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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 17 MARCH 2005

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 17 March 2005*

This day, at four minutes past four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 70 An Act giving effect to the Budget Speech delivered on 30 March 2004 to introduce family support measures and giving effect to certain other budget statements
- 77 An Act to amend the Act respecting the Ministère du Revenu (*modified title*)

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Coming into force of Acts

Gouvernement du Québec

O.C. 193-2005, 16 March 2005

An Act to amend the Securities Act and other legislative provisions (2004, c. 37)

— Coming into force of section 46

COMING INTO FORCE of section 46 of the Act to amend the Securities Act and other legislative provisions

WHEREAS, under section 96 of the Act to amend the Securities Act and other legislative provisions (2004, c. 37), the provisions of the Act come into force on 17 December 2004, except paragraphs 2 to 4 of section 1, paragraphs 1 to 4 and 6 of section 3, paragraph 2 of section 4, sections 7 and 8, paragraph 1 of section 9, paragraph 3 of section 10, sections 11 to 13, 15 and 22, paragraph 2 of section 23, sections 25, 26, 29 and 30, paragraph 2 of section 31, section 32, paragraphs 2 and 3 of section 37, paragraph 4 of section 38, paragraph 3 of section 43 and sections 46, 56, 58, 61 and 86 which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to fix 16 March 2005 as the date of coming into force of section 46 of the Act;

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

THAT 16 March 2005 be fixed as the date of coming into force of section 46 of the Act to amend the Securities Act and other legislative provisions (2004, c. 37).

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 204-2005, 16 March 2005

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Supplemental pension plans — Amendments

IN THE MATTER OF the Regulation to amend the Regulation respecting supplemental pension plans

WHEREAS in accordance with paragraphs 3.0.1 and 11 of the first paragraph of section 244 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Régie des rentes du Québec may, by regulation:

— determine, for the purposes of section 60.1 of the Act, the rules applicable to the determination of an additional pension benefit;

— determine the methods, assumptions, rules or factors that apply to or that are prohibited for the calculation of any contribution or pension benefit, any refund, interest rate or rate of return and, where relevant, the actuarial value thereof;

WHEREAS the Régie, on 24 March 2004, made the Regulation to amend the Regulation respecting supplemental pension plans;

WHEREAS, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the regulation attached to this Order in Council was published in part 2 of the *Gazette officielle du Québec* on 20 October 2004 with a notice that it could be submitted to the Government for approval on expiry of a period of 45 days following its publication;

WHEREAS the Régie made the Regulation on 10 December 2004, with amendments taking into account comments made by interested parties;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting supplemental pension plans attached to this Order in Council be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st para., subpara. 3.0.1 and 11)

1. Section 15.0.2 of the Regulation respecting supplemental pension plans is replaced with the following:

“**15.0.2.** The additional pension benefit is, at the date on which the member ceased to be an active member, determined in one or the other of, or a combination of, the following forms, in accordance with the provisions of the pension plan:

1° a life annuity;

2° a lump-sum payment at the date on which the member ceased to be an active member.”.

2. Section 67.4 of the Regulation is replaced by the following:

“**67.4.** The assumptions referred to in the first paragraph of section 61 of the Act are those described in section 4 of the standard of practice entitled “Standard of Practice for Determining Pension Commuted Values”, confirmed by the Board of the Canadian Institute of Actuaries on 15 June 2004, it being understood that a sex-specific mortality table must be used.

* The last amendments to the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90, dated 8 August 1990 (*G.O.* 1990, 2, 2318), were made by the regulation approved by Order in Council 173-2002, dated 20 February 2002 (*G.O.* 2002, 2, 1495). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 September 2004.

These assumptions apply taking into account the rules set out in Part D of Section 3 of that standard of practice.”.

3. Section 67.4 of the Regulation, as it stood before it was replaced by section 2, shall continue to apply with respect to the valuation of the benefits of members and beneficiaries at a date prior to the coming into force of this Regulation.

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

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Gouvernement du Québec

O.C. 205-2005, 16 March 2005

An Act respecting manpower vocational training and qualification
(R.S.Q., c. F-5)

Vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than construction industry — Amendment

Regulation to amend the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry

WHEREAS, under section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations consistent with that Act to ensure the efficient carrying out thereof and may, in particular, determine the qualification required to carry on trades or vocations, render obligatory apprenticeship and the certificate of qualification for the carrying on of a given trade or vocation, determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewal of certificates of qualification, fix certain duties exigible and, generally, adopt any other related or supplementary provision for the efficient carrying out of the Act;

WHEREAS the Government made the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4);

WHEREAS it is expedient to amend the Regulation to exempt operators of pipe-thawing machines and motion picture machinery from the requirement to hold a qualification certificate or an apprenticeship card for an electrical machinery operator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 13 October 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the comments received following that publication have been considered;

WHEREAS it is expedient to make the Regulation without amendment, except as regards the date of coming into force;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry*

An Act respecting manpower vocational training and qualification
(R.S.Q., c. F-5, s. 30, 1st par., subpar. b)

1. The Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry is amended in paragraph 4 of Schedule A by striking out “, pipe-thawing machines, motion picture machinery”.

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. 247-2005, 23 March 2005

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Clothing industry
— Labour standards specific to certain sectors
— Amendment

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry

WHEREAS, under section 92.1 of the Act respecting labour standards (R.S.Q., c. N-1.1), the Government made the Regulation respecting labour standards specific to certain sectors of the clothing industry by Order in Council 1288-2003 dated 3 December 2003 ;

* The Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4) was last amended by the regulation made by Order in Council 5-97 dated 7 January 1997 (1997, *G.O.* 2, 186). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

WHEREAS it is expedient to increase, as of 1 May 2005, the minimum wage payable to employees governed by that Regulation ;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry was published in Part 2 of the *Gazette officielle du Québec* of 12 January 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication ;

WHEREAS no comments were received during that period and it is expedient to make the Regulation without amendment ;

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

THAT the Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry*

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 92.1)

1. Section 3 of the Regulation respecting labour standards specific to certain sectors of the clothing industry is amended by replacing “\$8.00” by “\$8.10”.

2. This Regulation comes into force on 1 May 2005.

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* The Regulation respecting labour standards specific to certain sectors of the clothing industry was made by Order in Council 1288-2003 dated 3 December 2003 (2003, *G.O.* 2, 3601) and has not been amended since.

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF LÉVIS, a legal person established in the public interest, having its head office at 2175, chemin du Fleuve, Saint-Romuald, Province of Québec, represented by the mayor, Jean Garon, and the clerk, Danielle Bilodeau, under resolution number CV-2003-03-73, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. CV-2003-03-73 passed at its meeting of May 6, 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 by-election of June 29 of the year 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a by-election on June 29 of the year 2003 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that June 29 of the year 2003 election;

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

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

WHEREAS the council of the MUNICIPALITY passed, at its meeting of May 6 of the year 2003, resolution No. CV-2003-03-73 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

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

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

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

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

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

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

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

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

3. ELECTION

3.1 For the purposes of the by-election of June 29 of the year 2003 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to 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 and Greater Montréal of the decision he intends to make.

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

6.5 Notice of election

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

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

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

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

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

6.7 Verification of electronic ballot box

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.8 Mobile polling station

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

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

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

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

6.9 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.10 Booths

The following is substituted for section 191 of the Act:

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

6.11 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

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

(1) the name of the municipality;

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

(3) the ballot papers;

(4) the bar code.

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

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

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

(3) the name and address of the printer;

(4) the bar code.”.

6.14 Confidentiality sleeve

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

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

6.15 Withdrawal of a candidate

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

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

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

6.16 **Withdrawal of authorization or recognition**

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

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

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

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

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

6.18 **Provision of polling materials**

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

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

The following is substituted for section 207 of the Act :

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

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

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

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

The following is substituted for section 209 of the Act :

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

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

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

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

6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act :

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.24 Automatic acceptance

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

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

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

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

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

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.26 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

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

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

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

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

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

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

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

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

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

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

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

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

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

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

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

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

The following is substituted for section 238 of the Act:

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

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

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

(3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.

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

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

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

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

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

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

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

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

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

Section 244 of the Act is revoked.

6.35 Addition of votes

The following is substituted for section 247 of the Act:

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

6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.37 Placing in envelope

The following is substituted for section 249 of the Act:

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

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

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

6.38 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.39 Notice to the Minister

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

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

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

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

6.41 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

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

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

8. DURATION AND APPLICATION OF AGREEMENT

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

9. AMENDMENT

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

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

10. ASSESSMENT REPORT

Within 120 days following the by-election held on June 29 of the year 2003 the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the by-election on June 29 of the year 2003 using traditional methods;

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

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

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

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

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the by-election held on June 29 of the year 2003 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES:

In Lévis, on this 19th day of the month of June of the year 2005

THE MUNICIPALITY OF LÉVIS

By: _____
JEAN GARON, *mayor*

DANIELLE BILODEAU,
clerk or secretary-treasurer

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

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 2nd day of the month of July of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

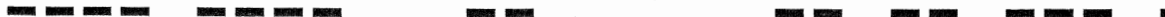
Ville de Lévis**Élection partielle du 29 juin 2003**

Poste de Conseiller District électoral #7	
Guy DUMOULIN Équipe Jean Garon/Parti des citoyens et des citoyennes	●
Jean-Guy GRÉGOIRE	●

**INITIALES DU
SCRUTATEUR**

SECTION DE VOTE

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



ADDENDUM

AGREEMENT RESPECTING NEW VOTING
MECHANISMS DURING AN ELECTION USING
“ACCU-VOTE ES 2000” BALLOT BOXES

BETWEEN THE MUNICIPALITY OF LÉVIS

AND

THE CHIEF ELECTORAL OFFICER OF QUÉBEC

AND

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

CONSIDERING the agreement respecting the use of
new voting mechanisms entered into in June 2003
between the municipality of Lévis, the Chief Electoral
Officer of Québec and the Minister of Municipal Affairs,
Sports and Recreation of the province of Québec;

WHEREAS it is expedient to replace the schedule show-
ing a model ballot paper holder;

THEREFORE, THE PARTIES AGREE TO THE FOLLOWING:

The schedule attached to this Agreement is substi-
tuted for the schedule to the Agreement respecting new
voting mechanisms during an election using “ACCU-
VOTE ES 2000” ballot boxes.

IN WITNESS THEREOF, THE PARTIES HAVE
SIGNED IN TRIPLICATE IN LÉVIS,

on this 9th day of November 2004.

FOR THE MUNICIPALITY OF LÉVIS

JEAN GARON, *mayor*

DANIELLE BILODEAU, *clerk*

FOR THE CHIEF ELECTORAL OFFICER OF
QUÉBEC

MARCEL BLANCHET,
Chief Electoral Officer of Québec

FOR THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

DENYS JEAN,
Deputy Minister

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office

Marie BONENFANT ●

Jean-Charles BUREAU ●
Appartenance politique

Pierre-A. LARRIVÉE ●

**City Councillor
District 1**

Luc GAUTHIER ●

Carl LUSSIER ●

Hélène ROCHETTE ●
Appartenance politique

Sylvain SAINT-PIERRE ●

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

Draft Regulations

Draft Regulation

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie — Rules of procedure

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules of procedure of the Régie de l'énergie, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

These Rules replace the Regulation respecting the procedure of the Régie de l'énergie to “dejudicialize” the procedure with a view to greater public participation in matters dealt with by the Régie and to enable the use of streamlined and flexible regulatory procedures.

The draft Rules have no impact on the public or on enterprises other than allowing for faster and facilitated access to the services offered by the Régie de l'énergie.

Further information may be obtained by contacting the Secretary of the Régie de l'énergie, tour de la Bourse, C. P. 001, 800, place Victoria, 2^e étage, bureau 255, Montréal (Québec) H4Z 1A2; telephone: (514) 873-2452; fax: (514) 873-2070; e-mail: secretariat@regie-energie.qc.ca

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Secretary of the Régie de l'énergie. The comments will be examined by the Régie and forwarded to the Minister of Natural Resources and Wildlife, responsible for the application of the Act respecting the Régie de l'énergie.

VÉRONIQUE DUBOIS,
Secretary of the Régie de l'énergie

Rules of procedure of the Régie de l'énergie

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, ss. 113 and 115)

CHAPTER I DEFINITIONS

1. For the purpose of these Rules, unless the context indicates otherwise,

“consultant” means a person recognized as such by the Régie to participate in a working session given the person’s specialized knowledge related to the subject-matter being examined; (*expert-conseil*)

“document” means any document as defined in section 3 of the Act to establish a legal framework for information technology (R.S.Q., c. C-1.1); (*document*)

“expert witness” means a person recognized as such by the Régie to participate in a hearing, given the person’s specialized knowledge, to provide an independent professional judgment or opinion to the Régie; (*témoin expert*)

“hearing” means the examination of an application by the Régie, whether public or not, that proceeds orally or that is conducted as a written hearing or by any means using information technology; (*audience*)

“intervenor” means a person who is authorized by the Régie to intervene before it at the person’s request or on the Régie’s own motion; (*intervenant*)

“observer” means a person who, without being an intervenor, makes submissions; (*observateur*)

“participant” means the applicant or the intervenor; (*participant*)

“working session” means any meeting or communication with the participants to examine a file, except an oral hearing, and includes a technical meeting, information session and negotiation session. (*séance de travail*)

CHAPTER II SUBMISSION OF AN APPLICATION

2. Every application to the Régie must be made in writing and

(1) provide the applicant's name, address, telephone and fax numbers and e-mail address, if any, and where applicable, those of the applicant's representative;

(2) contain a clear and concise statement of the facts, reasons for the application and conclusions sought;

(3) be signed by the applicant or the applicant's representative;

(4) contain all documents in support of the application and a list of the documents;

(5) include any applicable fees;

(6) contain, where applicable, proof of mailing to the persons concerned; and

(7) include all other information as may be required by the Régie.

An application that is not validly submitted may be returned to the applicant to be completed; the Régie may also suspend examination of the application.

3. Where the Régie is of the opinion that the matter is urgent, it may accept an application that does not satisfy the requirements described above and allow any departure from those requirements it considers necessary.

CHAPTER III PUBLICATION OF DIRECTIONS RELATING TO A PUBLIC HEARING

4. Where the Régie directs a participant to publish its written directions, the public notice may be issued by any means and using any information technology medium that informs the public in the area concerned by the public hearing.

The public hearing commences with the issue of the public notice.

CHAPTER IV REPRESENTATIONS TO THE RÉGIE

DIVISION I PARTICIPATION

5. In the course of the examination of a file, an interested person may apply to the Régie for status to intervene before it.

6. An application for intervenor status must be made in writing, signed by the interested person or the person's representative and be sent to the Régie and the applicant within the time fixed by the Régie.

The application must set out

(1) the interested person's name, address, telephone and fax numbers and, where applicable, e-mail address;

(2) the nature of the interested person's interest and, where applicable, representativeness;

(3) the reasons in support of the intervention;

(4) a concise statement of the conclusions sought or recommendations proposed;

(5) the manner in which the interested person's position is to be presented, including whether witnesses are to be heard or expert evidence presented, and the estimated hearing time; and

(6) the interested person's suggestions to facilitate the examination of the file.

7. The Régie may refuse or grant the application for intervenor status and determine the conditions.

8. The Attorney General and the Minister responsible for the administration of the Act respecting the Régie de l'énergie may at all times intervene on their own motion before the Régie.

9. The Régie shall determine the scope of the participation according to the intervenor's interest and the nature, importance and breadth of the issues addressed by the intervenor.

10. The intervenor is to receive the documents filed in the record and all documents filed by the intervenor must be sent to the participants and to the Régie in the required number of copies.

DIVISION II OBSERVER

11. An interested person who does not wish to obtain intervenor status but who wishes to make submissions on a matter before the Régie may make the submissions in accordance with these Rules.

The submissions must include all the relevant documents and information explaining or supporting the interested person's point of view.

12. An observer may obtain a copy of the documents filed in the record on payment of the reproduction costs.

CHAPTER V METHODS OF PROCEDURE

DIVISION I PRINCIPLES

13. For any matter requiring a public hearing pursuant to section 25 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), a public notice must be issued and the Régie shall decide if the hearing will be oral, in whole or in part, or be conducted as a written hearing.

14. For any other matter, the Régie shall determine the appropriate method of procedure.

DIVISION II VARIOUS METHODS OF PROCEDURE

§1. *Processing by the Régie*

15. The Régie may, at any time, call a pre-hearing conference or a working session to define and clarify a procedural matter, the matters being examined, the use of experts, the recognition of participants and the conditions for participation in the examination of an application.

The Régie may issue directions for the conduct of the hearing and the preparation of a timetable and schedule, and fix the time allowed participants to present their positions.

16. Recordings or shorthand notes constitute the minutes of the pre-hearing conference.

17. The Régie may issue directions for the conduct of working sessions or for any other method of procedure it chooses.

§2. *Negotiated agreement process*

18. A negotiated agreement process may be initiated by the Régie which determines its rules. The resulting agreement must be written and signed by the participants to the agreement, and be filed with the Régie for approval. The participants must show that the agreement is in conformity with the law and the public interest.

19. Any dissent must be written, substantiated, signed by the participants and filed with the Régie along with the agreement.

CHAPTER VI EXAMINATION OF THE APPLICATION

DIVISION I FILING OF DOCUMENTS

20. Documents may be transmitted by any method approved by the Régie. They may also be filed in person at the office of the Régie.

The method of document transmittal must allow for proof of receipt and origin, and guarantee integrity of content.

Where a participant transmits all or part of a document by different methods and on different dates, the document considered to be received is the last document received within the time fixed by the Régie.

21. Every document cited or relied on by a participant must be filed with the Régie and sent to the other participants according to the procedure prescribed by the Régie.

22. The applicant must provide the Régie and the participants with any additional documents or evidence the Régie considers necessary for the examination.

A request for information must be filed with the Régie with a copy to each participant. If the person to whom the request is directed is unable to reply in full within the time fixed by the Régie, the person must inform the Régie and the participants in writing of the reasons and of the time needed to reply.

23. The Régie may inform the participants of missing elements in the documents filed.

If an element is missing, the Régie may decide not to examine the documents until the necessary steps have been taken to complete the documents, or may decide to return the documents to the sender.

24. A participant wishing to have a translation made of a document filed in the record must notify the Régie and the participants and file the translated document with the Régie.

DIVISION II HEARING

25. In the absence of serious grounds, the Régie may dismiss a late application or proceeding where it foresees an impact on the expeditiousness or fairness of the proceeding.

26. For valid reasons, a request for adjournment may be submitted in writing to the Régie before the date fixed for the hearing. The request must be communicated to the other participants.

In exceptional circumstances, the Régie may accept a request for adjournment in the course of a hearing.

27. Unless the Régie issues directions to the contrary, participants may call and examine witnesses, examine the other participants' witnesses and present their positions, subject to the conditions determined by the Régie.

Unless the Régie decides otherwise, witnesses are heard under oath, which is a solemn affirmation to tell the truth, the whole truth and nothing but the truth.

Unless the Régie decides otherwise, a participant must file in writing, within the prescribed time, the expert testimony to be relied on in support of the participant's position and send a copy to the other participants within the same time.

28. The Régie may call witnesses and require the production of documents at the request of a participant or on its own motion.

The Régie, where applicable, shall issue a subpoena to a participant so requesting who is responsible for serving the subpoena on the witness at the participant's own expense.

The subpoena must be served at least five clear days before the hearing, unless the Régie issues special directions.

29. A document submitted as evidence to the Régie must bear the author's name and the address of the author's head office or place of residence.

30. Where a participant fails to attend or to participate in a hearing, the Régie may decide in the participant's absence after ensuring that the participant has been duly notified.

31. A hearing may be recorded by any means permitted by the Régie including stenotype or shorthand.

A participant who requests a hearing be recorded must provide the Régie with a copy of every transcript of the recording, whatever the medium used, on the conditions determined by the Régie.

Recording and transcript costs are borne by the participant requesting the recording or transcription, unless the Régie decides otherwise.

DIVISION III EXPERT WITNESSES AND CONSULTANTS

32. A participant intending to use the services of an expert witness or a consultant must file a written request for recognition of status as regards the expert witness or consultant.

33. The request for recognition of status as an expert witness or consultant must be sent to the Régie and the participants. The request must provide all the information required to examine it, including

(1) the name and contact information of the expert witness or consultant;

(2) a description of the need for the expert testimony and how it relates to the participant's interest;

(3) the area of expertise and qualifications of the expert witness or consultant;

(4) a copy of the resumé of the expert witness or consultant, including a description of relevant experience; and

(5) justification of the compensation requested for the expert witness or consultant.

34. A challenge to a request for recognition of status as an expert witness or consultant must be made in writing.

In the case of a consultant, the challenge must be made within five working days of the date on which the request is received.

In the case of an expert witness, the challenge must be made within a reasonable time before the testimony of the expert witness, and the Régie must dispose of the challenge at the hearing.

35. Recognition of status as a consultant is effective on the expiry of ten working days. In urgent circumstances, the recognition is effective as of the date on which the request is received unless the Régie has suspended the time period or denied the request.

36. The Régie may require that the participants' experts or consultants communicate with each other to

(1) exchange information and documents relating to the facts or opinions on which they disagree;

(2) discuss the facts or opinions on which they disagree in order to reduce or eliminate disputed issues; or

(3) come to a consensus on the facts, matters and opinions to be decided by the Régie.

Where the experts or consultants are to communicate with each other in a meeting or by any other means of communication, they must so notify the other participants in order that they may take part.

Experts and consultants must report the result of their communication to the Régie.

DIVISION IV CONFIDENTIALITY

37. A participant who requires documents or information be treated confidentially must make a request in writing to that effect in which the participant must provide

(1) a summary of the nature of the documents and information to be treated confidentially;

(2) the reasons for the request, including details of the nature and scope of the particular prejudice that would be caused by treating the documents and information confidentially and by disclosing them;

(3) a copy of the document for the public record in which the excerpts for which confidentiality is requested are blanked out; and

(4) a complete copy of the document or information under confidential cover.

The Régie may require that a document or information subject to a confidentiality request be filed.

38. Participants may challenge the confidentiality request no later than ten days after its filing.

CHAPTER VII CLAIM FOR COSTS

39. A participant in a hearing other than the carrier or a distributor may make a claim for costs.

40. The carrier or distributor from which the costs are claimed may, within ten days after the date on which the claim is received, send to the Régie in writing any objection to or comment respecting the claim, its eligibility, the amount or any other subject raised in the claim. The distributor or carrier must send a copy of the claim to the person who filed the claim with the Régie.

41. A participant who claims costs may, within ten days after the date on which the objections or comments are received, reply in writing to the Régie with a copy to the carrier or distributor.

42. The Régie may depart from the procedure provided for in this Chapter to accelerate or facilitate the payment of costs.

CHAPTER VIII COMPLEMENTARY PROVISIONS RESPECTING EXAMINATION OF COMPLAINTS

DIVISION I CONCILIATION

43. The Régie may suspend the examination of a complaint if the parties wish to refer the matter to conciliation.

44. Any agreement to allow inadmissible evidence consisting of information and documents exchanged during the conciliation must be made in writing and be signed by the person agreeing to allow the inadmissible evidence.

45. The Régie shall officially acknowledge the agreement entered into between the parties, unless it decides otherwise.

DIVISION II EXAMINATION OF THE COMPLAINT

46. Unless otherwise requested, the hearing of a complaint is conducted by the exchange of documents.

A request for information must be directed within a reasonable time and be answered within 15 days of receipt.

47. A preliminary exception made against a complaint must be raised in writing, even in the case of an oral hearing, and allow reasonable time for the other party to reply adequately.

48. If a party fails to attend or participate in a hearing, the Régie may proceed in the absence of the party and render its decision after ensuring that the party has been duly notified at the address provided by it to the Régie.

49. A settlement or withdrawal of a complaint must be evidenced in writing and be signed by the parties or their representatives. The parties must so notify the Régie and, at its request, file their agreement or submit a certificate of withdrawal.

CHAPTER IX COMPLEMENTARY PROVISIONS RESPECTING ADVICE TO THE MINISTER OR THE GOVERNMENT

50. The intervenors must file a written memorandum and a brief summary of its content with the Régie within the time it fixes.

51. The Régie shall make the memoranda it receives public on the conditions set out in its written directions.

52. The witnesses of the Régie and of the proponent may be examined by any participant. The other witnesses may be examined by the Régie, the proponent and the participant who called them, except if the Régie issues special directions.

53. For the purposes of this Chapter, the Minister or the Government is considered to be a proponent when requesting an opinion from the Régie.

CHAPTER X MISCELLANEOUS

54. Where a date determined in these Rules for the doing of a thing falls on a non-working day, the thing may be validly done on the following working day.

For the purposes of the first paragraph, Saturday, Sunday and any other day on which the offices of the Régie are closed are non-working days.

55. The Régie shall take all the necessary measures to ensure a fair, expeditious and simple proceeding.

56. The Régie may remedy any delay, defect of form or irregularity of procedure.

57. The secretary of the Régie is empowered to receive the documents that must be filed with or sent to the Régie under the Act or these Rules.

58. Upon payment of reproduction costs, any interested person may obtain a copy of a document filed with the Régie, except documents considered to be confidential or for which a publication ban has been ordered.

CHAPTER XI TRANSITIONAL AND FINAL

59. These Rules replace the Regulation respecting the procedure of the Régie de l'énergie made by Order in Council 140-98 dated 4 February 1998.

60. Applications already before the Régie on the date of coming into force of these Rules are to be continued in accordance with these Rules.

61. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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

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