat, and their contact information, as well as the nature of the threat.

If it is necessary in the best interests of the person or persons exposed to the danger, the dietitian shall consult another member of the order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

* The Code of ethics of dietitians, approved by Order in Council 48-94 dated 10 January 1994 (1994, *G.O.* 2, 668), has been amended once, by the regulation approved by Order in Council 450-99 dated 21 April 1999 (1999, *G.O.* 2, 1104).

29.2. A dietitian who, pursuant to section 29.1, communicates information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information immediately;
- (2) if the information is communicated orally, confirm the information in writing to the person to whom the information is given;
- (3) enter the following particulars in the client's record as soon as possible:
 - (a) the reasons supporting the decision to communicate the information, including the name of the person who caused the dietitian to communicate the information and the name of the person or group of persons exposed to a danger; and
 - (b) the content of the communication, the mode of communication, and the name of the person to whom the information was given; and
- (4) as soon as possible, send the syndic a notice regarding the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.”.

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

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Gouvernement du Québec

O.C. 944-2003, 10 September 2003

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

Respiratory therapists — Code of ethics — Amendments

Regulation to amend the Code of ethics of respiratory therapists of Québec

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, such code must include, *inter alia*, provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS the Bureau of the Ordre des inhalothérapeutes du Québec made the Regulation to amend the Code of ethics of respiratory therapists of Québec;

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

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 March 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of respiratory therapists of Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of respiratory therapists*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. Section 21 of the Code of ethics of respiratory therapists of Québec is amended by the addition of the following paragraph at the end:

* The last amendments to the Code of ethics of respiratory therapists of Québec, approved by Order in Council No. 451-99 dated April 21, 1999 (1999, *G.O.* 2, 1105), were made by the regulation approved by Order in Council No. 1297-2001 dated October 31, 2001 (2001, *G.O.* 2, 5879).

“A respiratory therapist who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicates information protected by professional secrecy in order to prevent an act of violence shall:

- (1) communicate the information without delay;
- (2) file the following items in the record of the client in question:
 - (a) the reasons for the decision to communicate the information;
 - (b) the precise elements of the information communicated;
 - (c) the method of communication used;
 - (d) the name and the coordinates of the person to whom the information was communicated;
 - (e) the reason behind the choice of the person to whom the information was communicated;
 - (f) the place, the date, and the time of this communication;
 - (g) the identity and the coordinates of any person, if any, that he has consulted confidentially prior to this communication.”.

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

5930

Gouvernement du Québec

O.C. 945-2003, 10 September 2003

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

Medical technologists — Code of ethics — Amendments

Regulation to amend the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a

professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional’s clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Code;

WHEREAS, the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Regulation to amend the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec;

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

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec is amended by inserting the following Division after Division IX:

“DIVISION IX.1 LIFTING OF PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS

26.1. A medical technologist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the medical technologist has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the medical technologist may only communicate the information to a person exposed to the danger or that person’s representative, or to the persons who can come to that person’s aid. The medical technologist may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If it is in the best interests of the person or persons exposed to the danger, the medical technologist shall consult another member of the order, a member of another professional order or any other qualified person provided the consultation will not prejudicially delay the communication of the information.

26.2. A medical technologist must enter in the client’s record as soon as possible

(1) the reasons supporting the decision to communicate the information; and

(2) the subject of the communication, the mode of communication, the name of any person to whom the information was given and the date and time.”.

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

5931

Gouvernement du Québec

O.C. 948-2003, 10 September 2003

Parks Act
(R.S.Q., c. P-9)

Parks — Amendment

Regulation to amend the Parks Regulation

WHEREAS, under section 9.1 of the Parks Act (R.S.Q., c. P-9), the Government may make regulations on the matters set forth therein;

WHEREAS, by Order in Council 838-2000 dated 28 June 2000, the Government made the Parks Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Parks Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 December 2002 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been submitted since that publication;

WHEREAS it is expedient to make the Regulation to amend the Parks Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Parks Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

* The Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec, approved by Order in Council 1014-98 dated 5 August 1998 (1998, G.O. 2, 3672), has not been amended since its approval.

Regulation to amend the Parks Regulation*

Parks Act

(R.S.Q., c. P-9, s. 9.1, 1st par., subpar. a)

1. The Parks Regulation is amended by substituting the following for paragraph 2.1 of section 2 of Schedule 1:

“2.1 For any species of fish other than anadromous Atlantic salmon, for 2003-2004:

(a) \$14.34 per day per person;

(b) \$71.72 for seven consecutive days per person where no lodging in a camp is provided.”

2. This Regulation comes into force on 1 December 2003.

5932

Notice

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

Regulation to amend the Regulation respecting the constitution of the Comité paritaire des agents de sécurité

The Minister of Labour, Mr. Michel Després, hereby gives notice, under section 19 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the “Regulation to amend the Regulation respecting the constitution of the Comité paritaire des agents de sécurité”, adopted by the parity committee at its meeting held on 13 February 2003, was approved without amendment, on his recommendation, by Order in Council No. 955-2003 dated 10 September 2003.

Therefore, that Regulation comes into force on the date of its approval by the Government.

ROGER LECOURT,
Deputy Minister of Labour

Gouvernement du Québec

O.C. 955-2003, 10 September 2003

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

Agents de sécurité Constitution of the Comité paritaire — Amendments

CONCERNING the Regulation to amend the Regulation respecting the constitution of the Comité paritaire des agents de sécurité

WHEREAS, under section 16 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Comité paritaire des agents de sécurité was formed to oversee and ascertain compliance with the Decree respecting security agents (R.R.Q., 1981, c. D-2, r.1);

WHEREAS, under section 18 of that Act, the committee has adopted, for its internal management, the Regulation respecting the constitution of the Comité paritaire des agents de sécurité, approved by the Government under Order in Council No. 2102-81 dated 22 July 1981;

WHEREAS the Comité paritaire des agents de sécurité adopted the “Regulation to amend the Regulation respecting the constitution of the Comité paritaire des agents de sécurité” at its meeting held on 13 February 2003;

WHEREAS, under section 19 of that Act, that Regulation must be approved, with or without amendment by the Government;

WHEREAS it is expedient to approve that Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the constitution of the Comité paritaire des agents de sécurité, attached hereto, be approved.

Le greffier du Conseil exécutif,
ANDRÉ DICAIRE

* The Parks Regulation, made by Order in Council 838-2000 dated 28 June 2000 (2000, *G.O.* 2, 3556), was last amended by the regulation made by Order in Council 543-2002 dated 7 May 2002 (2002, *G.O.* 2, 2361). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Regulation to amend the Regulation respecting the constitution of the Comité paritaire des agents de sécurité*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 18 and 19)

1. The following is substituted for section 4 of the Regulation respecting the constitution of the Comité paritaire des agents de sécurité:

“4. Membership:

The committee is made up of 12 members designated as follows:

(1) three members appointed by the Conseil des agences de sécurité et d’investigation du Québec inc. (CASIQ);

(2) three members appointed by the A.S.I.E.Q. inc.; and

(3) six members appointed by the United Steelworkers of America, Local 8922.”.

2. This Regulation comes into force on the date of its approval by the Government.

5933

Gouvernement du Québec

O.C. 980-2003, 17 September 2003

Hunting activities

— Correction to the English text of the Regulation made on 27 August 2003

Correction to the English text of the Regulation to amend the Regulation respecting hunting activities made on 27 August 2003

WHEREAS the Regulation to amend the Regulation respecting hunting activities was made by Order in Council 895-2003 dated 27 August 2003;

* The Regulation respecting the constitution of the Comité paritaire des agents de sécurité, approved by Order in Council No. 2102-81 dated 22 July 1981 (1981, *G.O.* 2, 2859), was amended by the Regulations approved by Orders in Council No. 3546-81 dated 16 December 1981 (1982, *G.O.* 2, 119), No. 1053-84 dated 2 May 1984 (1984, *G.O.* 2, 2734), No. 214-85 dated 30 January 1985 (1985, *G.O.* 2, 955), No. 636-85 dated 27 March 1985 (1985, *G.O.* 2, 1405), No. 1647-85 dated 14 August 1985 (1985, *G.O.* 2, 3757) and No. 618-92 dated 15 April 1992 (1992, *G.O.* 2, 2524).

WHEREAS an error occurred in the English text of section 8 of the Regulation;

WHEREAS it is expedient to correct that error in order to render the French and English texts of that regulatory provision consistent;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks:

THAT the English text of section 8 of the Regulation to amend the Regulation respecting hunting activities, made by Order in Council 895-2003 dated 27 August 2003, be replaced as follows:

“8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 4 to 6, which come into force on the date of their publication in the *Gazette officielle du Québec*.”.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5939

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

The EASTERN SHORES SCHOOL BOARD, a public legal person having the necessary powers to carry out the functions conferred on it by law, its administrative office situated at 40, Mountsorrel, New Carlisle, Province of Québec, represented by the Director General, Cyrus Journeau, resolution number C03-08-072, 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 C03-07-033, adopted at the meeting of July 8th, 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 ESSB election 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 ESSB 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 ESSB 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 C03-08-071 approving the text of the agreement and authorizing the President of the Council of Commissioners and the Returning Officer 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 envelope 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 ESSB elections of November 16th of the year 2003 in the School Board, the vote by mail will be used in the following remote sectors :

- Baie-Comeau to Tadoussac
- Sept-Îles to Fermont
- Sept-Îles to Havre-Saint-Pierre
- La Pocatière to Métis-sur-Mer
- Saint-Eusèbe to Métis-sur-Mer
- Sainte-Anne-des-Monts to Métis-sur-Mer

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 :

Baie-Comeau to Tadoussac; Sept-Îles to Fermont; Sept-Îles to Havre-Saint-Pierre; La Pocatière to Métis-sur-Mer; Saint-Eusèbe to Métis-sur-Mer; Sainte-Annes-des-Monts to Métis-sur-Mer can vote by mail;

(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.

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) assist the Ballot Reception Office Deputy Returning Officer in his/her 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 Reverse side of the Ballot

Article 102 of the Act is replaced by the following :

“**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 agree-

ment 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 that is incapable of marking the ballot by his/herself may receive assistance:

(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 JUDICIAL 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

Article 139 of the Act is replaced by the following:

“**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 Elec-

tion 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 ESSB elections of November 16th of the year 2003 and for future votes until the next school board elections.

6. MODIFICATIONS

The parties agree that the present agreement may be modified as needed to insure the good development of the ESSB election of November 16th 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 ESSB election 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 New Carlisle, this 25th day of the month of August of the year 2003

The EASTERN SHORES SCHOOL BOARD

AUDREY ACTESON,
President of the Council of Commissioners

NICOLE COSGROVE
Returning Officer

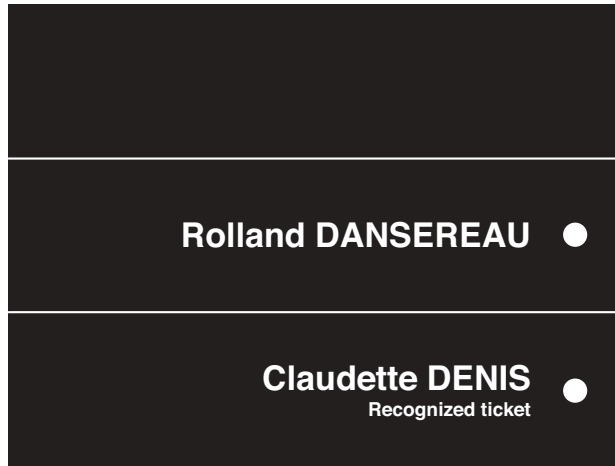
AND

In Québec, this 27th day of the month of August of the year 2003

MARCEL BLANCHET,
Chief Electoral Officer

ANNEXE

MODEL OF THE OBERSE OF A BALLOT PAPER WITH TWO CANDIDATES



MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

Initials of returning officer	<input type="text"/>
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 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 BROWNSBURG-CHATHAM, a legal person established in the public interest, having its head office at 300, rue Hôtel-de-Ville, Brownsburg-Chatham (Québec) J8G 3B4, Province of Québec, represented by the mayor, Alain Bédard, and the assistant clerk, M^e Marie-Josée Larocque, notary under resolution number 03-08-224, hereinafter called

THE CITY

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 CITY, by its resolution No. 03-05-132, passed at its meeting of May 5th, 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 CITY;

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 CITY expressed the desire to avail itself of those provisions to hold a general election on November 2nd, 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 CITY for that general election;

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

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

WHEREAS the council of the CITY passed, at its meeting of August 4th, 2003 resolution no. 03-08-224 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 CITY 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 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 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 Brownsburg-Chatham, on this 14th day of the month of August of the year 2003

THE MUNICIPALITY OF
BROWNSBURG-CHATHAM

By: _____
ALAIN BÉDARD, *Mayor*

M^e MARIE-JOSÉE LAROCQUE,
Notary and Assistant Clerk

In Québec, on this 19th 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** ●
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 BROSSEAU** ●**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	

M.O., 2003-009**Order of the Minister of Health and Social Services
to cancel the designation of a breast cancer
detection centre, dated 8 September 2003**

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

CONSIDERING the designation of breast cancer detection centres by Minister's Order 2000-002 dated 9 February 2000;

CONSIDERING that it is necessary to amend that Minister's Order to strike the name of a breast cancer detection centre;

ORDERS:

THAT, for the Gaspésie-Îles-de-la-Madeleine region, the following breast cancer detection centre is struck from the operative part of Minister's Order 2000-002 dated 9 February 2000:

“Centre hospitalier Baie-des-Chaleurs
419, boulevard Perron
Maria (Québec)
G0C 1Y0”.

Québec, 8 September 2003

PHILIPPE COUILLARD,
Minister of Health and Social Services

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and the fur trade — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting trapping activities and the fur trade, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow professional trappers to have an area to process animals, which should not have direct access to living areas. The draft Regulation lifts the prohibition to use trapping cabins during restricted moose-hunting seasons and establishes traplines in the Dunière Wildlife Sanctuary.

To that end, the draft Regulation increases the current permitted total area for buildings or structures by a maximum of ten square metres, provided that the buildings or structures do not have direct access to the cabin. It also revokes section 29 of the Regulation which prohibits the use of trapping cabins. Lastly, the draft Regulation amends the criteria for trapping in the Dunière Wildlife Sanctuary, by replacing general trapping with professional trapping.

To date, study of the matter has shown no impact on businesses, in particular small and medium-sized businesses. As for the impact on professional trappers, the draft Regulation improves the rules governing trapping.

Further information may be obtained by contacting

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

Telephone : (418) 521-3880, extension 4078
Fax : (418) 646-5179
E-mail : serge.bergeron@fapaq.gouv.qc.ca

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

SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>	PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>
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Regulation to amend the Regulation respecting trapping activities and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 97, par. 3, and s. 162, par. 9)

1. Section 12 of the Regulation respecting trapping activities and the fur trade is amended by deleting subparagraph 1 of the first paragraph.

2. Section 27 is amended

(1) by adding the following subparagraph at the end of the first paragraph :

* The Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915), was last amended by the regulation made by Order in Council 983-2002 dated 28 August 2002 (2002, *G.O.* 2, 4664). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

“(11) in the case of a lessee of exclusive trapping rights in the Dunière Wildlife Sanctuary, the buildings or structures must be erected on lands in the domain of the State.”.

(2) by adding the following paragraph :

“A lessee may erect buildings or structures, other than the cabin, over an area that does not exceed by more than 10 m² the area referred to in subparagraph 6 of the first paragraph, provided that the buildings or structures do not have direct access to the cabin.”.

3. Section 29 is revoked.

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

Treasury Board

Gouvernement du Québec

T.B. 200156, 9 September 2003

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

Schedule I

— Amendment

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1)

Schedule II

— Amendment

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

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

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of chapter 31 of the Statutes of 2001 and by section 68 of chapter 30 of the Statutes of 2002, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and any such order may have effect 12 months or less before it is made;

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

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

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

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

WHEREAS the Minister of Finance was consulted;

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

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

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

WHEREAS the Syndicat de l'Enseignement de la Mauricie (S.E.M.) meets the conditions prescribed in the Regulation;

THE CONSEIL DU TRÉSOR DECIDES :

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

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

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

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

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

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting “the Syndicat de l'Enseignement de la Mauricie (S.E.M.)” in alphabetical order in paragraph 1.

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting “the Syndicat de l'Enseignement de la Mauricie (S.E.M.)” in alphabetical order in paragraph 1.

3. This Decision comes into force on the date it is made by the Conseil du trésor but has effect 12 months before that date.

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* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the Revised Statutes of Québec were updated to 1 April 2002, by T.B.198080 dated 16 April 2002 (2002, *G.O.* 2, 2303), 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962), 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831) and 199356 dated 11 February 2003 (2003, *G.O.* 2, 1035), as well as by section 71 of chapter 30 of the Statutes of 2002.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) came into force on 1 January 2001 and has been amended by T.B. 197299 dated 20 November 2001 (2001, *G.O.* 2, 6165), 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172), 197373 dated 4 December 2001 (2001, *G.O.* 2, 6451), 197375 dated 4 December 2001 (2001, *G.O.* 2, 6452), 197464 dated 18 December 2001 (2002, *G.O.* 2, 257), 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303), 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962), 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831) and 199356 dated 11 February 2003 (2003, *G.O.* 2, 1035), as well as by section 156 of chapter 30 of the Statutes of 2002.

Gouvernement du Québec

T.B. 200157, 9 September 2003

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

**Schedules I, II and II.1 to the Act
— Amendments**

An Act respecting the Pension Plan
of Management Personnel
(R.S.Q., c. R-12.1)

**Schedule II
— Amendments**

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

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

WHEREAS, under the first paragraph of section 220 of
the Act, amended by section 68 of chapter 30 of the
Statutes of 2002, the Government may, by order, amend
Schedules I, II, II.1, II.2, III, III.1, VI and VII and, where
the Government amends Schedule I or II, it must also
amend to the same effect Schedule II to the Act respect-
ing the Pension Plan of Management Personnel (R.S.Q.,
c. R-12.1) and any such order may have effect 12 months
or less before it is made;

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

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

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

WHEREAS the Minister of Finance was consulted;

THE CONSEIL DU TRÉSOR DECIDES :

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

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

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

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.; 2002, c. 30, s. 68)

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.; 2002, c. 30, s. 153)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended in paragraph 1

(1) by replacing “the Association des cadres de la santé et des services sociaux du Québec” by “the APER santé et services sociaux”;

(2) by replacing “the Association pour la santé et la sécurité du travail, secteur Affaires sociales” by “the Association paritaire pour la santé et la sécurité du travail, secteur Affaires sociales”;

(3) by replacing “the Corporation d’achat régionale de biens et services de la Montérégie (région 16)” by “Approvisionnement-Montérégie”;

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2002, by T.B. 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303), 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962), 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831), 199356 dated 11 February 2003 (2003, *G.O.* 2, 1035) and by section 71 of chapter 30 of the Statutes of 2002.

Schedule II to that Act has not been amended since the last updating of the Revised Statutes of Québec to 1 April 2002.

Schedule II.1 to that Act has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2002, by T.B. 198798 dated 2 October 2002 (2002, *G.O.* 2, 5357), 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831) and 199356 dated 11 February 2003 (2003, *G.O.* 2, 1035).

** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2002, by T.B. 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303), 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962) and 198941 dated 22 October 2002 (2002, *G.O.* 2, 5831) and by section 156 of chapter 30 of the Statutes of 2002.

(4) by striking out “the Orchidée blanche, centre d’hébergement et de soins de longue durée inc.”;

(5) by replacing “the Syndicat de l’enseignement Richelieu-Yamaska” by “the Syndicat de l’enseignement Val-Maska”;

(6) by striking out “the Syndicat du personnel de l’enseignement de Chauveau”;

(7) by striking out “the Syndicat du personnel de l’enseignement du Nord de la Capitale”;

(8) by replacing “the Vigi Santé Ltée (for the employees working in its institution known under the corporate name of Centre d’hébergement et de soins de longue durée Mont-Royal)” by:

“the Vigi Santé Ltée for the employees working in the institutions known under the following names:

— the Centre d’hébergement et de soins de longue durée Mont-Royal;

— the Centre d’hébergement et de soins de longue durée Vigi L’Orchidée blanche”.

2. Schedule II to that Act is amended in paragraph 1

(1) by striking out “the Centre d’accueil Grandes-Piles inc.”;

(2) by striking out “the Villa Marie-André inc.”;

(3) under the designation “the Vigi Santé Ltée for the employees working in the institutions known under the following corporate names”:

(a) by replacing “the Centre d’hébergement et de soins de longue durée Aylmer” by “the Centre d’hébergement et de soins de longue durée Vigi de l’Outaouais”;

(b) by replacing “the Centre d’hébergement et de soins de longue durée Berthier” by “the Centre d’hébergement et de soins de longue durée Vigi Yves-Blais”;

(c) by striking out “the Centre d’hébergement et de soins de longue durée Bois-Menu”;

(d) by replacing “the Centre d’hébergement et de soins de longue durée St-Félix de Longueuil” by “the Centre d’hébergement et de soins de longue durée Vigi Brossard”;

(e) by replacing “the Centre d’hébergement et de soins de longue durée Ste-Germaine Cousin, the Centre d’hébergement et de soins de longue durée Ste-Rita, the Centre d’hébergement et de soins de longue durée Ville-Énard” by “the Centre d’hébergement et de soins de longue durée Reine-Élizabeth”;

(f) by adding “the Centre d’hébergement et de soins de longue durée Vigi les Chutes”.

3. Schedule II.1 to that Act is amended

(1) by replacing “The Association des employés en service social de la province de Québec” by “the Syndicat des intervenants professionnels de la santé du Québec (SIPSQ)”;

(2) by replacing “The Association des enseignants de Montréal” by “the Association des enseignantes et enseignants de Montréal”;

(3) by replacing “The Association des enseignants du Lakeshore” by “the Syndicat des enseignant(e)s de Pearson”;

(4) by replacing “The Fédération des enseignantes et enseignants des commissions scolaires” by “the Fédération des syndicats de l’enseignement”;

(5) by replacing “the Fédération du personnel de soutien scolaire (FPSS-CEQ)” by “the Fédération du personnel de soutien scolaire (FPSS-CSQ)”;

(6) by striking out “Federation of English-Speaking Catholic Teachers Inc.”;

(7) by striking out “North Island Laurentian Teachers’ Union Syndicat d’enseignants NILTU”;

(8) by striking out “Provincial Association of Catholic Teachers of Québec (PACT)”;

(9) by replacing “The Syndicat de l’enseignement de Lanaudière” by “the Syndicat de l’enseignement du Lanaudière”;

(10) by striking out “The Syndicat de l’enseignement de Pascal-Taché”;

(11) by striking out “The Syndicat de l’enseignement des Moulins”;

(12) by replacing “The Syndicat de l’enseignement du Sault-Saint-Louis” by “the Syndicat de l’enseignement de l’Ouest de Montréal”;

(13) by replacing “The Syndicat de l’enseignement de la région Deux-Montagnes” by “the Syndicat de l’enseignement de la Seigneurie-des-Mille-Îles”;

(14) by striking out “The Syndicat des employés du Centre hospitalier Robert-Giffard et annexes”;

(15) by striking out “the Syndicat des travailleurs et travailleuses de l’enseignement de Louis-Fréchette”;

(16) by replacing “The Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R)” by “the Syndicat des infirmières et infirmiers Mauricie/Cœur-du-Québec (SIIMCQ)”.

4. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended in paragraph 1

(1) by replacing “the Association des cadres de la santé et des services sociaux du Québec” by “the APER santé et services sociaux”;

(2) by replacing “the Association pour la santé et la sécurité du travail, secteur Affaires sociales” by “the Association paritaire pour la santé et la sécurité du travail, secteur Affaires sociales”;

(3) by striking out “the Centre d’accueil Grandes-Piles inc.”;

(4) by replacing “the Conseil scolaire de l’Île de Montréal” by “the Comité de gestion de la taxe scolaire de l’Île de Montréal”;

(5) by replacing “the Corporation d’achat régionale de biens et services de la Montérégie (region 16)” by “Approvisionnement-Montérégie”;

(6) by striking out “the Orchidée blanche centre d’hébergement et de soins de longue durée inc.”;

(7) by replacing “the Syndicat de l’enseignement Richelieu-Yamaska” by “the Syndicat de l’enseignement Val-Maska”;

(8) by striking out “the Syndicat du personnel de l’enseignement de Chauveau”;

(9) by striking out “the Syndicat du personnel de l’enseignement du Nord de la Capitale”;

(10) under the designation “the Vigi Santé Ltée for the employees working in the institutions known under the following names”:

(a) by replacing “the Centre d’hébergement et de soins de longue durée Aylmer” by “the Centre d’hébergement et de soins de longue durée Vigi de l’Outaouais”;

(b) by replacing “the Centre d’hébergement et de soins de longue durée Berthier” by “the Centre d’hébergement et de soins de longue durée Vigi Yves-Blais”;

(c) by striking out “the Centre d’hébergement et de soins de longue durée Bois-menu”;

(d) by replacing “the Centre d’hébergement et de soins de longue durée St-Félix de Longueuil by “the Centre d’hébergement et de soins de longue durée Vigi Brossard”;

(e) by replacing “the Centre d’hébergement et de soins de longue durée Ste-Germaine-Cousin, the Centre d’hébergement et de soins de longue durée Ste-Rita, the Centre d’hébergement et de soins de longue durée Ville-Émard” by “the Centre d’hébergement et de soins de longue durée Reine-Élizabeth”;

(f) by adding “the Centre d’hébergement et de soins de longue durée Vigi L’Orchidée blanche”;

(g) by adding “the Centre d’hébergement et de soins de longue durée Vigi Les Chutes”.

Gouvernement du Québec

T.B. 200158, 9 September 2003

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

Schedules I and II.1 — Amendments

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Schedule II — Amendments

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

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

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

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 68 of chapter 30 of the Statutes of 2002, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and any such order may have effect 12 months or less before it is made;

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

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

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

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

WHEREAS the Minister of Finance was consulted;

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

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

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

WHEREAS the Corporation d'approvisionnement Laurentides-Lanaudière, the Regroupement des CLSC de Montréal, the Syndicat des professeurs et professeurs du Collège de Maisonneuve (SPPCM) and the Syndicat du personnel de soutien des Trois-Lacs (CSQ) SPSTL (CSQ) meet the conditions provided for in that Regulation;

THE CONSEIL DU TRÉSOR DECIDES :

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

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

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

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.; 2002, c. 30, s. 68)

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.; 2002, c. 30, s. 153)

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

- (1) the Corporation d'approvisionnement Laurentides-Lanaudière;
- (2) the Regroupement des CLSC de Montréal;
- (3) the Syndicat des professeures et professeurs du Collège de Maisonneuve (SPPCM).

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2002, by T.B. 198080 dated 16 April 2002 (2002, G.O. 2, 2303), 198513 dated 25 June 2002 (2002, G.O. 2, 3962), 198941 dated 22 October 2002 (2002, G.O. 2, 5831) and 199356 dated 11 February 2003 (2003, G.O. 2, 1035) and by sections 156 of chapter 26 of the Statutes of 2001, 71 of chapter 30 of the Statutes of 2002 and 150 of chapter 69 of the Statutes of 2002.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2002, by T.B. 198801 dated 17 September 2002 (2002, G.O. 2, 5357), 198941 dated 22 October 2002 (2002, G.O. 2, 5831), 199356 dated 11 February 2003 (2003, G.O. 2, 1035) and 199903 dated 3 June 2003 (2003, G.O. 2, 1946) and by section 74 of chapter 30 of the Statutes of 2002.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2002, by T.B. 198080 dated 16 April 2002 (2002, G.O. 2, 2303), 198513 dated 25 June 2002 (2002, G.O. 2, 3962), 198941 dated 22 October 2002 (2002, G.O. 2, 5831) and 199356 dated 11 February 2003 (2003, G.O. 2, 1035) and by sections 156 of chapter 30 of the Statutes of 2002 and 157 of chapter 69 of the Statutes of 2002.

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting “the Syndicat du personnel de soutien des Trois-Lacs (CSQ) SPSTL (CSQ)” in alphabetical order.

3. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended by inserting the following bodies in paragraph 1 in alphabetical order:

- (1) the Corporation d'approvisionnement Laurentides-Lanaudière;
- (2) the Regroupement des CLSC de Montréal;
- (3) the Syndicat des professeures et professeurs du Collège de Maisonneuve (SPPCM).

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

- | | |
|--------------------------------------------------------------------------------|--------------------------------------------------|
| (1) Corporation d'approvisionnement Laurentides –Lanaudière | 12 months before the date this Decision is made; |
| (2) Regroupement des CLSC de Montréal | 12 months before the date this Decision is made; |
| (3) Syndicat des professeures et professeurs du Collège de Maisonneuve (SPPCM) | 12 months before the date this Decision is made; |
| (4) Syndicat du personnel de soutien des Trois-Lacs (CSQ) SPSTL (CSQ) | 1 January 2003. |

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

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