

Gazette
officielle
DU Québec

Part

2

No. 33

17 August 2005

Laws and Regulations

Volume 137

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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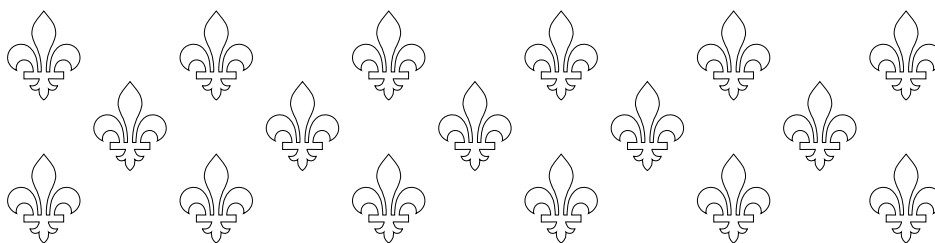
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 102
(2005, chapter 25)

An Act respecting the funding of certain pension plans

Introduced 5 May 2005
Passage in principle 31 May 2005
Passage 16 June 2005
Assented to 17 June 2005

Québec Official Publisher
2005

EXPLANATORY NOTES

The purpose of this bill is to temporarily relax certain rules relating to the funding of defined benefit pension plans and defined benefit-defined contribution plans.

The bill provides that an employer participating in such a pension plan may take advantage of the relaxation measures at the first actuarial valuation of the plan carried out after 30 December 2004. Under a first relaxation measure, an unfunded solvency liability noted at the time of that valuation may be combined with unfunded liabilities of the same nature determined in earlier valuations. In certain cases, too, the period normally prescribed to offset the unfunded solvency liability may be extended.

As well, the bill provides that the cost of an amendment to such a pension plan made during the period the bill specifies is to be evaluated on a funding basis and a solvency basis and funded using the method providing the greater value.

Bill 102

AN ACT RESPECTING THE FUNDING OF CERTAIN PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** This Act applies to pension plans governed by Chapter X of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).
- 2.** A pension committee that requests an actuary to carry out the first complete actuarial valuation of a pension plan to be undertaken after 30 December 2004 must notify every employer participating in the plan of the fact, in writing, within 10 days following the request.
- 3.** Within 30 days of notification, the employer—or, in the case of a multi-employer pension plan, even not considered as such under section 11 of the Supplemental Pension Plans Act, the participating employers jointly—may send the pension committee a writing instructing it not to take into account the amounts referred to in subparagraph 3 of the second paragraph of section 137 of that Act for the purpose of determining a technical actuarial deficiency or an amount determined under subparagraph 4 of the second paragraph of that section at the time of the valuation. Those amounts are eliminated for such purposes.

The employer, or the employers jointly, may also, in the same writing, require that the valuation be carried out at a date it sets that is earlier than the date set by the committee. However, that date may not be more than 90 days before the date of the writing, except if necessary to comply with the obligation under paragraph 3 of section 118 of the Supplemental Pension Plans Act.

If an amendment to the pension plan is made after 5 May 2005 and was not considered for the purposes of a valuation of the pension plan carried out in accordance with section 130 of the Supplemental Pension Plans Act at a date before the date of the valuation referred to in section 2, the carrying out of the instructions provided for in the first paragraph includes, if applicable, the following operations:

- (1) determining an amount under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act without reference to that amendment; and then
- (2) determining an unfunded actuarial liability pertaining to that amendment and another amount determined under subparagraph 4 of the second paragraph

of section 137 of the Supplemental Pension Plans Act, taking into account the amount referred to in subparagraph 1 and the amendment.

4. If an employer has not received a notice under section 2, the employer may at all times send the pension committee a writing instructing it to have the valuation referred to in that section carried out at the date it sets and in keeping with the instructions provided for in section 3.

The date set by the employer cannot be more than 90 days before the date of the writing sent under the first paragraph, except if necessary to comply with the obligation under paragraph 3 of section 118 of the Supplemental Pension Plans Act.

In the case of a multi-employer pension plan, even not considered as such under section 11 of that Act, the instructions provided for in this section must be given by the participating employers jointly; they may not be given, however, if all the employers have received the pension committee's notice.

5. In the following cases, an employer that sends the pension committee a writing under section 3 or 4 may also give instructions to have an amount determined at the time of the valuation under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, other than the amount determined under subparagraph 2 of the third paragraph of section 3, amortized according to the procedures set out in section 8:

(1) the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), or an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);

(2) the employer provides the pension committee with a guarantee, such as a letter of credit, established in accordance with the regulations; and

(3) the plan members and beneficiaries give their consent in accordance with section 7.

6. In the case of a multi-employer pension plan, even not considered as such under section 11 of the Supplemental Pension Plans Act, the instructions provided for in section 5 must be given by the participating employers jointly. They may not be given unless each of the employers is referred to in paragraph 1 or 2 of section 5, or, if an employer is not referred to in those provisions, unless the members and beneficiaries bound to that employer as well as those affected by the earlier withdrawal of an employer who are not bound to an employer participating in the plan have consented, in accordance with section 7, to the application of the procedures set out in section 8.

For the purposes of the first paragraph, the following are bound to an employer:

(1) the active members in the employ of the employer on the date the notice under the first paragraph of section 7 is sent;

(2) the non-active members on that date whose active membership ended while they were in the employ of the employer; and

(3) the beneficiaries on that date of a pension benefit that derives from the benefit of a member whose active membership ended while the member was in the employ of the employer.

7. To verify whether the plan members and beneficiaries whose consent is required agree to the application of the procedures set out in section 8, the pension committee must send each of them a notice containing the information prescribed by regulation, informing them that they may notify the pension committee in writing of their opposition within 30 days after the notice is sent or after the notice provided for in the second paragraph is published, whichever is later.

Unless all plan members and beneficiaries whose consent is required have been personally notified, the pension committee must also publish a notice of the measure being considered in a daily newspaper in the region of Québec where the greatest number of active members affected reside. The notice must invite those persons who have not received a personal notice and who believe they are a member or beneficiary whose consent is required, to declare their status to the pension committee within 30 days after the publication, and, if they are able to establish that status, to inform the committee in writing of their opposition.

Upon expiry of the time for expressing opposition, the members and beneficiaries are deemed to have consented to the application of the procedures set out in section 8, unless 30% or more of the active members or 30% or more of the non-active members and the beneficiaries whose consent is required have opposed it. The pension committee must immediately inform the employer concerned of the result of the consultation.

If all the active members whose consent is required are represented by at least one certified association, those members are deemed to have consented to the application of the procedures set out in section 8 if every certified association that represents them has agreed to it. In such a case, the pension committee need not implement the information and consultation process provided for in this section for those members.

8. When instructions are given in accordance with section 5 or 6, the following procedures apply to the amortization of an amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act, other than the amount determined in

accordance with subparagraph 2 of the third paragraph of section 3, at the time of the valuation referred to in section 2:

(1) the amortization amounts required during the fiscal years or parts of a fiscal year of the pension plan included in the five-year period following the date of valuation are established as if the amortization period were 10 years; and

(2) the balance of that amount on the date the five-year period provided for in paragraph 1 ends is amortized as if it were an amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act at the time of a complete actuarial valuation of the plan.

9. For the purposes of sections 133 and 134 of the Supplemental Pension Plans Act, the amortization amounts to be paid with respect to the balance referred to in paragraph 2 of section 8 are considered as the continuation of the amortization amounts determined under paragraph 1 of that section. Moreover, as regards the amortization amounts to be paid until the end of the fifth year following the date of the actuarial valuation, the reduction provided for in section 134 of the Supplemental Pension Plans Act must first be applied to the amounts relating to the balance referred to in paragraph 2 of section 8.

In the case of a reduction of the amortization amounts relating to that balance, the latter must be redetermined so as to be equal to the discounted value of the amortization amounts thus reduced. The amortization period of the balance thus determined runs from the date of the actuarial valuation determining it or the date that is five years after the date of the actuarial valuation referred to in section 2, whichever is later. It ends not later than 10 years after the date of the actuarial valuation referred to in section 2.

10. If, during the five-year period referred to in paragraph 1 of section 8, the guarantee provided under paragraph 2 of section 5 ceases to be in conformity with the standards established by regulation as regards the amount required, or if the guarantee is realized, the amortization amounts determined at the time of the valuation referred to in section 2 according to the procedures set out in paragraphs 1 and 2 of section 8, as amended if applicable, and that remain to be paid on the date on which the guarantee ceases to be in conformity or is realized are again determined as prescribed by regulation.

11. During the period for which the procedures set out in section 8 apply as regards a pension plan some of whose members and beneficiaries have consented to the application of those procedures, no amendment concerning the rights of the members or beneficiaries whose consent was required may be made to the plan unless an amount equal to the greater of the following values is paid into the pension fund:

(1) the value of the additional obligations arising from the amendment, determined on a funding basis; or

- (2) the value of those obligations determined on a solvency basis.

The amount must be paid as soon as the report on the actuarial valuation required under paragraph 2 of section 118 of the Supplemental Pension Plans Act is sent to the Régie des rentes du Québec. Any interest accrued since the valuation date is added, calculated at the rate referred to in section 48 of that Act.

Subject to those conditions, no unfunded actuarial liability or amount under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act need be determined as a result of the amendment.

12. The guarantee provided under paragraph 2 of section 5 is added to the assets of a pension plan in order to determine the solvability of the pension plan. In addition, for the purposes of section 172 of the Supplemental Pension Plans Act, it is considered as a security in which the assets of the pension plan are invested and whose book value is equal to the amount of the guarantee.

If that guarantee is realized,

- (1) the procedures set out in section 8 cease to apply;
- (2) as of the payment, the amount paid into the pension fund as a result of the realization of the guarantee is considered to be an employer contribution appropriated to the payment of the amortization amounts relating to the amount referred to in the instructions provided for in section 5; and
- (3) the amount by which the total of that amount and of the amortization payments made to the pension fund exceeds the amortization payments which, were it not for the application of the procedures set out in section 8, would have been due on the date of realization of the guarantee is paid to the employer.

Subparagraph 3 of the second paragraph does not apply in the case of a pension plan referred to in section 6. If the guarantee is realized as a result of the termination of another type of pension plan, the surplus amount may be paid under that subparagraph 3 only if, after the payment, the value of the assets of the pension plan is at least equal to the value of its liabilities.

13. For the purposes of an actuarial valuation required under paragraph 2 of section 118 of the Supplemental Pension Plans Act in connection with an amendment made between 5 May 2005 and the date that is five years after the date of the actuarial valuation referred to in section 2, section 130 of the Supplemental Pension Plans Act applies subject to the following amendments:

- (1) the first paragraph is replaced by the following paragraph:

“**130.** The actuarial valuation required under paragraph 2 of section 118 may be limited to the determination of the value of the additional obligations

arising from an amendment to the pension plan, or, if that value is determined on a funding basis, may concern only the variation in the current service contribution arising from the amendment. If the value or the variation is determined on a funding basis, the same assumptions and methods must be used as were used for the preceding actuarial valuation, unless they are not appropriate in view of the nature of the amendment made to the pension plan.”;

(2) the following paragraph is inserted after the second paragraph:

“If the amendment increases the obligations arising from the pension plan, the value of the additional obligations is equal to the higher of

“(1) the value of the additional obligations arising from the amendment, determined on a funding basis; and

“(2) the value of those obligations determined on a solvency basis.”;

(3) the first three lines of the third paragraph are replaced by the following:

“An improvement unfunded actuarial liability equal to the value of the additional obligations must be determined unless”.

14. The Government may make any regulation necessary for the purposes of this Act, in particular as regards

(1) the form and content of any document prescribed by this Act;

(2) the information that a report on the actuarial valuation of a pension plan must contain if instructions provided for in section 3, 4 or 5 have been given with respect to an amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act at the time of the valuation referred to in section 2, and with respect to the amortization of such an amount or its balance;

(3) the nature, form and amount, and the terms and conditions of a guarantee under paragraph 2 of section 5; and

(4) the time limits and procedures applicable to the execution of any obligation or formality under this Act.

15. A pension committee that, before 17 June 2005, requested an actuary to carry out the first complete actuarial valuation of a pension plan to be undertaken after 30 December 2004 must, within 30 days after 17 June 2005, send the employer the notice required under section 2. In that case, the employer may send the committee a writing under section 3 on or before 16 August 2005.

If, on or before 16 August 2005, the employer sends a writing under section 3 or instructs the pension committee as provided for in section 4,

(1) the 30-day time limit set out in the first paragraph of section 3 cannot be invoked against the employer;

(2) the valuation date may be more than 90 days before the date specified in the instructions given by the employer; and

(3) the time limit to send the Régie a report on the valuation carried out in accordance with the instructions ends nine months after the valuation date or 31 December 2005, whichever is later.

For the purposes of this section, “the employer” means an employer participating in the pension plan, and, in the case of a multi-employer pension plan, even not considered as such under section 11 of the Supplemental Pension Plans Act, the participating employers jointly.

16. If an amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act was established at the time of an actuarial valuation referred to in the first paragraph of section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20) and the municipality or body referred to in that section 255 gave the pension committee the instructions provided for in section 3 or 4, the amount that may be the subject of the instructions provided for in section 5 must be divided so as to constitute

(1) an amount equal to the lesser of

(a) the amount that is the total of the amortization amounts that, were it not for the instructions provided for in section 3 or section 4, would remain to be paid with respect to an amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act at the time of an actuarial valuation dated not earlier than 31 December 2001 nor later than 1 January 2003, those amounts being discounted at the date of the valuation referred to in section 2; and

(b) the amount that may be the subject of the instructions provided for in section 5;

(2) an amount equal to the lesser of the following amounts:

(a) the amount that is the total of the amortization amounts that remain to be paid with respect to an amount determined under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act at the time of an actuarial valuation dated not earlier than 2 January 2003 nor later than 1 January 2005, other than the amount determined under subparagraph 2 of the third paragraph of section 3, those amounts being discounted at the date of the valuation referred to in section 2; and

(b) the amount that may be the subject of the instructions provided for in section 5, reduced by the amount constituted under paragraph 1; and

(3) an amount equal to the remainder of the amount that may be the subject of the instructions provided for in section 5 once the amounts constituted under subparagraphs 1 and 2 have been deducted from it.

For the purposes of section 12 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3), replaced by section 215 of chapter 20 of the statutes of 2004, the amount constituted under subparagraph 1 of the first paragraph is the remainder of the amount referred to in the third paragraph of that section 12. For the purposes of section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20), the amounts constituted under subparagraphs 1 and 2 of the first paragraph are the remainder of the sum referred to in the first paragraph of that section 255.

17. Section 11 does not apply to an amendment made to a pension plan before 5 May 2005.

18. The first regulation made under this Act is not subject to the publication requirement under section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

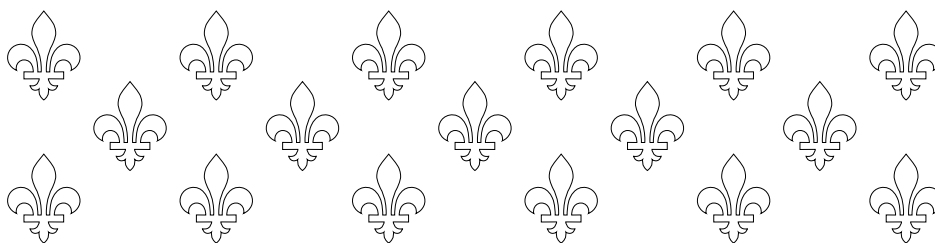
That regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation, despite section 17 of the Regulations Act. However, once published and if it so provides, the regulation may apply from any date not earlier than 5 May 2005.

19. In addition to the transitional provisions provided for by this Act, the Government may, by a regulation made before 31 December 2005, make any other transitional provision to ensure this Act is applied.

If it so provides, such a regulation may apply from any date not earlier than 5 May 2005.

20. The Minister of Employment and Social Solidarity is responsible for the administration of this Act.

21. This Act comes into force on 17 June 2005.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 112
(2005, chapter 29)

An Act to amend the Tobacco Act and other legislative provisions

Introduced 10 May 2005
Passage in principle 1 June 2005
Passage 16 June 2005
Assented to 17 June 2005

Québec Official Publisher
2005

EXPLANATORY NOTES

This bill amends the Tobacco Act to prohibit smoking in places where smoking was not, until now, prohibited under the Act and to further restrict smoking in the enclosed spaces where it is currently permitted under the Act.

More specifically, the bill provides that smoking is prohibited in enclosed spaces used by private clubs and reserved for members and their guests, in enclosed spaces where the activities held are reserved for persons invited or authorized to attend by the host and in tents, under big tops and in other similar facilities that are open to the public. It also prohibits smoking at certain hours on school grounds and the grounds of childcare centres, and within nine metres from any exterior door leading to a facility of a health and social services institution, to a building of a general and vocational college or a university or to a facility of a childcare centre. Smoking will no longer be permitted in pubs, taverns, bars and bingo halls, nor will it any longer be possible for smoking areas to be designated in such places as restaurants, the common areas of shopping centres, the gaming areas of state-owned casinos, amusement halls, marine passenger terminals, bus stations and railway passenger stations. The bill restricts the use of smoking rooms to the people lodged in certain places.

The bill also amends the rules applying to the sale of tobacco. The prohibition to sell tobacco to a minor, formerly applicable only to the operator of a business, will now apply to everyone. The bill specifies that the retail sale of tobacco must take place in a tobacco retail outlet. It strictly prohibits the operator of a place or business from having a tobacco vending machine installed, or leaving or keeping a tobacco vending machine in the place or business. It prohibits the operation of a tobacco retail outlet in such places as the grounds and buildings of a general and vocational college or a university, premises and buildings intended mainly for the presentation of sports, recreational, cultural or artistic activities, and pubs, taverns and bars. The bill furthermore makes it illegal to supply tobacco to a minor on school grounds and within school premises and buildings.

Moreover, the bill provides that the retail sale of tobacco is an activity that must be declared in the register kept in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons.

The bill prohibits the operator of a retail tobacco outlet from displaying tobacco in public view and specifies where the notice prohibiting the sale of tobacco to minors and the warning concerning the harmful effects of tobacco on health must be posted.

The bill increases the severity of penal provisions, especially those relating to selling tobacco to a minor, and lengthens the period of time for which the sale of tobacco is prohibited at a tobacco retail outlet when the retail outlet operator has been convicted of an offence under such a penal provision.

Lastly, the bill makes a number of consequential amendments to the Tobacco Tax Act and to the Act respecting the Société des loteries du Québec, and amends the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons to provide that a registrant's declaration of registration must include any activity carried on in an establishment owned by the registrant that is required by law to be declared.

LEGISLATION AMENDED BY THIS BILL:

- Tobacco Tax Act (R.S.Q., chapter I-2);
- Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);
- Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1);
- Tobacco Act (R.S.Q., chapter T-0.01).

Bill 112

AN ACT TO AMEND THE TOBACCO ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TOBACCO ACT

1. Section 1 of the Tobacco Act (R.S.Q., chapter T-0.01) is amended by adding the following at the end of the first paragraph: “and any other product or class of product considered to be tobacco under a government regulation”.

2. The Act is amended by inserting the following section after section 1:

“1.1. For the purposes of this Act, unless the context indicates otherwise, “tobacco” also includes the following accessories: cigarette tubes, rolling paper and filters, pipes and cigarette holders.”

3. Section 2 of the Act is amended

(1) by replacing paragraph 2 by the following paragraph:

“(2) premises or buildings placed at the disposal of a school established under the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), and those placed at the disposal of a private educational institution governed by the Act respecting private education (chapter E-9.1) that dispenses services specified in paragraphs 1 to 3 of section 1 of that Act;”;

(2) by inserting “or buildings placed at the disposal of a vocational training centre or adult education centre established under the Education Act, those placed at the disposal of a private educational institution dispensing services specified in paragraphs 4 to 9 of section 1 of the Act respecting private education, and those” after “premises” in the first line of paragraph 3;

(3) by adding “, except if the activities are held in a dwelling” at the end of paragraph 6;

(4) by inserting the following paragraphs after paragraph 6:

“(6.1) enclosed spaces where the activities held may be attended only by persons explicitly or implicitly invited or authorized by the host, whether or

not an admission fee is charged and regardless of the purpose of the activities, except if the activities are held in a dwelling;

“(6.2) enclosed spaces used by a non-profit legal person or by an association, circle or club, whether a legal person or not, to which only members and their guests have access, except if the enclosed spaces are situated in a dwelling;”;

(5) by replacing paragraph 7 by the following paragraph:

“(7) the common areas of residential buildings comprising six or more dwellings, whether or not the buildings are held in co-ownership;”;

(6) by inserting the following paragraphs after paragraph 7:

“(7.1) the common areas of residences for the elderly within the meaning of the second paragraph of section 346.0.1 of the Act respecting health services and social services;

“(7.2) enclosed spaces where prevention, assistance and support services, including temporary lodging services, are offered to persons in distress or persons in need of assistance, except if the services are offered in a dwelling;”;

(7) by replacing “, except a room used by a natural person to hold a private reception for personal purposes” at the end of paragraph 8 by “and the buildings of outfitting operations within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) or the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1)”;

(8) by striking out “, except rooms used by a natural person to hold a private reception for personal purposes” at the end of paragraph 8.1;

(9) by inserting the following paragraphs after paragraph 8.1:

“(8.2) establishments operating under a public house, tavern or bar permit within the meaning of the Act respecting liquor permits (chapter P-9.1);

“(8.3) bingo halls;”;

(10) by replacing paragraph 10 by the following paragraph:

“(10) means of public transportation, taxis and other vehicles carrying two or more persons that must be used in the course of employment;”.

4. The Act is amended by inserting the following sections after section 2:

“2.1. Smoking is prohibited

(1) in bus shelters;

(2) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;

(3) on grounds placed at the disposal of educational institutions referred to in paragraph 2 of section 2 and on the grounds of childcare centres, day care centres, stop over centres and nursery schools within the meaning of the Act respecting childcare centres and childcare services, during the hours these institutions are open to students or children.

“2.2. Smoking is prohibited outdoors within a nine-metre radius from any door leading to a place referred to in paragraph 1, 3, 4 or 6 of section 2. However, if the nine-metre radius anywhere extends beyond the boundaries of the grounds on which the place is situated, smoking is prohibited only up to those boundaries.

The smoking prohibition under the first paragraph does not apply outside premises where the services of an intermediary resource are offered if the premises are situated in a dwelling or outside private residences where home childcare is provided.”

5. Section 3 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“3. The operator of a place referred to in section 2, except one referred to in paragraph 2, 4, 6 or 8, may set up a closed smoking room for persons lodged in the place.

The smoking room may be used only for tobacco smoking and only by persons lodged in the place.

The smoking room must be delimited by floor-to-ceiling partitions or walls so as to be fully enclosed, and must be equipped with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. In addition, the smoking room door must be equipped with a properly functioning self-closing device.”

6. Section 4 of the Act is repealed.

7. Section 5 of the Act is amended

(1) by striking out “or business” and “or areas” in the first line of the portion before paragraph 1;

(2) by replacing paragraph 2 by the following subparagraph and paragraphs:

“(2) for persons temporarily lodged in a place referred to in paragraph 7.2 of section 2.

However, the number of rooms where smoking is permitted may not exceed 40% of the rooms available for all the clientele. Furthermore, the rooms where smoking is permitted must be grouped together so as to provide maximum protection to non-smokers given the total floor space, use and ventilation of the place.

This section shall not operate to prevent the operator of a place from setting certain conditions for the use of tobacco in a room where smoking is permitted or from prohibiting a person lodged in the place to smoke in such a room if the operator considers that the person's smoking would pose a threat to the person's own safety or the safety of others."

8. Section 6 of the Act is replaced by the following section:

"6. The operator of a tourist accommodation establishment or an outfitting operation may identify rooms where smoking is permitted.

The standards and requirements set out in the second paragraph of section 5 apply to such rooms."

9. Sections 7 and 8 of the Act are repealed.

10. The Act is amended by inserting the following sections after section 8:

"8.1. Smoking cigars or pipe tobacco is permitted in a cigar room provided that

(1) the cigar room is specially set up for cigar or pipe smoking;

(2) the cigar room was in operation on 10 May 2005;

(3) cigar and pipe tobacco sales by the operator of the cigar room generated a gross income of \$20,000 or more for the operator for the taxation year preceding the taxation year in progress on 10 May 2005. However, if operation of the cigar room began after 10 May 2004, the taxation year in which cigar and pipe tobacco sales must have generated a gross income of \$20,000 or more is the year in progress on 10 May 2005;

(4) the operator of the cigar room sends the Minister, not later than 10 November 2006, a written notice stating the name and address of the cigar room, together with sufficient proof that the operator meets the conditions set out in this paragraph.

Not later than 1 November 2006, the operator of a cigar room must delimit the cigar room using floor-to-ceiling partitions or walls so that it is fully enclosed, and equip the cigar room with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. The operator of the cigar room must also, not later than that date, equip the cigar room doors with a properly functioning self-closing device.

8.2. The operator of a cigar room may not permit that meals be consumed by customers in the cigar room.

The operator of a cigar room may not admit a minor to or allow the presence of a minor in the cigar room.”

11. Section 9 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

(2) by replacing “third” in the second line of the second paragraph by “fourth”.

12. Section 11 of the Act is amended by adding the following paragraph at the end:

“In proceedings for a contravention of the first paragraph, the operator of the place or business is deemed to have tolerated smoking in an area where smoking is prohibited if it is shown that a person smoked in that area. The onus is on the operator to show that smoking was not tolerated by the operator in an area where smoking is prohibited.”

13. Section 12 of the Act is replaced by the following section:

12. The Government may make regulations determining standards relating to

- (1) the construction or layout of smoking rooms and cigar rooms;
- (2) the ventilation system required in smoking rooms and cigar rooms;
- (3) the notices referred to in section 10.”

14. The Act is amended by replacing the heading of Chapter III by the following:

“SALE OF TOBACCO, DISPLAYS AND SIGNS

“DIVISION I

“SALE OF TOBACCO”.

15. Section 13 of the Act is replaced by the following section:

13. No one may sell tobacco to a minor.”

16. The Act is amended by inserting the following section after section 13:

13.1. A person who wishes to purchase tobacco or to be admitted to a cigar room may be required to provide proof of age.

The Government may, by regulation, determine the documents that may be used as identification.”

17. Section 14 of the Act is amended by inserting “the second paragraph of section 8.2 or a contravention of” after “a contravention of” in the first line and by replacing “the operator of a business” in the second line by “a defendant”.

18. The Act is amended by inserting the following sections after section 14:

“**14.1.** Tobacco may not be sold retail except in a tobacco retail outlet, with both the operator of the retail outlet or an employee of the operator and the purchaser physically present.

For the purposes of this Act,

(1) a tobacco retail outlet is a fixed place permanently delimited by continuous floor-to-ceiling partitions or walls that is accessible only through an opening equipped with a door and in which tobacco is sold retail by the operator of the place;

(2) a person other than a tobacco farmer or a tobacco product manufacturer or distributor who is in possession of or holds a quantity of tobacco that exceeds the amount the person needs for personal consumption is presumed, in the absence of any evidence to the contrary, to engage in the retail sale of tobacco.

“**14.2.** The operator of a tobacco retail outlet may not give tobacco to a minor.

“**14.3.** The operator of a tobacco retail outlet may not sell tobacco to a person of full age if the operator knows the person is purchasing the tobacco for a minor.”

19. Section 15 of the Act is amended

(1) by replacing “business” in the first line of the first paragraph by “tobacco retail outlet”;

(2) by striking out the second, third and fourth paragraphs.

20. Section 16 of the Act is replaced by the following section:

“**16.** The operator of a place or business may not have a tobacco vending machine installed, or leave or keep a tobacco vending machine in the place or business.”

21. Section 17 of the Act is amended

(1) by replacing “The sale of tobacco is prohibited” in the portion before paragraph 1 by “No tobacco retail outlet may be operated”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) on the grounds or within the premises or buildings placed at the disposal of a school, a vocational training centre, an adult education centre or a private educational institution;”;

(3) by inserting the following paragraph after paragraph 2:

“(2.1) on the grounds or within the buildings of a general and vocational college or a university;”;

(4) by adding the following subparagraphs and paragraph at the end:

“(4) within premises where sports, recreational, cultural or artistic activities are presented, at the time they are presented;

“(5) within premises or buildings intended mainly for the presentation of sports, recreational, cultural or artistic activities or intended mainly as a place where members of the public may engage or take part in such activities;

“(6) in an establishment operating under a public house, tavern or bar permit within the meaning of the Act respecting liquor permits, other than a cigar room;

“(7) in premises where an activity forming part of a restaurateur’s business is carried on under a permit issued under subparagraph *n* of the first paragraph of section 9 of the Food Products Act (chapter P-29).

The Government may, by regulation, determine other places where operating a tobacco retail outlet is prohibited.”

22. The Act is amended by inserting the following section after section 17:

“**17.1.** It is prohibited to supply tobacco to a minor on the grounds or within the premises or buildings placed at the disposal of a school or a private educational institution dispensing services specified in paragraphs 1 to 3 of section 1 of the Act respecting private education, whether or not for a consideration.”

23. Section 19 of the Act is amended by replacing “business” in the first line of the first paragraph by “tobacco retail outlet”.

24. Section 20 of the Act is replaced by the following:

“**20.** The retail sale of tobacco is an activity that must be declared in the register kept in accordance with the Act respecting the legal publicity of sole

proprietorships, partnerships and legal persons (chapter P-45) within 30 days after the commencement of the operations of a tobacco retail outlet.

The discontinuance of that activity must be declared in the same register within 30 days after its occurrence.

“20.1. Despite paragraph 1 of section 2 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, a natural person who operates a tobacco retail outlet under a name that includes his or her surname and given name is subject to the requirement of registration.

“DIVISION II

“DISPLAYS

“20.2. The operator of a tobacco retail outlet may not display tobacco or tobacco packaging in public view.

However, the operator may, by means of a sign permitted under subparagraph 9 of the first paragraph of section 24, provide consumers with the names of the tobacco products sold at the retail outlet and their price as well as with any other factual information referred to in that section. The sign must comply with the other provisions of section 24.

“20.3. Section 20.2 does not apply to the operator of a cigar room or a duty free shop.

Nor does it apply to the operator of a specialty tobacco retail outlet if the following conditions are met:

(1) the specialty tobacco retail outlet is and remains a tobacco retail outlet specially set up for the retail sale of tobacco;

(2) it is in operation on 10 May 2005;

(3) receipts derived by the operator of the specialty tobacco retail outlet from the retail sale of tobacco, accessories that may be used for tobacco smoking and specialized publications about such products in the 12 months before 31 May 2006 account for 75% of receipts from all sales made at that retail outlet in that period;

(4) the operator of the specialty tobacco retail outlet sends the Minister, not later than 30 June 2008, a written notice stating the name and address of the retail outlet, and sufficient proof that the operator meets the conditions set out in this paragraph.

However, the operator of a tobacco retail outlet that is covered by the first and second paragraphs must display tobacco and tobacco packaging in such a way that it is visible only from the inside of the retail outlet.

“DIVISION III**“SIGNS**

“20.4. The operator of a tobacco retail outlet must post a notice prohibiting the sale of tobacco to minors and a warning attributed to the Minister concerning the harmful effects of tobacco on health as soon as the signs are provided by the Minister.

“20.5. Such signs must be posted in public view, on or next to each cash register used for tobacco sales.

“20.6. No person may remove or deface such signs.

“20.7. The Minister may make regulations determining the standards applicable to such signs.”

25. Section 21 of the Act is amended

(1) by inserting “by the manufacturer” after “regular marketing operations” in the second line of paragraph 2;

(2) by replacing “, as consideration for a purchase of tobacco or on presentation of proof of purchase of tobacco” at the end of paragraph 3 by “if consumers must, in return, provide information on tobacco or their tobacco consumption, purchase a tobacco product or present proof of purchase of a tobacco product”;

(3) by adding the following paragraph at the end:

“For the purposes of this section, a manufacturer or distributor of tobacco products includes the mandatary or representative of the manufacturer or distributor, and a person or partnership that is controlled by or that controls the manufacturer or distributor.”

26. Section 23 of the Act is amended by inserting “, image” after “design” in the first line of the first paragraph and in the first line of the second paragraph.

27. Section 24 of the Act is amended

(1) by striking out subparagraph 10 of the first paragraph;

(2) by replacing the third paragraph by the following paragraph:

“Advertising disseminated in printed newspapers or magazines that have an adult readership of not less than 85% must include the warning attributed to the Minister and prescribed by regulation concerning the harmful effects of tobacco on health. The advertising must be forwarded to the Minister on being disseminated.”

28. The Act is amended by inserting the following section after section 24:

“24.1. Indirect advertising for the promotion of tobacco within the meaning of the first paragraph of section 24 includes the use, on a facility, a vehicle, a sign or any other object that is not a tobacco product, of a name, logo, brand element, design, image or slogan that is not directly associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products but that may reasonably be said to evoke a brand of tobacco product or a manufacturer of tobacco products because of its graphic design, presentation or association with a tobacco display stand or a tobacco retail outlet.”

29. Section 25 of the Act is amended

(1) by inserting the following paragraphs after paragraph 1:

“(1.1) prescribing standards relating to the display, on the facilities of a tobacco retail outlet, of the name under which the retail outlet is operated and to the display, on the facilities of a tobacco product manufacturer or distributor, of the name under which the manufacturer or distributor carries on its activities or by which the manufacturer or distributor identifies itself;

“(1.2) prohibiting the use of certain words or expressions in the name under which a tobacco retail outlet is operated;”;

(2) by replacing paragraph 2 by the following paragraphs:

“(2) prescribing standards relating to the display of specialized publications about tobacco or about accessories that may be used for tobacco smoking;

“(2.1) determining the standards relating to the display of tobacco in specialty tobacco retail outlets, cigar rooms and duty free shops;”;

(3) by striking out paragraph 3;

(4) by adding the following paragraph at the end:

“For the purposes of subparagraph 1.1 of the first paragraph, a tobacco product manufacturer or distributor includes the mandatary or representative of the manufacturer or distributor, and a person or partnership that is controlled by or controls the manufacturer or distributor.”

30. The Act is amended by inserting the following section after section 25:

“25.1. The Minister may, by regulation, determine the wording of, and standards applicable to, the warning required under the third paragraph of section 24.”

31. Section 27 of the Act is replaced by the following section:

“27. No operator of a business or tobacco product manufacturer or distributor may sell or give an object that is not a tobacco product or supply such an object as part of an exchange, if a name, logo, brand element, design, image or slogan that is directly associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, except a colour, appears on the object.

For the purposes of this section, a tobacco product manufacturer or distributor includes the mandatary or representative of the manufacturer or distributor, and a person or partnership that is controlled by or controls the manufacturer or distributor.”

32. The Act is amended by replacing “COMPOSITION” in the heading of Chapter V by “PRODUCTS”.

33. The Act is amended by inserting the following section after section 29:

“29.1. The Government may, by regulation, specify any other product or class of product considered to be tobacco.”

34. Section 33 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) referred to in sections 2 to 2.2;”;

(2) by replacing “8” in the first line of paragraph 3 by “8.1”.

35. Section 34 of the Act is amended

(1) by replacing “section 2” in the second line of paragraph 1 by “sections 2 to 2.2”;

(2) by replacing “8” in the second line and in the third line of paragraph 2 by “8.1”;

(3) by inserting the following paragraph after paragraph 2:

“(2.1) verify the layout of the place where tobacco is sold to ascertain that the place meets the requirements set out in sections 14.1, 15 and 20.2;”;

(4) by replacing paragraphs 8 and 9 by the following paragraphs:

“(8) verify whether the notices and signs referred to in sections 10 and 20.4 meet the requirements of section 10, Division III of Chapter III and the regulations made under paragraph 3 of section 12 and section 20.7;

“(9) verify whether the display of specialized publications about tobacco or about accessories that may be used for tobacco smoking meets the requirements of the regulations made under section 25;

“(9.1) verify whether the display of tobacco in specialty tobacco retail outlets, cigar rooms and duty free shops meets the requirements of section 20.3 and the regulations made under section 25;”;

(5) by striking out paragraph 10;

(6) by inserting the following paragraph after paragraph 10:

“(10.1) take photographs of the place inspected and of the equipment, property and products found there;”;

(7) by replacing “13 and 16 to 20” in paragraph 11 by “13, 14.1 to 14.3 and 16 to 19”.

36. The Act is amended by inserting the following section after section 34:

“34.1. A person authorized by the Minister may, in a request sent by registered or certified mail or by personal service, require the operator of a place or business to submit any information or document relating to the application of this Act or the regulations, by registered or certified mail or by personal service, within a reasonable time period specified by the person.

The person to whom the request is made shall comply with it within the time period specified even if the person has already submitted such information or document or answered a similar request made under this Act.”

37. The Act is amended by inserting the following section after section 38:

“38.1. An inspector or analyst may not be prosecuted for an act or omission in good faith in the performance of duties.”

38. Section 41 of the Act is amended by inserting “or the Minister, as the case may be,” after “Government” in the first line.

39. Section 42 of the Act is amended by inserting “or the fourth paragraph of section 59” after “Chapter II” in the second line.

40. Section 43 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) contravenes the use, installation, construction or layout standards prescribed in sections 3 to 8.2, or the provisions of a regulation made under paragraph 1 or 2 of section 12 the violation of which constitutes an offence;”;

(2) by replacing “subparagraph 3 of the second paragraph” in the second line of paragraph 2 by “paragraph 3”.

41. The Act is amended by inserting the following sections after section 43:

“43.1. The operator of a cigar room who, in contravention of the second paragraph of section 8.2, admits a minor to or allows the presence of a minor in a cigar room is liable to a fine of \$500 to \$2,000 and, for a subsequent offence, to a fine of \$1,000 to \$6,000.

“43.2. A person who sells tobacco to a minor in contravention of section 13 is liable to a fine of \$500 to \$2,000 and, for a subsequent offence, to a fine of \$1,000 to \$6,000.

In addition, an employee of the operator of a tobacco retail outlet who makes such a sale is liable to a fine of \$100 to \$300 and, for a subsequent offence, to a fine of \$200 to \$600.

“43.3. A person who contravenes section 14.1 is liable to a fine of \$2,000 to \$25,000 and, for a subsequent offence, to a fine of \$4,000 to \$50,000.

“43.4. The operator of a tobacco retail outlet who, in contravention of section 14.2, gives tobacco to a minor is liable to a fine of \$500 to \$2,000 and, for a subsequent offence, to a fine of \$1,000 to \$6,000.

“43.5. The operator of a tobacco retail outlet who, in contravention of section 14.3, sells tobacco to a person of full age knowing the person is purchasing the tobacco for a minor is liable to a fine of \$500 to \$2,000 and, for a subsequent offence, to a fine of \$1,000 to \$6,000.

In addition, an employee of the operator of a tobacco retail outlet who makes such a sale is liable to a fine of \$100 to \$300 and, for a subsequent offence, to a fine of \$200 to \$600.”

42. Section 44 of the Act is amended

(1) by replacing “business who sells or supplies tobacco to a minor in contravention of section 13 or who contravenes the retail outlet display standards prescribed by” in the first, second and third lines of the first paragraph by “tobacco retail outlet who contravenes”;

(2) by striking out the second paragraph.

43. Section 45 of the Act is amended by replacing “the fourth paragraph of section 15” in the second line by “section 20.6”.

44. Section 46 of the Act is amended by replacing “section 16,” in the second line by “section 16 or the operator of a tobacco retail outlet who contravenes”.

45. Section 47 of the Act is repealed.

46. Section 48 of the Act is amended by replacing “section” in the first line by “section 17 or”.

47. The Act is amended by inserting the following section after section 48:

“**48.1.** A person who contravenes section 17.1 is liable to a fine of \$100 to \$300 and, for a subsequent offence, to a fine of \$200 to \$600.”

48. Section 49 of the Act is replaced by the following sections:

“**49.** The operator of a tobacco retail outlet who, in contravention of section 20, omits to declare the retail sale of tobacco or the discontinuance of that activity in the register is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

“**49.1.** A natural person who operates a tobacco retail outlet under a name that includes his or her surname and given name and who, in contravention of section 20.1, omits to register is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

“**49.2.** The operator of a tobacco retail outlet who contravenes the provisions of section 20.2 or the third paragraph of section 20.3 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

“**49.3.** The operator of a tobacco retail outlet who contravenes the provisions of section 20.4 or 20.5 or the provisions of a regulation made under section 20.7 the violation of which constitutes an offence is liable to a fine of \$200 to \$2,000 and, for a subsequent offence, to a fine of \$400 to \$4,000.”

49. Section 51 of the Act is amended

(1) by replacing “and third paragraphs” in the second line by “or third paragraph”;

(2) by replacing “last” in the third line by “third”;

(3) by inserting “, 25.1” after “25” in the fourth line.

50. The Act is amended by inserting the following section after section 54:

“**54.1.** The operator of a place or business who refuses or neglects to comply with a request under section 34.1 within the time period specified is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

If the operator of the place or business is a tobacco product manufacturer or distributor, the tobacco product manufacturer or distributor is liable to a fine

of \$1,000 to \$5,000 and, for a subsequent offence, to a fine of \$2,000 to \$15,000.”

51. Section 57 of the Act is amended by replacing “48” in the first line by “49.3”.

52. The Act is amended by inserting the following sections after section 57:

“57.1. Where a legal person, partnership or association commits an offence against this Act or a regulation, a director, officer, partner, employee or mandatary of the legal person, partnership or association who directed, authorized or advised the commission of the offence or consented to it is a party to the offence and is liable to the same penalty as that prescribed for committing the offence, whether or not the legal person, partnership or association has been prosecuted or found guilty.

“57.2. A person who assists another person in committing an offence under this Act or a regulation or who, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit such an offence, is guilty of an offence.

A person convicted of an offence under this section is liable to the same penalty as that prescribed for committing the offence which the person assisted in committing or induced to commit, whether or not the person who was assisted or induced has been prosecuted or found guilty.”

53. Section 58 of the Act is amended by replacing “business” in the second line by “tobacco retail outlet” and by replacing “sections 13 and 15” in the fourth line by “section 13, 14.2, 14.3, 20.4 or 20.5”.

54. Section 59 of the Act is replaced by the following section:

“59. The operator of a retail outlet is prohibited from selling tobacco at the retail outlet if, for that retail outlet,

- (1) the operator was convicted of an offence under section 13, 14.2 or 14.3;
- (2) the operator was found guilty of a total of three offences under section 20.4 or 20.5 within five years.

The prohibition to sell tobacco under subparagraph 1 of the first paragraph applies for one month, six months or two years according to whether it is the operator’s first, second or third or more conviction under any of sections 13, 14.2 and 14.3 within five years.

The prohibition to sell tobacco under subparagraph 2 of the first paragraph applies for one month.

If a tobacco retail outlet under a prohibition to sell tobacco is also a cigar room, smoking cigars or pipe tobacco is also prohibited in that retail outlet for as long as the operator is prohibited from selling tobacco.”

55. Section 60 of the Act is amended

(1) by replacing “of a business” in the second line of the first paragraph by “of a tobacco retail outlet”;

(2) by replacing “the registration certificate provided for in the Act respecting the Québec sales tax (chapter T-0.1) for the duration of the prohibition from selling tobacco” in the first, second and third lines of the second paragraph by “and for the sale of tobacco, for the duration of the prohibition from selling tobacco, the registration certificate issued under the Act respecting the Québec sales tax (chapter T-0.1)”.

56. Section 61 of the Act is amended by replacing “business” in the first line of the second paragraph by “tobacco retail outlet” and by adding “, failing which the Minister may have the tobacco or advertising removed at the operator’s expense. In such a case, once the prohibition expires, the operator of the tobacco retail outlet may, after paying storage charges, recover the tobacco or advertising at the place designated by the Minister. If the operator does not recover the tobacco or advertising within 60 days after the prohibition expires, the Minister may dispose of it as the Minister wishes and claim expenses from the operator.”

57. Sections 68 to 74 and 76 of the Act are repealed.

58. Section 75 of the Act is amended by replacing “last” in the first line by “third”.

59. Section 77 of the Act is amended by replacing “2005” in the first line of the first paragraph by “2010”.

TOBACCO TAX ACT

60. Section 2 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended

(1) by striking out “, but does not include vending machines” at the end of the definition of establishment;

(2) by striking out the definition of vending machine operator.

61. Section 5.0.1 of the Act is amended by striking out the third and fourth paragraphs.

62. Sections 7.11 and 13.2.1 of the Act are repealed.

63. Section 13.5 of the Act is replaced by the following section:

“13.5. Despite sections 13.4 and 13.4.2, where the things seized are packages of tobacco or a vehicle, a judge of the Court of Québec may authorize the Minister in writing, on application by the Minister, to sell the packages or the vehicle or have the packages or the vehicle sold on the conditions determined in the authorization. An authorization concerning packages of tobacco must also provide for samples to be kept in sufficient quantity to serve as evidence. Prior notice must be served at least one clear day before the application on the person from whom the packages or the vehicle was seized and on the persons who claim to have a right in the packages or vehicle, if the identity of these persons is known. The proceeds of the sale, after deduction of the costs, must be kept by a person authorized by the Minister and in the manner prescribed by regulation until disposed of according to law.”

64. Section 14.1 of the Act is amended

(1) by replacing “,7.11 or 17.10, the third paragraph of section 5.0.1” in the first and second lines of paragraph *a* by “or 17.10”;

(2) by striking out paragraph *f*.

ACT RESPECTING THE LEGAL PUBLICITY OF SOLE PROPRIETORSHIPS, PARTNERSHIPS AND LEGAL PERSONS

65. Section 10 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is amended by adding “as well as any other activity carried on there that the registrant is required by law to declare” at the end of subparagraph 6 of the second paragraph.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

66. Section 25.1 of the Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1) is amended by replacing “third paragraph of section 13” in the second line of the third paragraph by “second paragraph of section 13.1”.

TRANSITIONAL AND FINAL PROVISIONS

67. All operators of a tobacco retail outlet within the meaning of section 14.1 of the Tobacco Act, enacted by section 18, must, not later than 15 June 2006, declare in the register kept in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) the name and address of every establishment where a tobacco retail sale activity is engaged in.

The operator of a tobacco retail outlet who omits to declare the information referred to in the first paragraph as required under that paragraph is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

68. A natural person who operates a tobacco retail outlet within the meaning of section 14.1 of the Tobacco Act, enacted by section 18, under a name that includes his or her surname and given name must, not later than 15 June 2006, register in accordance with the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons.

A natural person who omits to register as required under the first paragraph is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

69. Until 30 May 2008, the operator of a place referred to in section 2 of the Tobacco Act, as amended by section 3, except one referred to in paragraph 2, 4 or 6 of that section 2, may, despite section 3 of that Act, as amended by section 5, set up a closed smoking room for the officers and employees working in the place.

The smoking room may be used only for tobacco smoking and only by the officers and employees working in the place, and persons referred to in section 3 of the Tobacco Act, as amended by section 5.

The smoking room must be delimited by floor-to-ceiling partitions or walls so as to be fully enclosed, and must be equipped with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. In addition, the smoking room door must be equipped with a properly functioning self-closing device.

The penal provisions set out in paragraph 1 of section 43 of the Tobacco Act, as amended by section 40, apply with the necessary modifications to any person who contravenes this section.

70. The Government may make a regulation prescribing standards relating to the display of tobacco in tobacco retail outlets to apply until 30 May 2008 and determine the provisions of the regulation the violation of which constitutes an offence.

The penal provisions set out in section 51 of the Tobacco Act, as amended by section 49, apply with the necessary modifications to the operator of a tobacco retail outlet who contravenes the provisions of the regulation the violation of which constitutes an offence.

A person acting pursuant to section 33 of the Tobacco Act may, during an inspection, verify whether the display of tobacco products meets the requirements of the regulation.

71. Section 1.6 of the Regulation respecting the application of the Tobacco Tax Act made by Order in Council 1929-86 dated 16 December 1986 is repealed.

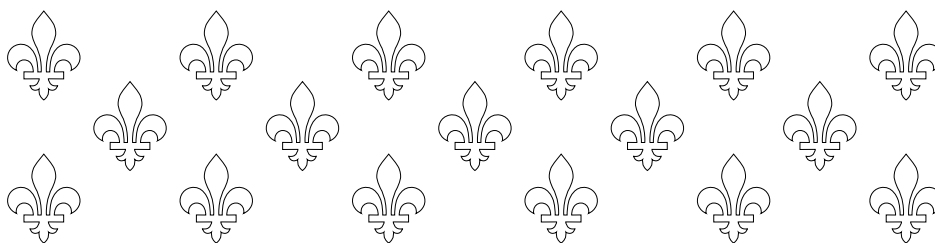
72. This Act comes into force on 31 May 2006 except

(1) sections 65, 67 and 68, which come into force on 1 January 2006;

(2) sections 20 and 20.1 of the Tobacco Act, enacted by section 24, and sections 49 and 49.1 of that Act, enacted by section 48, which come into force on 16 June 2006;

(3) paragraph 3 of section 2.1 of the Tobacco Act, enacted by section 4, section 17.1 of that Act, enacted by section 22, and section 48.1 of that Act, enacted by section 47, which come into force on 1 September 2006;

(4) Division II of Chapter III of the Tobacco Act, enacted by section 24, paragraph 2.1 of section 25 of that Act, as amended by section 29, paragraph 9.1 of section 34 of that Act, as amended by section 35, section 49.2 of that Act, enacted by section 48, and the reference to section 20.2 in paragraph 2.1 of section 34 of that Act, as amended by section 35, which come into force on 31 May 2008.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 220

(Private)

An Act respecting Ville de Thetford Mines

Introduced 11 November 2004

Passage in principle 16 June 2005

Passage 16 June 2005

Assented to 17 June 2005

**Québec Official Publisher
2005**

Bill 220

(Private)

AN ACT RESPECTING VILLE DE THETFORD MINES

AS, on 3 October 2001, the Government adopted Order in Council 1166-2001 respecting the amalgamation of Ville de Thetford Mines, Ville de Black Lake, Partie sud du Canton de Thetford, Village de Robertsonville and Municipalité de Pontbriand;

As sections 26 and 27 of the Order in Council provide that the cost of work done under Loan By-law 1841 of the former Ville de Thetford Mines (drinking water prospecting and supply) are to be apportioned between the former Ville de Thetford Mines and the former Partie sud du Canton de Thetford based on the proportions indicated in those sections;

As it has been proven that the work also benefits the owners of immovables of the sectors served in the former Village de Robertsonville and the former Municipalité de Pontbriand;

As it is therefore expedient to provide for a different apportionment of the cost of work done under that by-law;

As it is expedient to amend Order in Council 1166-2001 to that end;

As it is also in the interest of Ville de Thetford Mines that it be able to contribute to more than 50% of the cost of the extension of the electric power distribution system in a sector of its territory;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 25 of Order in Council 1166-2001 respecting the amalgamation is replaced by the following section:

“25. From 1 January 2005, the annual payment of the instalments in principal and interest under all the loan by-laws of the former Ville de Thetford Mines (including those of the former Municipalité de Rivière-Blanche) adopted before the coming into force of this Order in Council, with the exception of By-law 1698 and the portion of By-law 1841 to be borne by the former Partie sud du Canton de Thetford, the former Village de Robertsonville and the former Municipalité de Pontbriand under section 26, shall be charged

to all the taxable immovables of the sector made up of the territory of the former municipality, in a proportion of 52%, based on their value as it appears on the assessment roll in effect each year.

From 1 January 2005, the annual payment of the instalments in principal and interest under all the loan by-laws of the former Ville de Thetford Mines (including those of the former Municipalité de Rivière-Blanche) adopted before the coming into force of this Order in Council, with the exception of By-law 1698 and the portion of By-law 1841 to be borne by the former Partie sud du Canton de Thetford, the former Village de Robertsonville and the former Municipalité de Pontbriand under section 26, shall be charged to all the taxable immovables served by the waterworks and sewer system of the sector made up of the territory of the former municipality, in a proportion of 48%. For the purpose of paying that portion of the instalments, the council may charge an annual tariff to the users of the sector made up of the territory of the former municipality or a special property tax based on the value of the taxable immovables connected to the service in the sector made up of the territory of the former municipality.

The taxation clauses provided for in the by-laws and section 12 of Order in Council 1641-94, dated 24 November 1994, respecting the Amalgamation of Ville de Thetford Mines and Municipalité de Rivière-Blanche shall be amended accordingly.”

2. Section 26 of the Order in Council is replaced by the following section:

“26. From 1 January 2005, the cost of work done under Loan By-law 1841 of the former Ville de Thetford Mines (drinking water research and supply) shall be apportioned between the former Ville de Thetford Mines, the former Partie sud du Canton de Thetford, the former Village de Robertsonville and the former Municipalité de Pontbriand, based on the proportion of the total value of each municipality’s taxable immovables with waterworks service in relation to the total value of the taxable immovables with waterworks service of the four former municipalities. The total value used shall be the value determined for the municipalities as of 31 December of the fiscal year preceding the fiscal year in which this Order in Council comes into force.”

3. Section 27 of the Order in Council is replaced by the following sections:

“27. From 1 January 2005, the annual payment of the instalments in principal and interest under Loan By-laws 137, 145, 150, 169, 175 and 263 of the former Partie sud du Canton de Thetford and the portion of By-law 1841 of the former Ville de Thetford Mines to be borne by the former Partie sud du Canton de Thetford under section 26, shall be charged to all taxable immovables of the sector served by the waterworks and sewer system referred to in section 18 of By-law 304 of the former municipality, based on their value as it appears on the assessment roll in effect each year.

The taxation clauses provided for in the by-laws shall be amended accordingly.

“27.1. From 1 January 2005, the annual payment of the instalments in principal and interest of the portion of By-law 1841 of the former Ville de Thetford Mines to be borne by the former Village de Robertsonville and the former Municipalité de Pontbriand under section 26 shall be charged to all taxable immovables of the sector served by the waterworks system of each of those former municipalities based on their value as it appears on the assessment roll in effect each year.”

4. Despite the second paragraph of section 1 of the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), Ville de Thetford Mines may, by by-law, contribute in whole or in part, by means of a loan, to the cost established by Hydro-Québec for the installation of poles, wires, conduits and apparatus for the supply of electricity in the sector of Michaud road and part of Lac Bécancour road. The sector consists of lots 21-9 to 21-11, 21-13 to 21-17, 21-21, 22-1 to 22-9 and 22-11 to 22-14 of range 8 of the cadastre of Canton de Thetford, and of two parts of lot 21 and one part of lot 22 of the same range that are described in the schedule.

The term of the loan indicated in the by-law may not exceed five years and the repayment of the loan is to be borne by the owners of the taxable immovables of the sector described in the first paragraph who benefit from the work.

5. Despite the fact that the city acted before the coming into force of sections 1, 2 and 3 of this Act, every act done or decision made by the city for the purpose of applying, for the fiscal year 2005, the provisions of Order in Council 1166-2001 dated 3 October 2001 enacted by those sections, is valid.

6. This Act comes into force on 17 June 2005.

SCHEDULE

(Section 4)

The immovables known and designated in the official cadastre of Canton de Thetford, registration division of Thetford, as:

1) A piece of land forming part of lot 21 of range 8 of the cadastre of Canton de Thetford, whose perimeter is described as follows:

Starting from the southeast corner of lot 21-12, thence, in a direction of $324^{\circ}20'27''$ for a distance of 159.21 metres along the northeast line of lot 21-12,

thence, northerly in a direction of $4^{\circ}06'07''$ for a distance of 22.68 metres,

thence, easterly in a direction of $96^{\circ}26'24''$ for a distance of 332.62 metres,

thence, southerly in a direction of $184^{\circ}04'43''$ for a distance of 30.48 metres,

thence, southeasterly for a distance of 50.60 metres following the arc of a circle with a radius of 50.60 metres,

thence, southeasterly for a distance of 54.49 metres following the arc of a circle with a radius of 47.58 metres,

thence, southerly in a direction of $192^{\circ}24'31''$ for a distance of 32.75 metres,

thence, southwesterly in a direction of $246^{\circ}14'07''$ for a distance of 7.20 metres,

thence, northwesterly in a direction of $300^{\circ}04'07''$ for a distance of 123.53 metres,

thence, westerly in a direction of $263^{\circ}04'07''$ for a distance of 155.93 metres to the starting point.

The piece of land is bounded southwesterly and westerly by part of lot 21-12, northerly by Lac Bécancour road, easterly, northeasterly, southeasterly, southwesterly and southerly by lot 21-20 (Michaud street).

The piece of land comprises an area of 4.0 hectares.

2) A piece of land forming part of lot 21 of range 8 of the cadastre of Canton de Thetford, whose perimeter is described as follows:

Starting from the northwest corner of lot 21-11, thence, southeasterly in a direction of $142^{\circ}34'07''$ for a distance of 77.40 metres,

thence, westerly in a direction of $261^{\circ}30'28''$ for a distance of 45.72 metres,

thence, northerly in a direction of $175^{\circ}21'31''$ for a distance of 70.70 metres,
thence, southeasterly in a direction of $120^{\circ}04'07''$ for a distance of 4.50 metres
to the starting point.

The piece of land is bounded northeasterly by lot 21-11, southerly by Lac Bécancour, westerly by part of lot 21, northerly by lot 21-22 (Michaud street).

The piece of land comprises an area of 1,679.2 square metres.

3) A piece of land forming part of lot 21 of range 8 of the cadastre of Canton de Thetford, whose perimeter is described as follows:

Starting from the east corner of lot 21-16, thence, southeasterly in a direction of $120^{\circ}04'07''$ for a distance of 10.00 metres,

thence, southerly in a direction of $175^{\circ}21'33''$ for a distance of 70.70 metres,

thence, westerly in a direction of $273^{\circ}53'50''$ for a distance of 36.15 metres,

thence, northerly in a direction of $16^{\circ}32'08''$ for a distance of 76.18 metres to
the starting point.

The piece of land is bounded northeasterly by lot 21-20 (Michaud street), southeasterly by part of lot 21, southerly by Lac Bécancour, westerly by lot 21-16.

The piece of land comprises an area of 1,653.3 square metres.

4) A piece of land forming part of lot 21 of range 8 of the cadastre of Canton de Thetford, whose perimeter is described as follows:

Starting from the north corner of lot 21-12, thence, southerly in a direction of $184^{\circ}06'07''$ for a distance of 30.74 metres,

thence, northwesterly in a direction of $324^{\circ}20'27''$ for a distance of 42.93 metres,

thence, easterly in a direction of $98^{\circ}49'07''$ for a distance of 27.55 metres to
the starting point.

The piece of land is bounded easterly by part of lot 21-12, southwesterly by part of lot 22, northerly by Lac Bécancour road.

The piece of land comprises an area of 422.0 square metres.

5) A piece of land forming part of lot 22 of range 8 of the cadastre of Canton de Thetford, whose perimeter is described as follows:

Starting from the northwest corner of lot 22 of range 8, thence, northeasterly along the dividing line between ranges 7 and 8 in a direction of $45^{\circ}44'$ for a distance of 333.29 metres,

thence, easterly for a distance of 50.34 metres following the arc of a circle with a radius of 113.95 metres,

thence, easterly in a direction of $110^{\circ}05'45''$ for a distance of 264.99 metres,

thence, easterly for a distance of 59.56 metres following the arc of a circle with a radius of 322.06 metres,

thence, easterly in a direction of $99^{\circ}22'30''$ for a distance of 36.84 metres,

thence, southeasterly in a direction of $144^{\circ}20'27''$ for a distance of 201.16 metres,

thence, southwesterly in a direction of $238^{\circ}40'12''$ for a distance of 72.13 metres,

thence, southwesterly in a direction of $230^{\circ}00'12''$ for a distance of 216.72 metres,

thence, southwesterly in a direction of $204^{\circ}30'12''$ for a distance of 110.52 metres,

thence, southwesterly in a direction of $226^{\circ}51'23''$ for a distance of 62.52 metres,

thence, southerly in a direction of $189^{\circ}33'15''$ for a distance of 121.01 metres,

thence, southeasterly along the northwest line of lot 22-15 for a distance of 37.96 metres following the arc of a circle with a radius of 16.50 metres,

thence, northwesterly in a direction of $322^{\circ}33'57''$ for a distance of 649.22 metres to the starting point.

The piece of land is bounded northwesterly by lot 22D-4 and part of lots 22C and 22B of range 7, northerly by part of lot 22 of range 8 being Lac Bécancour road, northeasterly by part of lots 21 and 21-12 of range 8, southeasterly and easterly by lot 22-10 (Michaud street), southeasterly by lot 22-15 Rue, southwesterly by lot 23 of range 8.

The piece of land comprises an area of 27.6 hectares.

6) A piece of land forming part of lot 22 of range 8 of the cadastre of Canton de Thetford, whose perimeter is described as follows:

Starting from the northwest corner of lot 21-13, thence, southeasterly in a direction of $144^{\circ}20'27''$ for a distance of 88.47 metres,

thence, westerly in a direction of $254^{\circ}26'45''$ for a distance of 23.00 metres,

thence, northwesterly in a direction of $324^{\circ}42'55''$ for a distance of 82.15 metres,

thence, northeasterly in a direction of $58^{\circ}40'12''$ for a distance of 21.34 metres to the starting point.

The piece of land is bounded northeasterly by lot 21-13, southerly by Lac Bécancour, southwesterly by lot 22-1, northwesterly by lot 22-10 (Michaud street).

The piece of land comprises an area of 1,821.2 square metres.

7) Lots 22-1 to 22-15 inclusive of range 8 and lots 21-9 to 21-11 inclusive, 21-13 to 21-17 inclusive, and lot 21-21 of range 8 of the cadastre of Canton de Thetford.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 224

(Private)

An Act respecting Ville de Saint-Jean-sur-Richelieu

Introduced 20 April 2005

Passage in principle 16 June 2005

Passage 16 June 2005

Assented to 17 June 2005

**Québec Official Publisher
2005**

Bill 224

(Private)

AN ACT RESPECTING VILLE DE SAINT-JEAN-SUR-RICHELIEU

AS the new Ville de Saint-Jean-sur-Richelieu results from the amalgamation of Ville de Saint-Jean-sur-Richelieu, Ville d'Iberville, Ville de Saint-Luc, Municipalité de L'Acadie and Paroisse de Saint-Athanase, under Order in Council 17-2001 dated 17 January 2001;

As it is in the interest of the new Ville de Saint-Jean-sur-Richelieu to have amendments made to the amalgamation order in order to apportion, among the sectors formed of the territory of the former municipalities, the repayment of a loan taken out to finance renovation work on the Théâtre des Deux Rives;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

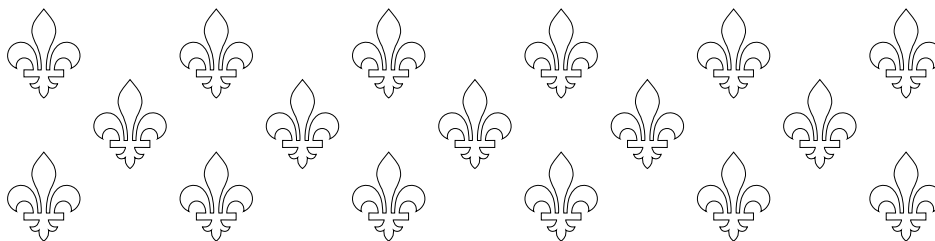
1. Section 22 of Order in Council 17-2001 dated 17 January 2001 concerning the amalgamation of Ville de Saint-Jean-sur-Richelieu, Ville d'Iberville, Ville de Saint-Luc, Municipalité de L'Acadie and Paroisse de Saint-Athanase is amended by adding the following paragraphs at the end:

“The repayment of any loan that the new town contracts to finance a grant to the Société pour la promotion d'événements culturels du Haut-Richelieu (SPEC) for the renovation of the Théâtre des Deux Rives, to a maximum of \$1,469,000 including incidental charges, may be charged to the taxable immovables in the sectors made up of the territory of the former municipalities in the following proportions:

| | |
|---|--------|
| — the former Ville de Saint-Jean-sur-Richelieu: | 77.70% |
| — the former Ville d'Iberville: | 5.10% |
| — the former Ville de Saint-Luc: | 10.82% |
| — the former Municipalité de L'Acadie: | 2.94% |
| — the former Paroisse de Saint-Athanase: | 3.44%. |

Any grant made to this body in excess of the amount mentioned in the third paragraph is to be apportioned in accordance with the rules provided for by law.”

2. This Act comes into force on 17 June 2005.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 393
(2005, chapter 31)

**An Act to amend the Act respecting
the Fondation Jean-Charles-Bonenfant**

**Introduced 25 May 2005
Passage in principle 15 June 2005
Passage 15 June 2005
Assented to 17 June 2005**

**Québec Official Publisher
2005**

EXPLANATORY NOTES

This bill amends the Act respecting the Fondation Jean-Charles-Bonenfant so that the member of the personnel of the National Assembly on the board of directors need not be assigned to educational activities within the National Assembly.

Bill 393

AN ACT TO AMEND THE ACT RESPECTING THE FONDATION JEAN-CHARLES-BONENFANT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 6 of the Act respecting the Fondation Jean-Charles-Bonenfant (R.S.Q., chapter F-3.2) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) a member of the personnel of the National Assembly designated by the President on the recommendation of the Secretary General; and”.

2. This Act comes into force on 17 June 2005.

Coming into force of Acts

Gouvernement du Québec

O.C. 707-2005, 3 August 2005

An Act to amend the Act respecting administrative justice and other legislative provisions (2002, c. 22) — Coming into force of section 7

COMING INTO FORCE of section 7 of the Act to amend the Act respecting administrative justice and other legislative provisions (2002, c. 22)

WHEREAS the Act to amend the Act respecting administrative justice and other legislative provisions (2002, c. 22) was assented to on 13 June 2002;

WHEREAS section 42 of the Act provides that the provisions of the Act come into force on 13 June 2002, except, among other provisions, sections 7 and 8, section 10, insofar as it enacts section 119.4 of the Act respecting administrative justice, and sections 24 and 35, which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 October 2005 as the date of coming into force of section 7 of the Act;

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

THAT section 7 of the Act to amend the Act respecting administrative justice and other legislative provisions (2002, c. 22) come into force on 1 October 2005.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7018

Gouvernement du Québec

O.C. 708-2005, 3 August 2005

An Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3) — Coming into force of the text of the copy of the updating

COMING INTO FORCE of the text of the copy of the updating to 1 March 2005 of the loose-leaf edition of the Revised Statutes of Québec

WHEREAS the Official Publisher has completed the printing of the updating to 1 March 2005 of the loose-leaf edition of the Revised Statutes of Québec;

WHEREAS a copy of the updating to 1 March 2005 of the loose-leaf edition of the Revised Statutes of Québec has been sent to the Lieutenant-Governor and has been deposited in the office of the Secretary General of the National Assembly of Québec, attested by the signatures of the Lieutenant-Governor and the Minister of Justice, the whole in accordance with the Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3);

WHEREAS, under section 7 of that Act, the Government shall fix the date from which the text of the updated statutes will come into force after the deposit of the copy;

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

THAT the text of the copy of the updating to 1 March 2005 of the loose-leaf edition of the Revised Statutes of Québec, attested by the signatures of the Lieutenant-Governor and the Minister of Justice and deposited in the office of the Secretary General of the National Assembly of Québec, come into force on 1 September 2005 and have force of law with the reservation that any provision of an Act comprised in the Revised Statutes of Québec that is not yet in force on 31 August 2005 pursuant to the provisions of that Act not be brought into force by this Order in Council but come into force only on the date fixed in accordance with the Act containing that provision.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7017

Regulations and other acts

Gouvernement du Québec

O.C. 712-2005, 3 August 2005

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

Chartered accountants — Code of ethics — Amendments

Regulation amending the Regulation amending the Code of ethics of chartered accountants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des comptables agréés du Québec must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, their clients and the profession;

WHEREAS the Regulation amending the Code of ethics of chartered accountants approved by Order in Council 779-2004 dated 10 August 2004 contains, in addition to provisions respecting the independence of chartered accountants applicable in the case of audit engagements for listed enterprises, various related transitional rules;

WHEREAS the transitional rules have not been integrated into the Code of ethics of chartered accountants because of their temporary nature;

WHEREAS the Bureau of the Ordre des comptables agréés du Québec made the Regulation amending the Regulation amending the Code of ethics of chartered accountants in order to amend sections 24, 25 and 26 of the Regulation amending the Code of ethics of chartered accountants;

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

WHEREAS, in accordance with sections 10 and 11 of 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 27 April 2005 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 amending the Regulation amending the Code of ethics of chartered accountants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation amending the Regulation amending the Code of ethics of chartered accountants*

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

- 1.** Section 24 of the Regulation amending the Code of ethics of chartered accountants is amended by the replacement of the word “second” by the word “third”.
- 2.** Section 25 of the Regulation is amended by the replacement of the word “second” by the word “third”.
- 3.** Section 26 of the Regulation is amended by the replacement of the word “third” by the word “fourth”.
- 4.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

7019

* The Regulation amending the Code of ethics of chartered accountants has been approved by Order in Council 779-2004 of August 10, 2004 (2004, *G.O.* 2, 3867). The Regulation has not been amended since.

Gouvernement du Québec

O.C. 722-2005, 3 August 2005

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Commission des lésions professionnelles — Code of ethics of the members

Code of ethics of the members of the Commission des lésions professionnelles

WHEREAS, under section 413 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Government shall, after consulting the president of the Commission des lésions professionnelles, establish a code of ethics applicable to the members;

WHEREAS, under section 414 of the Act, the code of ethics shall set out the rules of conduct and the duties of the members towards the public, the parties, their witnesses and the persons representing them; it shall, in particular, define the conduct that is derogatory to the honour, dignity or integrity of the members. It may, in addition, determine the activities or situations that are incompatible with the office they hold, their obligations as regards the disclosure of their interests, and the functions they may exercise gratuitously;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Code was published in Part 2 of the *Gazette officielle du Québec* of 28 March 2001, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments were received following that publication;

WHEREAS, it is expedient to make the Code with amendments;

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

THAT the Code of ethics of the members of the Commission des lésions professionnelles, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Code of ethics of the members of the Commission des lésions professionnelles

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 413)

DIVISION I GENERAL

1. The purpose of this Code is to ensure and promote public trust in the integrity and impartiality of the Commission des lésions professionnelles by favouring high standards of conduct for its members.

2. Members must abide by the ethics rules provided for in the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and in this Code.

DIVISION II DUTIES COMMON TO ALL MEMBERS

3. Members shall perform their duties with care, dignity and integrity, keeping in mind that accessibility and promptness are important values of the Commission.

4. Members shall perform their duties without discrimination.

5. Members shall act in a respectful and courteous manner towards persons appearing before them.

6. Members shall uphold the integrity of the Commission and defend its independence in the best interest of justice.

7. Members shall make themselves available to discharge their duties conscientiously and diligently.

8. Members shall take the measures required to keep up-to-date and upgrade the knowledge and skills necessary to perform their duties.

9. Members are bound by discretion regarding any matter brought to their knowledge in the performance of their duties and shall refrain from disclosing information of a confidential nature.

10. Members are bound by the secrecy of the advisement, in particular any view supported by a member or an assessor, any exchange or discussion, as well as any opinion other than the opinion reported in the decision.

11. Members shall disclose to the president any direct or indirect interest that they have in any enterprise that could cause a conflict between personal interest and the duties of their office.

12. Members shall refrain from pursuing an activity or placing themselves in a situation that may undermine the integrity, independence and dignity of the Commission or discredit it.

DIVISION III DUTIES SPECIFIC TO COMMISSIONERS

13. Commissioners shall be overtly objective and impartial.

14. Commissioners shall perform their duties with complete independence, free of any interference.

15. Commissioners must be politically neutral and shall not engage in any partisan political activity that is incompatible with the duties of their office.

16. Commissioners shall act with reserve and prudence in public.

Subject to that principle, they enjoy freedom of expression, of belief, of association and of assembly.

17. A commissioner may exercise functions gratuitously within the professional order of which the commissioner is a member or within a non-profit organization insofar as they do not compromise the commissioner's impartiality or the effective performance of the commissioner's duties.

18. The following are incompatible with the office of commissioner:

(1) soliciting or collecting donations, except in the case of community, school, religious or family activities that do not compromise other duties imposed by this Code, or associating the status of commissioner to those activities;

(2) taking part in charities or organizations likely to be involved in matters before the Commission; and

(3) giving legal advice in fields within the expertise of the Commission.

19. Commissioners shall preside at hearings by exercising the authority necessary to ensure its proper conduct and to ensure that both parties have an opportunity to be heard and fully substantiate their claims, subject to applicable rules of law.

20. Commissioners shall allow the members sitting with them to ask questions at hearings and express their opinions when a case is taken under advisement.

DIVISION IV DUTIES SPECIFIC TO MEMBERS FROM EMPLOYERS' ASSOCIATIONS AND UNION ASSOCIATIONS

21. Members from employers' associations or union associations shall perform their duties with open-mindedness.

22. Members from those associations must be politically neutral in the performance of their duties.

23. Members from those associations shall manage their affairs so as to not compromise the effective performance of their duties.

24. Members from those associations may not represent a party before the Commission.

25. Members from those associations may ask questions during the hearing of a case and advise the commissioner so that the Commission may benefit from their experience.

DIVISION V FINAL

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

7020

Gouvernement du Québec

O.C. 723-2005, 3 August 2005

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

Automotive services industry — Drummond and Mauricie — Amendments

CONCERNING the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions

WHEREAS the Government has made the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45);

WHEREAS the group comprising the union contracting party and certain parties of the group comprising the employer contracting party named in the Decree made application to the Minister of Labour to have amendments made to this collective agreement decree;

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the Decree to amend the Decree was published in Part 2 of the *Gazette officielle du Québec* of 9 March 2005 and, on the same date, in two French-language newspapers and in one English-language newspaper, with a notice that it could be made by the Government upon the expiry of the 45 days following that publication;

WHEREAS no comment was brought forward with respect to this draft Decree;

WHEREAS it is expedient to make this draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions*

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

1. Section 1.01 of the Decree respecting the automotive services industry in the Drummond and Mauricie regions is amended by replacing paragraph 7 by the following:

“7. “spouses”: persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex, are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;”.

2. Section 3.04 is replaced by the following:

“**3.04.** An employee is deemed to be at work in the following situations:

1. subject to 3.03, during the time allocated for breaks granted by the employer;

2. when travel is required by the employer;

3. during any trial period or training required by the employer.”.

3. Section 3.05 is amended by substituting the number “32” for the number “24”.

4. Section 6.02 is amended by substituting, in the first paragraph, the words “must not” for the words “must be credited with 60 days of service in the undertaking and not”.

* The last amendments to the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) were made by the regulation made under Order in Council No. 892-2004 dated 22 September 2004 (2004, *G.O.* 2, 4289). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

5. Section 6.03 is replaced by the following :

“**6.03.** For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the twelve complete weeks of pay preceding the week of the holiday.”.

6. Section 6.07 is revoked.

7. Section 7.06 is amended by replacing the second paragraph with the following :

“Notwithstanding the first paragraph, the employer may, at the request of the employee, permit the annual leave to be taken, in whole or in part, during the reference year.

Also, if at the end of the 12 months that follow the end of a reference year, the employee is absent owing to sickness or accident, or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not deferred, the employer must then pay the employee the annual leave indemnity to which he is entitled.

A period of employment insurance, sickness, or disability, interrupted by a leave taken in accordance with this section, continues, if such is the case, after the leave, as if it had not been interrupted.”.

8. Section 8.01 is amended :

1. by adding, in paragraph 2 after the word “wages”, the words “and one day of leave without pay”;

2. by substituting, in paragraph 3, the words “two days” for the words “one day”;

3. by substituting, in paragraph 4, the words “and three” for the words “and two”;

4. by substituting, in the first paragraph of paragraph 7, the words “the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy” for the words “the adoption of a child”;

5. by adding, at the end of the second paragraph of paragraph 7, the words “or, if such is the case, the termination of pregnancy;”;

6. by inserting, in paragraph 8, after the words “wedding day”, the words “or day of his civil union”;

7. by inserting, in paragraph 9, after the words “wedding day”, the words “or day of the civil union”.

9. Section 9.01 is replaced by the following :

“**9.01.** The minimum hourly wage rates are the following :

| Trades | As of 17 August 2005 | As of 1 January 2006 | As of 1 January 2007 |
|---------------------|----------------------------|----------------------------|----------------------------|
| 1. Clerk’s helper : | | | |
| Grade 1 | \$8.85 | \$9.29 | \$9.75 |
| Grade 2 | \$9.51 | \$9.98 | \$10.47 |
| Grade 3 | \$10.23 | \$10.74 | \$11.27 |
| Grade 4 | \$10.89 | \$11.43 | \$12.00; |
| 2. Apprentice : | | | |
| 1st year | \$9.07 | \$9.52 | \$9.99 |
| 2nd year | \$9.68 | \$10.16 | \$10.66 |
| 3rd year | \$10.23 | \$10.74 | \$11.27 |
| 4th year | \$10.78 | \$11.31 | \$11.87; |
| 3. Journeyman : | | | |
| A | \$16.99 | \$17.83 | \$18.72 |
| B | \$14.74 | \$15.47 | \$16.24 |
| C | \$13.64 | \$14.32 | \$15.03; |
| 4. Parts clerk : | | | |
| Grade 1 | \$8.85 | \$9.29 | \$9.75 |
| Grade 2 | \$9.51 | \$9.98 | \$10.47 |
| Grade 3 | \$10.23 | \$10.74 | \$11.27 |
| Grade 4 | \$10.89 | \$11.43 | \$12.00 |
| Grade 5 | \$11.60 | \$12.18 | \$12.78 |
| Grade 6 | \$12.26 | \$12.87 | \$13.51 |
| Grade 7 | \$12.92 | \$13.56 | \$14.23; |
| 5. Messenger : | | | |
| | \$8.30 | \$8.71 | \$9.14; |
| 6. Dismantler : | | | |
| Grade 1 | \$9.07 | \$9.52 | \$9.99 |
| Grade 2 | \$9.68 | \$10.16 | \$10.66 |
| Grade 3 | \$10.50 | \$11.02 | \$11.57; |
| 7. Washer : | | | |
| | \$8.19 | \$8.59 | \$9.01; |

| Trades | As of 17 August 2005 | As of 1 January 2006 | As of 1 January 2007 |
|--|----------------------------|----------------------------|----------------------------|
| 8. Semiskilled worker: | | | |
| Grade 1 | \$9.68 | \$10.16 | \$10.66 |
| Grade 2 | \$10.50 | \$11.02 | \$11.57 |
| Grade 3 | \$11.33 | \$11.89 | \$12.48; |
| 9. Pump attendant: \$8.19 \$8.59 \$9.01; | | | |
| 10. Service attendant: | | | |
| Grade 1 | \$8.80 | \$9.24 | \$9.70 |
| Grade 2 | \$9.35 | \$9.81 | \$10.30 |
| Grade 3 | \$9.95 | \$10.44 | \$10.96 |
| Grade 4 | \$10.50 | \$11.02 | \$11.57 |
| Grade 5 | \$11.05 | \$11.60 | \$12.18.”. |

10. Section 9.07 is replaced by the following :

“**9.07.** An employer may make deductions from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may also make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan or supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.”.

11. Section 11.01 is replaced by the following :

“**11.01.** Where an employer requires the employee to wear special clothing, the employer cannot require an amount of money from an employee for the purchase, use or upkeep of the special clothing.

Also, he cannot oblige an employee to pay for special clothing that identifies him as being an employee of the establishment.”.

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

7021

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 BELŒIL, a legal person established in the public interest, having its head office at 777, rue Laurier, Belœil, Province de Québec, J3G 4S9, represented by the mayor, Mr. Marcel Bédard, and the clerk, Mrs. Sylvie Piérard, under resolution number 2005-05-245, hereinafter called

THE MUNICIPALITY

The MUNICIPALITY OF DRUMMONDVILLE, a legal person established in the public interest, having its head office at 415, rue Lindsay, C.P. 398, Drummondville, Province de Québec, J2B 6W3, represented by the mayor, Mrs. Francine Ruest Jutras, and the clerk, Mrs. Thérèse Cajolet, under resolution number 776/5/05, hereinafter called

THE MUNICIPALITY

The MUNICIPALITY OF MERCIER, a legal person established in the public interest, having its head office at 869, boulevard Saint-Jean-Baptiste, 2^e étage, Mercier, Province de Québec, J6R 2L3, represented by the mayor, Mr. Jean-Luc Colpron, and the clerk, Mrs. Chantal Bergeron, under resolution number 2005-06-155, hereinafter called

THE MUNICIPALITY

The MUNICIPALITY OF SOREL-TRACY, a legal person established in the public interest, having its head office at 71, rue Charlotte, C.P. 368, Sorel-Tracy, Province de Québec, J3P 7K1, represented by the mayor, Mr. Marcel Robert, and the clerk, Mr. René Chevalier, under resolution number 05-250, hereinafter called

THE MUNICIPALITY

AND

Mr. 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 de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY OF BELCEIL, by its resolution No. 2005-02-86, passed at its meeting of 28 February 2005, 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 6 November 2005 in the MUNICIPALITY;

WHEREAS the council of the MUNICIPALITY OF DRUMMONDVILLE, by its resolution No. 324/3/05, passed at its meeting of 14 March 2005, 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 6 November 2005 in the MUNICIPALITY

WHEREAS the council of the MUNICIPALITY OF MERCIER, by its resolution No. 2005-05-148, passed at its meeting of 24 May 2005, 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 6 November 2005 in the MUNICIPALITY

WHEREAS the council of the MUNICIPALITY OF SOREL-TRACY, by its resolution No. 05-145, passed at its meeting of 5 April 2005, 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 6 November 2005 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, Sports and Recreation 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, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on 6 November 2005 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

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

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

WHEREAS the council of the MUNICIPALITY OF BELCEIL passed, at its meeting of 9 May 2005, resolution No. 2005-05-245 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the council of the MUNICIPALITY OF DRUMMONDVILLE passed, at its meeting of 30 May 2005, resolution No. 776/5/05 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the council of the MUNICIPALITY OF MERCIER passed, at its meeting of 7 June 2005, resolution No. 2005-06-155 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the council of the MUNICIPALITY OF SOREL-TRACY passed, at its meeting of 6 June 2005, resolution No. 05-250 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a 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 6 November 2005 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 Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink 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) make sure of electors’ identity;

(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 Regions 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 subdivisions 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 Technologies Nexxlink 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 Technologies Nexxlink 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 by substituting the following for the first and second paragraphs:

“**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.

The ballot papers must contain, on the obverse,

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

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

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

(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, 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 31 December 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 6 November 2005, 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 6 November 2005 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 6 November 2005 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 SIX COPIES

In Belœil, on this 15th day of the month of June of the year 2005

THE MUNICIPALITY OF BELOEIL

By: _____
MARCEL BÉDARD, *Mayor*

SYLVIE PIÉRARD, *Clerk*

In Drummondville, on this 15th day of the month of June of the year 2005

THE MUNICIPALITY OF DRUMMONDVILLE

By: _____
FRANCINE RUEST JUTRAS, *Mayor*

THÉRÈSE CAJOLET, *Clerk*

In Mercier, on this 21st day of the month of June of the year 2005

THE MUNICIPALITY OF MERCIER

By: _____
JEAN-LUC COLPRON, *Mayor*

CHANTAL BERGERON, *Clerk*

In Sorel-Tracy, on this 14th day of the month of June of the year 2005

THE MUNICIPALITY OF SOREL-TRACY

By: _____
MARCEL ROBERT, *Mayor*

RENÉ CHEVALIER, *Clerk*

In Québec, on this 30th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 18th day of the month of July of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

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 | |

Gouvernement du Québec

Addendum

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

ADDENDUM TO THE AGREEMENT
CONCERNING NEW METHODS OF VOTING
FOR AN ELECTION USING “PERFAS-MV”
BALLOT BOXES

MADE IN 2002

BETWEEN

THE MUNICIPALITY OF SAINT-LAZARE

AND

THE CHIEF ELECTORAL OFFICER

AND

THE MINISTER OF MUNICIPAL AFFAIRS AND
GREATER MONTREAL

WHEREAS the parties signed an agreement in 2002 pursuant to section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) in order to allow for the use of electronic ballot boxes for the general elections and by-elections held in the municipality until January 1 of the year 2006;

WHEREAS the said agreement amends the provisions of the Act respecting elections and referendums in municipalities;

WHEREAS the Act respecting elections and referendums in municipalities has been amended since the parties signed the agreement;

WHEREAS it is necessary to amend the agreement made by the parties in order to follow up on the amendments made to the Act respecting elections and referendums in municipalities;

WHEREAS it is also pertinent to make certain technical amendments to the agreement;

WHEREAS the municipal council, at its sitting of June 7th in the year 2005, adopted resolution number 06-295-05 approving the text of the addendum and authorizing the Mayor and the Clerk or Secretary-Treasurer to sign the addendum;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. AMENDMENTS TO THE AGREEMENT MADE IN 2001

2.1 Section 6.2 of the agreement is amended by substituting the following for the title of the section:

“6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**”.

2.2 Section 6.3 of the agreement is amended

(1) by substituting the following for paragraphs 6 and 7 of section 80:

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

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

(2) by substituting the following for the paragraph 4 of section 80.2:

“(4) make sure of electors’ identity;”.

2.3 The agreement is amended by inserting the following section after section 6.3:

“6.3.1 Duties of the poll clerk

The following is substituted for section 81 of the Act:

“81. The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) note on the screen and on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer has given electronic voting cards;

(3) assist the deputy returning officer.”.”.

2.4 Section 6.25 of the agreement is amended by substituting the following for the first paragraph of section 226:

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

2.5 Section 6.31 of the agreement is amended by substituting the following for the last paragraph:

“Sections 234 to 237 of the Act are revoked.”.

2.6 The following is substituted for section 6.32 of the agreement:

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

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

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

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

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

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

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

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

2.7 Section 6.33 of the agreement is amended by substituting the following for the paragraph 2 of section 241:

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

2.8 Section 6.36 of the agreement is amended by substituting the following for the paragraph 1 of section 244:

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

2.9 Section 6.37 of the agreement is amended by substituting the following for section 247:

“**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.”.

2.10 Section 6.38 of the agreement is amended by substituting the following for section 248:

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

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

2.11 Section 6.39 of the agreement is amended by substituting the following for section 249:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix

their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

2.12 The agreement is amended by inserting the following section after section 6.41 :

“6.41.1 Access to voting papers

Section 261 of the Act is revoked.”.

2.13 Section 6.42 of the agreement is amended by substituting the following for the first paragraph of section 262 :

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

2.14 Section 6.43 of the agreement is amended by substituting the following for section 267 :

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

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

2.15 Section 6.44 of the agreement is amended by substituting the following for section 268 :

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

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

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

2.16 Section 6.46 of the agreement is amended by substituting the following for the title of the section :

“6.46 Missing electronic card for recording results and partial statements of votes”.

2.17 Section 6.47 of the agreement is amended by substituting the following for section 272 :

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

ADDENDUM SIGNED IN THREE COPIES

In Saint-Lazare, on this 8th day of the month of June of the year 2005

THE MUNICIPALITY OF SAINT-LAZARE

By: _____
PAUL CARZOLI, *Mayor*

LUCIE GENDRON, *Clerk or Secretary-Treasurer*

In Québec, on this 27th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 19th day of the month of July of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

DENYS JEAN, *Deputy Minister*

7015

Gouvernement du Québec

Addendum

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

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

MADE IN 2002

BETWEEN

THE MUNICIPALITY OF SAINT-JEAN-SUR-
RICHELIEU

AND

THE CHIEF ELECTORAL OFFICER

AND

THE MINISTER OF MUNICIPAL AFFAIRS AND
GREATER MONTREAL

WHEREAS the parties signed an agreement in 2002 pursuant to section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) in order to allow for the use of electronic ballot boxes for the general elections and by-elections held in the municipality until December 31 of the year 2005;

WHEREAS the said agreement amends the provisions of the Act respecting elections and referendums in municipalities;

WHEREAS the Act respecting elections and referendums in municipalities has been amended since the parties signed the agreement;

WHEREAS it is necessary to amend the agreement made by the parties in order to follow up on the amendments made to the Act respecting elections and referendums in municipalities;

WHEREAS it is also pertinent to make certain technical amendments to the agreement;

WHEREAS the municipal council, at its sitting of June 6 in the year 2005, adopted resolution number 2005-06-0546 approving the text of the addendum and authorizing the Mayor and the Clerk or Secretary-Treasurer to sign the addendum;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. AMENDMENTS TO THE AGREEMENT MADE IN 2002

2.1 The following is substituted for section 4.1 of the agreement:

“4.1 Computerized polling stations

The list of electors for a polling place must correspond to the list of electors for that polling place as drawn up and revised by the returning officer. Access to the computers at a polling place must be secured by a password.”

2.2 The following is substituted for section 5 of the agreement:

“5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.”

2.3 Section 6.2 of the agreement is amended by substituting the following for the title of the section:

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

2.4 Section 6.3 of the agreement is amended

(1) by substituting the following for paragraphs 6 and 7 of section 80:

“(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;”;

(2) by substituting the following for paragraph 4 of section 80.2:

“(4) make sure of electors’ identity;”;

(3) by the withdrawal of paragraph 7 of section 80.2.

2.5 Section 6.4 of the agreement is amended by substituting the following for paragraph 2 of section 81:

“(2) note on the screen and on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer has given ballot paper cards;”.

2.6 Section 6.8 of the agreement is amended:

(1) by substituting the following for section 173.2:

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

(2) by substituting the following for paragraph 7 of section 173.4:

“(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.”.

2.7 Section 6.9 of the agreement is amended by the withdrawal of the words “The representatives of the candidates may be present.” in the second paragraph of section 175.2.

2.8 Section 6.10 of the agreement is amended by substituting the following for the fifth and sixth paragraphs of section 183:

“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.”.

2.9 Section 6.18 of the agreement is amended by substituting the following for the second paragraph of section 200:

“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.”.

2.10 Section 6.20 of the agreement is amended by substituting the following for section 207.1:

“**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.”.

2.11 The following is substituted for section 6.28 of the agreement:

“6.28 **Compilation of results**

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

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

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

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

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

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

(2) the number of electors admitted to vote;

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

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

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

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

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

2.12 Section 6.31 of the agreement is amended by substituting the following for paragraph 3 of the second paragraph of section 233:

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

2.13 The following is substituted for section 6.34 of the agreement:

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

The following is substituted for section 238 of the Act:

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

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

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

(3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.”.

2.14 Section 6.35 of the agreement is amended by substituting the following for sections 241 and 243:

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

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.”.

2.15 Section 6.36 of the agreement is amended by substituting the following for section 247:

“**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.”.

2.16 Section 6.37 of the agreement is amended by substituting the following for section 248:

“**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.”.

2.17 The following is substituted for section 6.40 of the agreement:

“6.40 Notice to the Minister

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

ADDENDUM SIGNED IN THREE COPIES

In Saint-Jean-sur-Richelieu, on this 27th day of the month of June of the year 2005

THE MUNICIPALITY OF SAINT-JEAN-SUR-RICHELIEU

By: _____
GILLES DOLBEC, *Mayor*

M^e FRANÇOIS LAPOINTE, *Clerk*

In Québec, on this 30th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 19th day of the month of July of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

DENYS JEAN, *Deputy Minister*

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-JÉRÔME, a legal person established in the public interest, having its head office at 10, rue Saint-Joseph, bureau 301, Saint-Jérôme, Province de Québec, J7Z 7G7, represented by the mayor, Marc Gascon, and the clerk, Marcel Bélanger, under a resolution bearing number CM-2989/05-03-15, herein-after called

THE MUNICIPALITY

AND

The MUNICIPALITY OF SAINTE-JULIE, a legal person established in the public interest, having its head office at 1580, chemin du Fer-à-Cheval, Sainte-Julie, Province de Québec, J3E 2M1, represented by the acting mayor, Mrs. Suzanne Roy, and the clerk, M^e Jean-François Gauthier, under a resolution bearing number 05-204, hereinafter called

THE MUNICIPALITY

AND

Mr. 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 de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY OF SAINT-JÉRÔME, by its resolution No. CM-2929/05-02-15, passed at its meeting of 15 February 2005, and of the MUNICIPALITY OF SAINTE-JULIE, by its resolution No. 05-147, passed at its meeting of 5 April 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of 6 November 2005 in the MUNICIPALITY OF SAINT-JÉRÔME and in the MUNICIPALITY OF SAINTE-JULIE;

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

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Regions 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 Regions and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the municipal election held on 6th November 2005 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that municipal election;

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

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

WHEREAS the council of the MUNICIPALITY OF SAINT-JÉRÔME, passed, at its meeting of 15 March 2005, resolution No. CM-2989/05-03-15 and of the MUNICIPALITY OF SAINTE-JULIE, passed at its meeting of 19 April 2005, resolution No. 05-204, approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “Computerized polling station” means an apparatus consisting of the following devices:

— a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);

— a card reader for cards with bar codes;

— one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.

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

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

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

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

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

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

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

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

3. ELECTION

3.1 For the purposes of the municipal election of 6 November 2005 in the municipality, a sufficient number of PerFas-TAB electronic ballot boxes will be used.

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

4. SECURITY MECHANISMS

4.1 Computerized polling stations

The list of electors for a polling place must correspond to the data provided by the returning officer. Access to the computers at a polling place must be secured by a password.

4.2 Electronic ballot boxes

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

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

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

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

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

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

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

5. PROGRAMMING

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

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

6.1 Election officers

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

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

The following is substituted for section 76 of the Act:

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

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

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

The following is substituted for section 80 of the Act:

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

- (1) see to the installation and preparation of the electronic ballot box;
- (2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret;
- (4) ensure that the electronic ballot box functions correctly;
- (5) print out the results compiled by the electronic ballot box at the closing of the poll;
- (6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;
- (7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the partial statements of votes;
- (8) put the ballot paper cards from the electronic ballot box recipient into the transfer boxes, seal them and give them to the returning officer;
- (9) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the spaces provided for the affixing of the elector's mark, and go to the polling station in order to obtain another ballot paper card;
- (10) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

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

- (1) assist the senior deputy returning officer in the latter's duties;
- (2) receive any elector referred by the senior deputy returning officer;

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

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

80.2. The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station;
- (2) ensure that the polling is properly conducted and maintain order in the polling station;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret;
- (4) make sure of electors' identity;
- (5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;
- (6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book;
- (7) note on the screen "has voted" next to the names of electors to whom he has given a ballot paper card."

6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

81. The poll clerk shall, in particular,

- (1) enter in the poll book the particulars relating to the conduct of the polling;
- (2) note on the paper list of electors "has voted" next to the names of electors to whom the deputy returning officer gives ballot paper cards;
- (3) assist the deputy returning officer."

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

The following is substituted for section 90.5 of the Act:

90.5. Where, during the election period, within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in

section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

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

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

6.6 Notice of election

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

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

6.7 Polling subdivisions

The following is substituted for section 104 of the Act:

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

The polling subdivisions shall have a number of electors determined by the returning officer. That number should be around 750 electors.”.

6.8 Verification of computerized polling stations and electronic ballot box

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

“§1.1 Verification of computerized polling stations

173.1. The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests:

(1) searching for an elector using the card with the bar code;

(2) searching for an elector using the keyboard, typing either the elector’s name or address;

(3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays “has voted” for the electors concerned;

(4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

§1.2 Verification of electronic ballot boxes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.9 Mobile polling station

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

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

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

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

6.10 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.11 Booths

The following is substituted for section 191 of the Act:

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

6.12 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

6.13 Identification of the candidates

Section 196 of the Act is amended

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

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

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

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

6.14 Ballot paper cards

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

(1) a space for the identification of:

— the name or number of the borough;

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

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

(3) the ballot paper card(s);

(4) the bar code.

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

(1) arrows indicating the direction of insertion of the ballot paper card in the vote tabulator;

(2) a space for the initials of the deputy returning officer;

(3) the name of the municipality;

(4) the indication “municipal elections” and the polling date;

(5) the name and address of the printer;

(6) the indication of copyright, where applicable;

(7) the bar code, where applicable.”.

6.15 Confidentiality sleeve

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

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

6.16 Withdrawal of a candidate

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

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

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

6.17 Withdrawal of authorization or recognition

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

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

6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

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

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

6.19 Provision of polling materials

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

6.20 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

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

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

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

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

The following is substituted for section 209 of the Act:

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

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

POLLING PROCEDURE

6.21 Presence at the polling station

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

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

6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act:

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

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

6.23 Voting

The following is substituted for section 222 of the Act:

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

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

6.24 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

6.25 Automatic acceptance

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

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

223.2. If a ballot paper card becomes blocked in the recipient receiving ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and

seal the recipient again in their presence, before authorizing voting to resume. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal.

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

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

6.26 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

6.27 Visually impaired person

Section 227 of the Act is amended:

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

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order

in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.28 Compilation of results

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

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

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

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

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

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

(2) the number of electors admitted to vote;

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

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

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

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the

total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

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

6.29 Manual counting of the votes

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

6.30 Compiling sheet

Section 231 of the Act is revoked.

6.31 Electronic counting of the votes

Section 232 of the Act is revoked.

6.32 Rejected ballot papers

The following is substituted for section 233 of the Act:

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

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

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

6.33 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.

6.34 Contested validity

The following is substituted for section 237 of the Act:

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

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

The following is substituted for section 238 of the Act:

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

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

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

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

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

Section 240 of the Act is revoked.

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

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

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards and those that

were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a large envelope, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

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

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

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

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

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

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

Section 244 of the Act is revoked.

6.37 Addition of votes

The following is substituted for section 247 of the Act:

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

6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

6.39 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.”.

6.40 New counting of the votes

The following is substituted for section 250 of the Act:

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

6.41 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.

6.42 Access to ballot papers

The following is substituted for section 261 of the Act:

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

6.43 Application for a recount

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

7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of

the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

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

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before 6 November 2013.

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 6 November 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the chief electoral officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system:

 - the cost of adapting election procedures;
 - non-recurrent costs likely to be amortized;
 - a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected costs of holding the municipal election on 6 November 2005 using traditional methods;

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

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

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

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

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the municipal election held on 6 November 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES

In Saint-Jérôme, on this 10th day of May 2005

MUNICIPALITY OF SAINT-JÉRÔME

By: _____
MARC GASCON, *Mayor*

MARCEL BÉLANGER, *Clerk*

In Sainte-Julie, on this 18th day of June 2005

MUNICIPALITY OF SAINTE-JULIE

By: _____
SUZANNE ROY, *Acting Mayor*

JEAN-FRANÇOIS GAUTHIER, *Clerk*

In Québec, on this 27th day of June 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 19th day of July 2005

MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER CARD

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Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS
OF VOTING IN CONNECTION WITH A POSTAL
BALLOT

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF LAC-SUPÉRIEUR, a legal person established in the public interest, having its head office at 1281, chemin du Lac-Supérieur, Lac-Supérieur, Province de Québec, J0T 1J0, here represented by the mayor, Monique Grenier, and the general director and secretary-treasurer, Diane Taillon, in accordance with resolution number 2005-06-942, hereinafter referred to as

THE MUNICIPALITY

BETWEEN

The MUNICIPALITY OF NOTRE-DAME-DES-SEPT-DOULEURS, a legal person established in the public interest, having its head office at 69B, chemin de l'Île, Notre-Dame-des-Sept-Douleurs, Province de Québec, G0L 1K0, here represented by the mayor, Gilbert Delage, and the general director and secretary-treasurer, Marie-Paul Bourassa, in accordance with resolution number 05.06.03.03, hereinafter referred to as

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office pursuant to the Election Act (R.S.Q., c. E-3.3), acting for the purposes of this agreement in that capacity and having his head office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as the MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her head office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter referred to as

THE MINISTER

WHEREAS the council of the MUNICIPALITY OF LAC-SUPÉRIEUR, pursuant to resolution number 2005-04-831, adopted at the meeting held on April 4th, 2005, intends to avail itself of the provisions of the Act respecting elections and referendums in municipalities in order to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER for the holding of a postal ballot for the general election to be held on November 6th of the year 2005 in the MUNICIPALITY;

WHEREAS the council of the MUNICIPALITY OF NOTRE-DAME-DES-SEPT-DOULEURS, pursuant to resolution number 05.06.03.03, adopted at the meeting held on June 3rd, 2005, intends to avail itself of the provisions of the Act respecting elections and referendums in municipalities in order to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER for the holding of a postal ballot for the general election to be held on November 6th of the year 2005 in the MUNICIPALITY;

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

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation 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, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY intends to avail itself of those provisions to hold a general election on November 6th of the year 2005 and, with the necessary adaptations, could avail itself of those provisions for the elections provided for in the agreement to be held at a later date. The adaptations must be made in an addendum to this agreement;

WHEREAS it is expedient to prescribe the procedure that will apply in the territory of the MUNICIPALITY during the said general election;

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

WHEREAS the MUNICIPALITY has sole responsibility for selecting the new method of voting;

WHEREAS the council of the MUNICIPALITY OF LAC-SUPÉRIEUR adopted, at the meeting held on June 20th of the year 2005, resolution No. 2005-06-942 approving the text of the agreement and authorizing the mayor and the general director and secretary-treasurer to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF NOTRE-DAME-DES-SEPT-DOULEURS adopted, at the meeting held on June 3rd of the year 2005, resolution No. 05.06.03.03 approving the text of the agreement and authorizing the mayor and the general manager and secretary-treasurer to sign the agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and for the methods used to implement it;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

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

2. INTERPRETATION

Unless a contrary meaning is indicated expressly or by the context of a provision, the following expressions, terms and words have the meaning and application, for the purposes of this agreement, stated in this section.

2.1 “ENV-1 Envelope”

A non-transparent envelope of sufficient size to contain the ballot paper or papers, that does not identify the elector in any way and is marked on the reverse as follows: “Insert the ballot papers in this envelope”.

2.2 “Envelope ENV-2”

An envelope marked with the name and address of the returning officer, in which is placed ENV-1 Envelope, a photocopy of proof of identity prescribed in section 213.5 of the Act respecting elections and referendums in municipalities, as added by section 4.27 of this agreement, and the statement by the elector or the person assisting the elector.

2.3 “Form containing the statement by the elector or the person assisting the elector”

A document marked as follows:

“The elector must sign the following statement: “I qualify as an elector and I have not voted in the current election”.

A person assisting an elector must sign a statement to the effect that the person is the elector’s spouse or relative within the meaning of section 131 of the Act respecting elections and referendums in municipalities, or that the person is not the elector’s spouse or relative and has not already lent assistance to another elector during the election, and that the person will not reveal the name of the candidate for whom the elector has asked to vote.”.

2.4 “Instructions to the elector”

The information given to the elector concerning the manner of voting.

2.5 The words “days before polling day”, “days after polling day”, “day fixed for the poll” and “polling day” are replaced, in the provisions of the Act respecting elections and referendums in municipalities that are not amended by this agreement, by the words “days before the day fixed as the last day of the poll”, “days after the day fixed as the last day of the poll”, “day fixed as the last day of the poll” and “last day of the poll”, respectively.

3. ELECTION

3.1 A postal ballot shall be used for the purposes of the general election held on November 6th of the year 2005 in the municipality.

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. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

4.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities, (R.S.Q., c. E-2.2) is replaced by the following section:

“**68.** The election officers of a municipality include the returning officer, the election clerk and, as the case may be, every assistant, deputy returning officer or clerk of a ballot paper reception office, deputy returning officer or clerk of a polling station, deputy returning officer or clerk of a counting office, member of an elector identification panel, officer in charge of information and order, every member, secretary or revising officer of a board of revisors and every other person whose services are temporarily required by the returning officer.”

4.2 Deputy returning officer and clerk of a ballot paper reception office and deputy returning officer and clerk of a counting office

The said Act is amended by inserting the following section after section 76:

“**76.1.** The returning officer shall appoint a deputy returning officer and a clerk for each ballot paper reception office.

Where there is only one ballot paper reception office, the returning officer may perform the duties of deputy returning officer and the election clerk may perform the duties of clerk of the reception office.

The returning officer shall appoint a deputy returning officer and a clerk for each counting office.”

4.3 Duties of the deputy returning officer of a ballot paper reception office and the deputy returning officer of a counting office

The said Act is amended by inserting the following section after section 80:

“**80.1.** The deputy returning officer of a ballot paper reception office shall, in particular,

- (1) receive envelopes from electors;
- (2) verify if the elector is entered on the list of electors;

(3) verify if the photocopy of the elector’s proof of identity prescribed by section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is included and signed;

(4) verify if the statement by the elector is signed and if the signature matches the signature appearing on the photocopy of the elector’s proof of identity;

(5) if the statement by the elector is not signed or if the photocopy of the elector’s proof of identity is missing, contact the elector to obtain it or them;

(6) if the signature of the elector on the elector’s proof of identity matches the signature on the statement by the elector, place the ENV-1 Envelope containing the ballot paper or papers in the ballot box for the elector’s polling subdivision.

80.2. The deputy returning officer of the counting office shall, in particular,

- (1) see to the arrangement of the counting office;
- (2) ensure that the counting is properly conducted and maintain order in the counting office;
- (3) proceed with the counting of the votes;
- (4) ensure the secrecy of the ballot;
- (5) transmit the results of the vote and all election materials to the returning officer.”

4.4 Duties of the clerk of a ballot paper reception office and clerk of a counting office

The said Act is amended by inserting the following sections after section 81:

“**81.0.1.** The clerk of a ballot paper reception office shall, in particular,

- (1) assist the deputy returning officer of the ballot paper reception office;
- (2) mark on the list of electors the electors who have voted;
- (3) make entries in the poll book.

81.0.2. The clerk of a counting office shall, in particular, assist the deputy returning officer of the counting office.”

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

Section 90.5 of the said Act is replaced by the following section:

“**90.5.** If, 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 entered into under 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 Regions 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.”.

4.6 Representatives of candidates

Sections 92 and 93 of the said Act are replaced by the following sections:

“**92.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI may designate a person with a power of attorney to represent the candidates of the party or ticket before the deputy returning officer of a polling station, the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.

93. An independent candidate may designate a person with a power of attorney to represent the candidate before the deputy returning officer of a polling station, the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.”.

4.7 Poll runner

Section 96 of the said Act is replaced by the following section:

“**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an independent candidate, may designate a poll runner with a

power of attorney to periodically collect, from the representative, a list of the persons who have already exercised their right to vote.”.

4.8 Power of attorney of a representative or poll runner

Section 98 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

“The power of attorney shall be presented to the deputy returning officer of the polling station, the deputy returning officer of the ballot paper reception office or the deputy returning officer of the counting office.”;

(2) by replacing the words “polling station” in the third paragraph by the words “counting office”.

4.9 Notice of election

Section 99 of the said Act is replaced by the following section:

“**99.** Not later than forty-four days before the day fixed as the last day of the poll, the returning officer shall give a public notice setting forth the following particulars:

(1) every office on the council that is open for nominations;

(2) the places, days and hours for filing nomination papers;

(3) the fact that where two or more candidates are nominated for the same office, a poll will be held to elect one of them;

(4) the fact that the method of voting is a postal ballot;

(5) the day on which ballot papers will be mailed out and the date and hour by which they must be returned to the returning officer;

(6) the name of the election clerk;

(6.1) the names of the returning officer’s assistants who are authorized to receive nomination papers, where applicable;

(7) the telephone number of the office of the returning officer and, where applicable, the telephone numbers of the offices of the returning officer's assistants;

(8) the fact that electors who have not received their ballot paper by mail not later than six days before the day fixed as the last day of the poll must contact the returning officer.

The returning officer shall transmit to the chief electoral officer a certified copy of the notice of election.”.

4.10 Notice of poll

Section 171 of the said Act is replaced by the following section:

“**171.** Not later than 11 days before the day fixed as the last day of the poll, the returning officer shall give a public notice setting forth the following particulars:

(1) the designation of each office for which a poll must be held;

(2) the names of the candidates for each office;

(3) the address of each candidate;

(4) their membership in an authorized party or recognized ticket;

(5) the date and hour by which the ballot papers must be received by the deputy returning officer of the ballot paper reception office;

(6) the address of the office of the returning officer and, where applicable, of the offices of the returning officer's assistants, the days and hours of opening of the office where electors who have not received their ballot papers by mail may obtain them;

(7) the place and hours of opening of polling stations on the last day of the poll and, if there are several polling stations, the information for determining at which station a person whose name is entered on the list of electors may vote;

(8) the day and time when the addition of votes will begin and the location where it will take place.”.

4.11 Mailing of ballot papers by the returning officer

The said Act is amended by inserting the following sections after section 172:

“**172.1.** After the revision and the notice of poll, and not later than ten days before the day fixed as the last day of the poll, the returning officer shall mail a package to all the electors entered on the list of electors. The package shall include

(1) a ballot paper for the office of mayor and one or more ballot papers for the office or offices of councillor. The ballots papers for the office of mayor and for the office of councillor may be of different colours. The ballot papers shall bear the initials of the returning officer. A facsimile of the initials may be engraved, lithographed or printed if the returning officer so allows;

(2) the envelopes provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities;

(3) the form containing the statement by the elector or the person assisting the elector;

(4) the instructions for voting prescribed in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

172.2. Not later than six days before the day fixed as the last day of the poll, the returning officer shall take the necessary steps to inform any electors who have not received the ballot paper or papers that they can obtain them from the deputy returning officer of the ballot paper reception office.

The electors concerned may then obtain a ballot paper after declaring under oath that they have not previously received the ballot paper or papers.”.

4.12 Repeal – Reminders and advance poll

Sections 173 to 185 of the said Act are struck out.

4.13 Establishment of the ballot paper reception office, polling station and counting office

Section 186 of the said Act is replaced by the following sections:

“**186.** The returning officer shall establish a ballot paper reception office at the place where the envelopes containing the ballot paper or papers are received.

The returning officer shall establish, for the last day of the poll, the number of polling stations he considers necessary.

The returning officer shall establish a counting office for each polling subdivision.

186.1. The returning officer shall advise each party authorized under Chapter XIII or ticked recognized under Division III of Chapter VI and each independent candidate of the decision made pursuant to section 186.”.

4.14 Free use of premises

Section 189 of the said Act is amended by inserting the words “and counting offices” after the word “stations”.

4.15 Arrangement of polling stations, ballot paper reception offices and counting offices

Section 190 of the said Act is replaced by the following section :

“**190.** The returning officer shall be responsible for the arrangement and identification of any places where the polling station or stations, the ballot paper reception office and the counting office or offices are situated.

In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”.

4.16 Ballot paper

Section 192 of the said Act is amended by replacing the first paragraph by the following paragraphs :

“**192.** The returning officer shall cause ballot papers to be printed in the form prescribed in the Schedule to the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

Schedules I to VIII of the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums made under the first paragraph of section 582 of the Act respecting elections and referendums in municipalities are struck out.”.

4.17 Repeal – Counterfoil and stub

Section 195 of the said Act is struck out.

4.18 Reverse side of ballot paper

Section 197 of the said Act is replaced by the following section :

“**197.** The ballot papers shall contain, on the reverse, as shown in the specimen in the Schedule,

- (1) a space reserved for the initials of the returning officer, that may be printed, lithographed or engraved ;
- (2) the name of the municipality ;
- (3) the office concerned ;
- (4) the date of the poll ;
- (5) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.”.

4.19 Withdrawal of candidate – Withdrawal of authorization or recognition

Sections 198 et 199 of the said Act are replaced by the following sections :

“**198.** Where the withdrawal of a candidate occurs too late to have the ballot papers reprinted before they are sent to the electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every elector to whom such as ballot paper is sent of the candidate’s withdrawal.

If the withdrawal occurs after the ballot papers are sent, the returning officer must inform the electors of the candidate’s withdrawal.

Any vote cast in favour of the candidate, before or after the withdrawal, is absolutely null.

199. Where the authorization of a party or the recognition of a ticket is withdrawn too late to have the ballot papers reprinted before they are sent to the electors, the returning officer shall cause the reference to the party or ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

If a co-candidate ceases to be such too late to have the ballot papers reprinted before they are sent to the electors, the returning officer shall cause the indication “co-candidate” and the particulars pertaining to the candidate associated with the co-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 all electors to whom ballot papers are sent if a co-candidate withdraws or ceases to be such.

If the authorization of a party or the recognition of a ticket is withdrawn, or if a co-candidate ceases to be such after the ballot papers have been sent, the returning officer must inform the electors of the situation.”.

4.20 Polling materials

Section 200 of the said Act is replaced by the following section :

“**200.** The returning officer shall ensure that a sufficient number of ballot papers, envelopes, forms for the statement by the elector and by the person assisting an elector and instructions to the elector on voting are available, and a ballot box for each polling subdivision.”.

4.21 Ballot box

Section 201 of the said Act is replaced by the following section :

“**201.** Each ballot box must be made of durable material with an opening on the top so constructed that the envelope containing the ballot paper or papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened.”.

4.22 Delivery of materials to the deputy returning officer of a ballot paper reception office and the deputy returning officer of a polling station

Section 204 of the said Act is replaced by the following sections :

“**204.** Ten days before the day fixed as the last day of the poll, the returning officer shall deliver to the deputy returning officer of the ballot paper reception office :

- (1) a ballot box for each polling subdivision ;
- (2) a copy of the list of electors ;
- (3) a poll book.

The returning officer shall also deliver to the deputy returning officer all the materials required by the latter’s duties.

204.1. Not later than one hour before the time fixed for the opening of the polling station on the last day of the poll, the returning officer shall deliver to the deputy returning officer of the polling station, in a sealed ballot box, after affixing his initials or a printed mark bearing his initials to the seals,

(1) the copy of the list of electors used in the ballot paper reception office comprising the electors who are entitled to vote at the polling station ;

(2) a poll book ;

(3) the required number of ballot papers and ENV-1 envelopes which, for each office in respect of which a poll is held at that station, shall not be greater than the number of electors entitled to vote at the station, plus 25 ;

(4) the forms and other documents necessary for the poll.

The returning officer shall also deliver to the deputy returning officer any other materials required for the poll.”.

4.23 Formalities prior to the opening of the ballot paper reception office

The said Act is amended by inserting the following sections after section 209 :

“**209.1.** The deputy returning officer and the clerk of the ballot paper reception office must be present on the days and at the times fixed by the returning officer as the opening hours of the office.

209.2. The representatives assigned to the office where the ballot papers are received may be present on the same days and at the same times as the deputy returning officer of the ballot paper reception office.”.

POLLING PROCEEDINGS

4.24 Polling period

Section 210 of the said Act is replaced by the following section :

“**210.** The polling period shall begin ten days before the day fixed as the last day of the poll and end at 7 p.m. on the last day of the poll, subject to any extension of the polling period provided for in section 211, as amended by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

Every polling station established by the returning officer on the last day of the poll shall be open from 9 a.m. to 7 p.m.”.

4.25 Delay or interruption

Section 211 of the said Act is amended by striking out the words “for the polling station affected by the delay or interruption” in the first paragraph.

4.26 Repeal – voting leave

Section 213 of the said Act is struck out.

4.27 Identification of electors who vote in a postal vote

The said Act is amended by inserting the following sections after section 213.4:

“**213.5.** An elector who votes in a postal ballot must transmit, with the ballot paper or papers, a photocopy of one of the following documents bearing the elector’s signature: a Québec health insurance card, a Québec driver’s licence or probationary licence, or a Canadian passport.

Where the elector’s signature does not appear on one of the documents listed in the first paragraph, the elector must transmit, with the document, other proof of the elector’s identity bearing the elector’s signature.

213.6. An elector who fails to transmit, with the ballot paper or papers, a photocopy of one of the documents listed in section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, or fails to sign the statement by the elector, the deputy returning officer of the ballot paper reception office must take the necessary steps to communicate with the elector and ask the elector to transmit the missing documents before 7 p.m. on the last day of the poll, failing which the elector’s ballot paper or papers will be cancelled.

213.7. No person may make a note of or otherwise collect any information contained in a document transmitted by an elector in accordance with section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.”.

4.28 Voting at a polling station

Sections 221 to 224 are replaced by the following sections:

“**221.** The deputy returning officer shall give the elector who is admitted to vote and does not have the ENV-1 Envelope and the ballot paper or papers received from the returning officer, every ballot paper to which the elector is entitled, together with an ENV-1 Envelope and a pencil.

222. The elector shall enter the polling booth and mark the ballot paper or papers received from the returning officer or deputy returning officer in the circle placed opposite the indications pertaining to the candidate for whom the elector intends to vote. For the purposes of this paragraph, a co-candidate and the candidate with whom the co-candidate is associated shall be counted as one candidate for the office of councillor.

223. After marking every ballot paper received, the elector shall insert the ballot paper or papers in the ENV-1 Envelope.

The elector shall give the envelope to the deputy returning officer who shall place it in the ballot box for the polling subdivision in which the elector is registered.”.

4.29 Postal ballot

The said Act is amended by inserting the following sections after section 228:

“**228.0.1.** An elector voting in a postal ballot shall mark the ballot paper in one of the circles using a pen, maker or pencil.

After marking the ballot paper or papers, the elector shall insert them in the envelope marked “ENV-1 Envelope”, seal the envelope and insert it in the envelope marked “Envelope ENV-2”. The elector must also place in the envelope ENV-2 a document proving the elector’s identity listed in section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, and the statement by the elector or statement by the person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, duly signed. The elector’s name and telephone number must also be printed in block letters on the statement.

228.0.2. If the elector is unable to complete the steps required to vote, they may be completed by the person assisting the elector in accordance with section 228.0.6, as added by section 4.29 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

That person must complete the statement of a person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

228.0.3. The elector may forward the ENV-2 envelope by mail, or leave it at the ballot paper reception office.

Every ballot paper received after 7 p.m. on the last day of the poll shall be cancelled.

228.0.4. Where the name or address of the elector that appears on the statement by the elector differs slightly from those entered on the list of electors, the deputy returning officer of the ballot paper reception office is required to place the envelope containing the elector's ballot paper or papers in the ballot box for the elector's polling subdivision. The particulars shall be entered in the poll book.

228.0.5. An elector who has not received a ballot paper may apply to the returning officer or the deputy returning officer of the ballot paper reception office to obtain it.

In this event, the deputy returning officer of the ballot paper reception office must verify on the list of electors if the elector has already voted. The deputy returning officer shall then give the elector an envelope containing the ballot paper or papers bearing the initials of the returning officer.

If the deputy returning officer of the ballot paper reception office has already received an envelope from the elector, the deputy returning officer shall not permit the elector to vote and shall not give the elector another envelope.

An elector may only benefit from the provisions of the first two paragraphs beginning six days before the day fixed as the last day of the poll.

The clerk of a ballot paper reception office shall enter the particulars in the poll book.

228.0.6. An elector who is unable to mark the ballot paper alone may receive assistance from

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

(2) another person who declares, in accordance with section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, that he or she has not already assisted another elector in the same poll.

228.0.7. The returning officer may authorize an elector whose name does not appear on the revised list of electors but has been entered or corrected by a board of revisors to take part in a postal ballot. The particulars shall be entered in the poll book.

The returning officer shall forward to the chief electoral officer a photocopy of the authorization granted to an elector domiciled in the territory of the municipality, except if the returning officer has proof that the change to the list that justified the authorization has been communicated in accordance with section 140.

228.0.8. An elector who inadvertently marks or spoils a ballot paper may ask the deputy returning officer of the ballot paper reception office for another ballot paper in return for the spoiled ballot paper. The particulars shall be entered in the poll book.

228.0.9. The deputy returning officer of the ballot paper reception office shall place the ENV-1 Envelope containing the ballot paper, without opening it, in the ballot box for the elector's polling subdivision after verifying that the elector's signature on the statement by the elector matches the photocopy on the proof of identity. If the signatures do not match, the deputy returning officer shall cancel the ENV-1 Envelope and place it in the envelope provided for that purpose.

228.0.10. As soon as an elector has voted, the clerk of the ballot paper reception office shall indicate that fact on the list of electors in the space reserved for that purpose.

228.0.11. After processing all the envelopes received from electors on the last day determined by the returning officer for the return of envelopes to the ballot paper reception office, the deputy returning officer of the ballot paper reception office shall give the list of electors used to the returning officer along with the materials prescribed in section 204 as amended by section 4.22 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

The clerk of a ballot paper reception office shall enter the following particulars in the poll book :

(1) the date of the poll and the name of the municipality ;

(2) the number of electors who sent an ENV-1 Envelope ;

(3) the number of cancelled ENV-1 Envelopes for each polling subdivision.

The deputy returning officer of the ballot paper reception office shall return all polling materials to the returning officer.”.

COUNTING AND ADDITION OF VOTES

4.30 Counting of votes

Section 229 of the said Act is replaced by the following section :

“**229.** After the closing of the poll, the deputy returning officer of the counting office, assisted by the clerk of the counting office, shall proceed to the counting of the votes.

The representatives assigned to the counting office may attend.

Where the counting office is situated in the same place as the polling station, the counting of votes shall begin only after the poll is closed at the polling station.”.

4.31 Entries in poll book

Section 230 of the said Act is replaced by the following section :

“**230.** Before the ballot box is opened, the clerk of the counting office shall enter the following particulars in the poll book :

(1) the date of the poll, the name of the municipality and the number of the counting office ;

(2) the names of the persons designated by the returning officer to count the votes ;

(3) the names of the representatives present during the counting of the votes.”.

4.32 Compiling sheet

Section 231 of the said Act is amended by replacing the words “poll clerk” by “clerk of the counting office”.

4.33 Opening of ballot box and ENV-1 envelopes and counting of votes

Section 232 of the said Act is replaced by the following sections :

“**232.** The deputy returning officer of the counting office shall open the ballot box and remove the ENV-1 envelopes one by one, open them and place the ballot paper or papers in piles depending on the office for which the election is held.

232.1. The deputy returning officer of the counting office shall count the votes by taking the ballot papers one by one, by office. The deputy returning officer shall allow each person present to examine the ballot papers without touching them.”.

4.34 Rejected ballot papers

Sections 233 and 234 of the said Act are replaced by the following sections :

“**233.** Every ballot paper marked in the way prescribed in section 228.0.1, as added by section 4.29 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is valid. However, a ballot paper must be rejected if it

(1) has not been furnished by the returning officer ;

(2) has not been marked ;

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

(4) has been marked in favour of a person who is not a candidate ;

(5) has been marked elsewhere than in one of the circles ;

(6) bears a mark by which the elector can be identified ;

(7) bears fanciful or injurious entries ;

(8) has been spoiled.

234. Every ballot paper that does not bear the initials of the returning officer must be rejected.”.

4.35 Repeal – Failure to detach the stub of a ballot paper

Section 235 of the said Act is struck out.

4.36 Objections as to the validity of a ballot paper

Section 237 of the said Act is replaced by the following section :

“**237.** The deputy returning officer of the counting office shall consider every objection raised by a representative in respect of the validity of a ballot paper and make a decision immediately.

The objection and the decision of the deputy returning officer of the counting office shall be entered in the poll book.”.

4.37 Statement of poll

Section 238 of the said Act is replaced by the following section:

“**238.** After examining all the ballot papers received, the deputy returning officer of the counting office shall draw up a statement of votes indicating

(1) the total number of electors who have voted, which must match the number of envelopes placed in the ballot box;

(2) the number of ballot papers given in favour of each candidate;

(3) the number of ballot papers rejected in the counting of votes.

The statement must be drawn up separately for each office for which a poll was held at the polling station.

The deputy returning officer of the counting office shall draw up a sufficient number of copies of the statement of votes to provide, in addition to the deputy returning officer’s copy, a copy for the returning officer and for each representative assigned to the counting office.”.

4.38 Copy for representatives

Section 240 of the said Act is amended by replacing the words “polling station” in the first paragraph by the words “counting office”.

4.39 Separate envelopes

Sections 241 and 242 of the said Act are replaced by the following section:

“**241.** After drawing up the statement of votes, the deputy returning officer of the counting office shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

The deputy returning officer shall then seal the envelopes. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.

The envelopes and the poll book shall be placed in the ballot box. Before closing the ballot boxes, the returning officer shall give the deputy returning officer of the counting office an envelope for the polling subdivision concerned containing the ballot papers cancelled upon reception by the deputy returning officer of the ballot paper reception office.

The envelope shall be placed in the ballot box without being opened.

A copy of the statement of votes shall be placed in the ballot box.”.

4.40 Closing of ballot box

Section 243 of the said Act is replaced by the following section:

“**243.** The deputy returning officer of the counting office shall close and seal the ballot box. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.”.

4.41 Addition of votes

Section 245 of the said Act is replaced by the following section:

“**245.** The addition of the votes shall begin, at the discretion of the returning officer:

(1) at the time fixed by the returning officer on the evening of the day on which the poll closes;

(2) at 9 a.m. on the day after the day on which the poll closes; or

(3) at the time and on the day determined by the returning officer, that day being any of the four days following the day on which the poll closes.

If the returning officer chooses to begin the addition of the votes after the day on which the poll closes, the returning officer shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.”.

4.42 Adjournment

Section 248 of the said Act is amended by inserting the words “of the counting office” after the words “deputy returning officer” in the second paragraph.

4.43 **New summary counting of votes**

Section 250 of the said Act is amended by replacing the words “poll clerk” in the first paragraph by the words “clerk of the counting office”.

RECOUNT OR RE-ADDITION OF VOTES

4.44 **Application for recount**

Section 262 of the said Act is amended by replacing the words “a poll clerk” in the first paragraph by the words “the clerk of a counting office”.

4.45 **Applicable provisions**

Section 269 of the said Act is amended by inserting the words “as amended by the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities” after the words “Division V”.

ELECTORAL CONDUCT

4.46 **Assistance to an elector**

Section 281 of the said Act is replaced by the following section:

“**281.** A person who has given assistance to another elector may not disclose for which candidate the elector has voted.”.

4.47 **Partisan publicity and partisan work**

Section 283 of the said Act is replaced by the following section:

“**283.** No person may, on the premises of a ballot paper reception office or polling station, use a sign to indicate his political affiliation or support for or opposition to a party, 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 paper reception office or polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of a ballot paper reception office or a polling station.”.

PENAL PROVISIONS

4.48 **Offences**

Section 586 of the said Act is amended by adding the following paragraph:

“(13) every person who falsely claims to be the spouse or relative of an elector or a person cohabiting with an elector.”.

4.49 **Alteration of imitation of initials**

Section 633 of the said Act is amended by adding the words “or the returning officer” after the words “deputy returning officer” in paragraph 2.

4.50 **Leave**

Section 635 of the said Act is amended by striking out paragraph 1.

4.51 **Retention of documents**

Section 658.1 of the said Act is amended by adding the following paragraph:

“However, the photocopies of the proof of identity referred to in section 213.5, as added by section 4.27 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, must be destroyed once the deadline for presenting a motion to contest an election has expired, or once the decision made concerning such an application has become final.”.

5. 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 testing of the new method of voting in the general election held on November 6th of the year 2005 and for any subsequent polls held before December 31st, 2013.

6. AMENDMENT

The parties agree that this agreement may be amended as needed to ensure the proper conduct of the general election held on November 6th of the year 2005

All amendments must be noted in the assessment report.

7. ASSESSMENT REPORT

Within 120 days following the end of the general election held on November 6th of the year 2005, 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, which report shall cover the following points in particular:

— preparations for the election (selection of the new method of voting, communications plan, establishment of the polling station or stations, ballot paper reception office and counting offices, etc.);

— the conduct of the poll;

— the cost of using a postal ballot:

– costs relating to the adaptation of voting methods;

– a comparison of the actual and estimated costs for holding the poll using the new methods of voting, and the projected cost of holding the general election on November 6th of the year 2005 in a traditional manner.

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

— statistics on the postal ballot, including:

– the participation rate;

– the number of electors who voted by mail, and the number who voted at a polling station;

– the number of cancelled ENV-1 envelopes.

8. 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) applies to the general election held on November 6th of the year 2005 in the municipality, subject to the provisions of the said Act amended or replaced by this agreement.

9. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer takes the first action in connection with an election to which the agreement applies.

AGREEMENT SIGNED IN QUADRUPLE

At Lac-Supérieur, on the 20th day of June in the year 2005

THE MUNICIPALITY OF LAC-SUPÉRIEUR

By: _____
MONIQUE GRENIER, *Mayor*

DIANE TAILLON, *General director
and secretary-treasurer*

At Notre-Dame-des-Sept-Douleurs on the 23rd day of June in the year 2005

THE MUNICIPALITY OF NOTRE-DAME-DES-SEPT-DOULEURS

By: _____
GILBERT DELAGE, *Mayor*

MARIE-PAUL BOURASSA, *General director
and secretary-treasurer*

At Québec, on the 29th day of June in the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

At Québec, on the 19th day of July in the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER

APPENDIX

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A vertical rectangular ballot paper with a black background. It is divided into three horizontal sections by thin white lines. The top section is empty. The middle section contains the name **Rolland DANSEREAU** followed by a white circle. The bottom section contains the name **Claudette DENIS** followed by a white circle, and below it, the text **Political affiliation**.

MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A rectangular box representing the reverse side of the ballot paper. It contains the following text and a box:

- Initials of returning officer
- Name of municipality
- Name or number of office
- 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 IN CONNECTION WITH A POSTAL BALLOT

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF LAC-AUX-SABLES, a legal person established in the public interest, having its head office at 820, rue Saint-Alphonse, Province de Québec, here represented by the mayor, Mr. Richard Lavallée, and the clerk, Mrs. Nathalie Vallée, in accordance with resolution number 2005-05-133, hereinafter referred to as

THE MUNICIPALITY

AND

M^c Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office pursuant to the Election Act (R.S.Q., c. E-3.3), acting for the purposes of this agreement in that capacity and having his head office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

The Honourable Nathalie Normandeau, in her capacity as the MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her head office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter referred to as

THE MINISTER

WHEREAS the council of the MUNICIPALITY, pursuant to resolution number 2005-03-060, adopted at the meeting held on March 7th 2005, intends to avail itself of the provisions of the Act respecting elections and referendums in municipalities in order to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER for the holding of a postal ballot for the municipal election to be held on November 6th of the year 2005 in the MUNICIPALITY;

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

“**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 intends to avail itself of those provisions to hold a municipal election on November 6th of the year 2005 and, with the necessary adaptations, could avail itself of those provisions for the elections provided for in the agreement to be held at a later date. The adaptations must be made in an addendum to this agreement;

WHEREAS it is expedient to prescribe the procedure that will apply in the territory of the MUNICIPALITY during the said municipal election;

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

WHEREAS the MUNICIPALITY has sole responsibility for selecting the new method of voting;

WHEREAS the council of the MUNICIPALITY adopted, at the meeting held on May 2nd of the year 2005, resolution No. 2005-05-133 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign the agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and for the methods used to implement it;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

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

2. INTERPRETATION

Unless a contrary meaning is indicated expressly or by the context of a provision, the following expressions, terms and words have the meaning and application, for the purposes of this agreement, stated in this section.

2.1 “ENV-1 Envelope”

A non-transparent envelope of sufficient size to contain the ballot paper or papers, that does not identify the elector in any way and is marked on the reverse as follows: “Insert the ballot papers in this envelope”.

2.2 “Envelope ENV-2”

An envelope marked with the name and address of the returning officer, in which is placed ENV-1 Envelope, a photocopy of proof of identity prescribed in section 213.5 of the Act respecting elections and referendums in municipalities, as added by section 4.25 of this agreement, and the statement by the elector or the person assisting the elector.

2.3 “Form containing the statement by the elector or the person assisting the elector”

A document marked as follows:

“The elector must sign the following statement: “I qualify as an elector and I have not voted in the current election”.

A person assisting an elector must sign a statement to the effect that the person is the elector’s spouse or relative within the meaning of section 131 of the Act respecting elections and referendums in municipalities, or that the person is not the elector’s spouse or relative and has not already lent assistance to another elector during the election, and that the person will not reveal the name of the candidate for whom the elector has asked to vote.”.

2.4 “Instructions to the elector”

The information given to the elector concerning the manner of voting.

2.5 “Non resident elector”

An elector as vised by the section 47 (2°) of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

3. ELECTION

3.1 A postal ballot shall be used for the purposes of the municipal election held on November 6th of the year 2005 in the municipality, only for the non resident electors.

3.2 The municipality shall take the necessary steps to inform the electors adequately concerning the testing of a new voting method.

4. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES OF A POSTAL BALLOT FOR THE NON RESIDENT ELECTORS

4.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities, (R.S.Q., c. E-2.2) is replaced by the following section:

“**68.** The election officers of a municipality include the returning officer, the election clerk and, as the case may be, every assistant, deputy returning officer or clerk of a ballot paper reception office, deputy returning officer or clerk of a polling station, deputy returning officer or clerk of a counting office, member of an elector identification panel, officer in charge of information and order, every member, secretary or revising officer of a board of revisors and every other person whose services are temporarily required by the returning officer.”.

4.2 Deputy returning officer and clerk of a ballot paper reception office and deputy returning officer and clerk of a counting office

The said Act is amended by inserting the following section after section 76:

“**76.1.** The returning officer shall appoint a deputy returning officer and a clerk for each ballot paper reception office.

Where there is only one ballot paper reception office, the returning officer may perform the duties of deputy returning officer and the election clerk may perform the duties of clerk of the reception office.

The returning officer shall appoint a deputy returning officer and a clerk for each counting office.”.

4.3 Duties of the deputy returning officer of a ballot paper reception office and the deputy returning officer of a counting office

The said Act is amended by inserting the following section after section 80:

“**80.1.** The deputy returning officer of a ballot paper reception office shall, in particular,

- (1) receive envelopes from electors ;
- (2) verify if the elector is entered on the list of electors ;
- (3) verify if the photocopy of the elector’s proof of identity prescribed by section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is included and signed ;
- (4) verify if the statement by the elector is signed and if the signature matches the signature appearing on the photocopy of the elector’s proof of identity ;
- (5) if the statement by the elector is not signed or if the photocopy of the elector’s proof of identity is missing, contact the elector to obtain it or them ;
- (6) if the signature of the elector on the elector’s proof of identity matches the signature on the statement by the elector, place the ENV-1 Envelope containing the ballot paper or papers in the ballot box for the elector’s polling subdivision.

80.2. The deputy returning officer of the counting office shall, in particular,

- (1) see to the arrangement of the counting office ;
- (2) ensure that the counting is properly conducted and maintain order in the counting office ;
- (3) proceed with the counting of the votes ;
- (4) ensure the secrecy of the ballot ;
- (5) transmit the results of the vote and all election materials to the returning officer.”.

4.4 Duties of the clerk of a ballot paper reception office and clerk of a counting office

The said Act is amended by inserting the following sections after section 81 :

“**81.0.1.** The clerk of a ballot paper reception office shall, in particular,

- (1) assist the deputy returning officer of the ballot paper reception office ;
- (2) mark on the list of electors the electors who have voted ;
- (3) make entries in the poll book.

81.0.2. The clerk of a counting office shall, in particular, assist the deputy returning officer of the counting office.”.

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

Section 90.5 of the said Act is replaced by the following section :

“**90.5.** If, 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 entered into under 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 Regions 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.”.

4.6 Representatives of candidates

Sections 92 and 93 of the said Act are replaced by the following sections :

“**92.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI may designate a person with a power of attorney to represent the candidates of the party or ticket before the deputy returning officer of a polling station, the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.

93. An independent candidate may designate a person with a power of attorney to represent the candidate before the deputy returning officer of a polling station, the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.”.

4.7 Poll runner

Section 96 of the said Act is replaced by the following section :

“**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an independent candidate, may designate a poll runner with a power of attorney to periodically collect, from the representative, a list of the persons who have already exercised their right to vote.”.

4.8 Power of attorney of a representative or poll runner

Section 98 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph :

“The power of attorney shall be presented to the deputy returning officer of the polling station, the deputy returning officer of the ballot paper reception office or the deputy returning officer of the counting office.”;

(2) by replacing the words “polling station” in the third paragraph by the words “counting office”.

4.9 Notice of election

Section 99 of the said Act is amended by added at the end of the first paragraph, the following paragraph :

“(8) the fact that non resident electors can vote by postal ballot ;

(9) the day to transmit by mail the ballot and the date and hour by which the ballot papers must be received by the chief electoral officer ;

(10) the fact that electors who have not received their ballot paper by mail not later than six days before the day fixed as the last day of the poll must contact the returning officer.”.

4.10 Notice of poll

Section 171 of the said Act is amended by added at the end of the first paragraph, the following paragraph :

“(9) the date and hour by which the ballot papers must be received by the deputy returning officer of the ballot paper reception office ;

(10) the address of the office of the chief electoral officer, where applicable, of the offices of the returning officer’s assistants, the days and hours of opening of the office where non resident electors who have not received their ballot papers by mail may obtain them.”.

4.11 Mailing of ballot papers by the returning officer

The said Act is amended by inserting the following sections after section 172 :

“**172.1.** After the revision and the notice of poll, and not later than ten days before the day fixed as the last day of the poll, the returning officer shall mail a package to all the non resident electors entered on the list of electors. The package shall include

(1) a ballot paper for the office of mayor and one or more ballot papers for the office or offices of councillor. The ballots papers for the office of mayor and for the office of councillor may be of different colours. The ballot papers shall bear the initials of the returning officer. A facsimile of the initials may be engraved, lithographed or printed if the returning officer so allows ;

(2) the envelopes provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities ;

(3) the form containing the statement by the elector or the person assisting the elector ;

(4) the instructions for voting prescribed in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

172.2. Not later than six days before the day fixed as the last day of the poll, the returning officer shall take the necessary steps to inform any non resident electors who have not received the ballot paper or papers that they can obtain them from the deputy returning officer of the ballot paper reception office.

The non resident electors concerned may then obtain a ballot paper after declaring under oath that they have not previously received the ballot paper or papers.”.

4.12 Establishment of the ballot paper reception office, polling station and counting office

Section 186 of the said Act is replaced by the following sections:

“**186.** The returning officer shall establish a ballot paper reception office at the place where the envelopes containing the ballot paper or papers are received.

The returning officer shall establish, for the last day of the poll, the number of polling stations he considers necessary.

186.1. The returning officer shall advise each party authorized under Chapter XIII or ticked recognized under Division III of Chapter VI and each independent candidate of the decision made pursuant to section 186 as replaced by section 4.12 of the agreement concluded entered into under section 659.2 of the Act respecting elections and referendums in municipalities.”.

4.13 Free use of premises

Section 189 of the said Act is amended by inserting the words “and counting offices” after the word “stations”.

4.14 Arrangement of polling stations, ballot paper reception offices and counting offices

Section 190 of the said Act is replaced by the following section:

“**190.** The returning officer shall be responsible for the arrangement and identification of any places where the polling station or stations, the ballot paper reception office and the counting office or offices are situated.”.

4.15 Ballot paper

Section 192 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**192.** The returning officer shall cause ballot papers to be printed in the form prescribed in the Schedule to the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

Schedules I to VIII of the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums made under the first paragraph of section 582 of the Act respecting elections and referendums in municipalities are struck out.”.

4.16 Repeal – Counterfoil and stub

Section 195 of the said Act is struck out.

4.17 Reverse side of ballot paper

Section 197 of the said Act is replaced by the following section:

“**197.** The ballot papers shall contain, on the reverse, as shown in the specimen in the Schedule,

- (1) a space reserved for the initials of the returning officer, that may be printed, lithographed or engraved;
- (2) the name of the municipality;
- (3) the office concerned;
- (4) the date of the poll;
- (5) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.”.

4.18 Withdrawal of candidate – Withdrawal of authorization or recognition

Sections 198 et 199 of the said Act are replaced by the following sections:

“**198.** Where the withdrawal of a candidate occurs too late to have the ballot papers reprinted before they are sent to the non resident electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every non resident elector to whom such as ballot paper is sent of the candidate's withdrawal.

If the withdrawal occurs after the ballot papers are sent, the returning officer must inform the non resident electors of the candidate's withdrawal.

Any vote cast in favour of the candidate, before or after the withdrawal, is absolutely null.

199. Where the authorization of a party or the recognition of a ticket is withdrawn too late to have the ballot papers reprinted before they are sent to the non resident electors, the returning officer shall cause the reference to the party or ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

If a co-candidate ceases to be such too late to have the ballot papers reprinted before they are sent to the non resident electors, the returning officer shall cause the indication "co-candidate" and the particulars pertaining to the candidate associated with the co-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 all non resident electors to whom ballot papers are sent if a co-candidate withdraws or ceases to be such.

If the authorization of a party or the recognition of a ticket is withdrawn, or if a co-candidate ceases to be such after the ballot papers have been sent, the returning officer must inform the non resident electors of the situation."

4.19 Polling materials

Section 200 of the said Act is replaced by the following section:

"200. The returning officer shall ensure that a sufficient number of ballot papers, envelopes, forms for the statement by the elector and by the person assisting an elector and instructions to the elector on voting are available, and a ballot box for each polling subdivision."

4.20 Ballot box

Section 201 of the said Act is replaced by the following section:

"201. Each ballot box must be made of durable material with an opening on the top so constructed that the envelope containing the ballot paper or papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened."

4.21 Delivery of materials to the deputy returning officer of a ballot paper reception office and the deputy returning officer of a polling station

Section 204 of the said Act is replaced by the following sections:

"204. Ten days before the day fixed as the last day of the poll, the returning officer shall deliver to the deputy returning officer of the ballot paper reception office:

- (1) a ballot box for each polling subdivision;
- (2) a copy of the list of electors;
- (3) a poll book.

The returning officer shall also deliver to the deputy returning officer all the materials required by the latter's duties."

4.22 Formalities prior to the opening of the ballot paper reception office

The said Act is amended by inserting the following sections after section 209:

"209.1. The deputy returning officer and the clerk of the ballot paper reception office must be present on the days and at the times fixed by the returning officer as the opening hours of the office.

209.2. The representatives assigned to the office where the ballot papers are received may be present on the same days and at the same times as the deputy returning officer of the ballot paper reception office."

POLLING PROCEEDINGS

4.23 Polling period of a postal ballot for the non resident electors

Section 210 of the said Act is replaced by the following section:

“**210.** The polling period shall begin ten days before the day fixed as the last day of the poll and end at 7 p.m. on the last day of the poll”.

4.24 Repeal – voting leave

Section 213 of the said Act is struck out.

4.25 Identification of non resident electors who vote in a postal vote

The said Act is amended by inserting the following sections after section 213.4:

“**213.5.** A non resident elector who votes in a postal ballot must transmit, with the ballot paper or papers, a photocopy of one of the following documents bearing the elector’s signature: a Quebec health insurance card, a Quebec driver’s licence or probationary licence, or a Canadian passport.

Where the elector’s signature does not appear on one of the documents listed in the first paragraph, the elector must transmit, with the document, other proof of the elector’s identity bearing the elector’s signature.

213.6. A non resident elector who fails to transmit, with the ballot paper or papers, a photocopy of one of the documents listed in section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, or fails to sign the statement by the elector, the deputy returning officer of the ballot paper reception office must take the necessary steps to communicate with the elector and ask the elector to transmit the missing documents before 7 p.m. on the last day of the poll, failing which the elector’s ballot paper or papers will be cancelled.

213.7. No person may make a note of or otherwise collect any information contained in a document transmitted by an elector in accordance with section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.”.

4.26. Postal ballot of non resident electors

The said Act is amended by inserting the following sections after section 228:

“**228.0.1.** A non resident elector voting in a postal ballot shall mark the ballot paper in one of the circles using a pen, marker or pencil.

After marking the ballot paper or papers, the non resident elector shall insert them in the envelope marked “ENV-1 Envelope”, seal the envelope and insert it in the envelope marked “Envelope ENV-2”. The elector must also place in the envelope ENV-2 a document proving the elector’s identity listed in section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, and the statement by the elector or statement by the person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, duly signed. The elector’s name and telephone number must also be printed in block letters on the statement.

228.0.2. If the non resident elector is unable to complete the steps required to vote, they may be completed by the person assisting the elector in accordance with section 228.06, as added by section 4.26 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

That person must complete the statement of a person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

228.0.3. The non resident elector may forward the ENV-2 envelope by mail, or leave it at the ballot paper reception office.

Every ballot paper received after 7 p.m. on the last day of the poll shall be cancelled.

228.0.4. Where the name or address of the non resident elector that appears on the statement by the elector differs slightly from those entered on the list of electors, the deputy returning officer of the ballot paper reception office is required to place the envelope containing the elector’s ballot paper or papers in the ballot box for the elector’s polling subdivision. The particulars shall be entered in the poll book.

228.0.5. A non resident elector who has not received a ballot paper may apply to the returning officer or the deputy returning officer of the ballot paper reception office to obtain it.

In this event, the deputy returning officer of the ballot paper reception office must verify on the list of electors if the elector has already voted. The deputy returning officer shall then give the non resident elector an envelope containing the ballot paper or papers bearing the initials of the returning officer.

If the deputy returning officer of the ballot paper reception office has already received an envelope from the non resident elector, the deputy returning officer shall not permit the elector do vote and shall not give the elector another envelope.

A non resident elector may only benefit from the provisions of the first two paragraphs beginning six days before the day fixed as the last day of the poll.

The clerk of a ballot paper reception office shall enter the particulars in the poll book.

228.0.6. A non resident elector who is unable to mark the ballot paper alone may receive assistance from

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

(2) another person who declares, in accordance with section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, that he or she has not already assisted another elector in the same poll.

228.0.7. The returning officer may authorize a non resident elector whose name does not appear on the revised list of electors but has been entered or corrected by a board of revisors to take part in a postal ballot. The particulars shall be entered in the poll book.

228.0.8. A non resident elector who inadvertently marks or spoils a ballot paper may ask the deputy returning officer of the ballot paper reception office for another ballot paper in return for the spoiled ballot paper. The particulars shall be entered in the poll book.

228.0.9. The deputy returning officer of the ballot paper reception office shall place the ENV-1 Envelope containing the ballot paper, without opening it, in the ballot box for the non resident elector's polling subdivision after verifying that the elector's signature on the

statement by the elector matches the photocopy on the proof of identity. If the signatures do not match, the deputy returning officer shall cancel the ENV-1 Envelope and place it in the envelope provided for that purpose.

228.0.10. As soon as a non resident elector has voted, the clerk of the ballot paper reception office shall indicate that fact on the list of electors in the space reserved for that purpose.

228.0.11. After processing all the envelopes received from non resident electors on the last day determined by the returning officer for the return of envelopes to the ballot paper reception office, the deputy returning officer of the ballot paper reception office shall give the list of electors used to the returning officer along with the materials prescribed in section 204 as amended by section 4.21 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

The clerk of a ballot paper reception office shall enter the following particulars in the poll book :

(1) the date of the poll and the name of the municipality ;

(2) the number of non resident electors who sent an ENV-1 Envelope ;

(3) the number of cancelled ENV-1 Envelopes for each polling subdivision.

The deputy returning officer of the ballot paper reception office shall return all polling materials to the returning officer.”.

COUNTING AND ADDITION OF VOTES

4.27 Counting of votes

Section 229 of the said Act is replaced by the following section :

“**229.** After the closing of the poll, the deputy returning officer of the counting office, assisted by the clerk of the counting office, shall proceed to the counting of the votes.

The representatives assigned to the counting office may attend.”.

4.28 Entries in poll book

Section 230 of the said Act is replaced by the following section:

“**230.** Before the ballot box is opened, the clerk of the counting office shall enter the following particulars in the poll book:

(1) the date of the poll, the name of the municipality and the number of the counting office;

(2) the names of the persons designated by the returning officer to count the votes;

(3) the names of the representatives present during the counting of the votes.”.

4.29 Compiling sheet

Section 231 of the said Act is amended by replacing the words “poll clerk” by “clerk of the counting office”.

4.30 Opening of ballot box and ENV-1 envelopes and counting of votes

Section 232 of the said Act is replaced by the following sections:

“**232.** The deputy returning officer of the counting office shall open the ballot box and remove the ENV-1 envelopes one by one, open them and place the ballot paper or papers in piles depending on the office for which the election is held.

232.1. The deputy returning officer of the counting office shall count the votes by taking the ballot papers one by one, by office. The deputy returning officer shall allow each person present to examine the ballot papers without touching them.”.

4.31 Rejected ballot papers

Sections 233 and 234 of the said Act are replaced by the following sections:

“**233.** Every ballot paper marked in the way prescribed in section 228.0.1, as added by section 4.26 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is valid. However, a ballot paper must be rejected if it

(1) has not been furnished by the returning officer;

(2) has not been marked;

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

(4) has been marked in favour of a person who is not a candidate;

(5) has been marked elsewhere than in one of the circles;

(6) bears a mark by which the elector can be identified;

(7) bears fanciful or injurious entries;

(8) has been spoiled.

234. Every ballot paper that does not bear the initials of the returning officer must be rejected.”.

4.32 Repeal – Failure to detach the stub of a ballot paper

Section 235 of the said Act is struck out.

4.33 Objections as to the validity of a ballot paper

Section 237 of the said Act is replaced by the following section:

“**237.** The deputy returning officer of the counting office shall consider every objection raised by a representative in respect of the validity of a ballot paper and make a decision immediately.

The objection and the decision of the deputy returning officer of the counting office shall be entered in the poll book.”.

4.34 Statement of poll

Section 238 of the said Act is replaced by the following section:

“**238.** After examining all the ballot papers received, the deputy returning officer of the counting office shall draw up a statement of votes indicating

(1) the total number of non resident electors who have voted, which must match the number of envelopes placed in the ballot box;

(2) the number of ballot papers given in favour of each candidate;

(3) the number of ballot papers rejected in the counting of votes.

The statement must be drawn up separately for each office for which a poll was held at the polling station.

The deputy returning officer of the counting office shall draw up a sufficient number of copies of the statement of votes to provide, in addition to the deputy returning officer's copy, a copy for the returning officer and for each representative assigned to the counting office."

4.35 Copy for representatives

Section 240 of the said Act is amended by replacing the words "polling station" in the first paragraph by the words "counting office".

4.36 Separate envelopes

Sections 241 and 242 of the said Act are replaced by the following section:

"**241.** After drawing up the statement of votes, the deputy returning officer of the counting office shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

The deputy returning officer shall then seal the envelopes. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.

The envelopes and the poll book shall be placed in the ballot box. Before closing the ballot boxes, the returning officer shall give the deputy returning officer of the counting office an envelope for the polling subdivision concerned containing the ballot papers cancelled upon reception by the deputy returning officer of the ballot paper reception office.

The envelope shall be placed in the ballot box without being opened.

A copy of the statement of votes shall be placed in the ballot box."

4.37 Closing of ballot box

Section 243 of the said Act is replaced by the following section:

"**243.** The deputy returning officer of the counting office shall close and seal the ballot box. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals."

4.38 Adjournment

Section 248 of the said Act is amended by inserting the words "of the counting office" after the words "deputy returning officer" in the second paragraph.

4.39 New summary counting of votes

Section 250 of the said Act is amended by replacing the words "poll clerk" in the first paragraph by the words "clerk of the counting office".

RECOUNT OR RE-ADDITION OF VOTES

4.40 Application for recount

Section 262 of the said Act is amended by replacing the words "a poll clerk" in the first paragraph by the words "the clerk of a counting office".

4.41 Applicable provisions

Section 269 of the said Act is amended by inserting the words "as amended by the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities" after the words "Division V".

ELECTORAL CONDUCT

4.42 Assistance to an elector

Section 281 of the said Act is replaced by the following section:

"**281.** A person who has given assistance to another non resident elector may not disclose for which candidate the elector has voted."

4.43 Partisan publicity and partisan work

Section 283 of the said Act is replaced by the following section:

“**283.** No person may, on the premises of a ballot paper reception office or polling station, use a sign to indicate his political affiliation or support for or opposition to a party, 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 paper reception office or polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of a ballot paper reception office or a polling station.”.

PENAL PROVISIONS

4.44 Offences

Section 586 of the said Act is amended by adding the following paragraph:

“(13) every person who falsely claims to be the spouse or relative of a non resident elector or a person cohabiting with a non resident elector.”.

4.45 Alteration of imitation of initials

Section 633 of the said Act is amended by adding the words “or the returning officer” after the words “deputy returning officer” in paragraph 2.

4.46 Leave

Section 635 of the said Act is amended by striking out paragraph 1.

4.47 Retention of documents

Section 658.1 of the said Act is amended by adding the following paragraph:

“However, the photocopies of the proof of identity referred to in section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, must be destroyed once the deadline for presenting a motion to contest an election has expired, or once the decision made concerning such an application has become final.”.

4.48 Others modifications

The words “day before the day fixed as the last day of the poll”, “day after the day fixed as the day of the poll” and “day of the poll” as replaced in the provisions of the Act not modified by the present agreement by the words “day before the day fixed as the poll at the polling station”, “day after the day fixed as the day poll at the polling station”, “day fixed as the poll at the polling station” and “day of poll at the poll station”.

5. 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 testing of the new method of voting in the municipal election held on November 6th of the year 2005 and for any subsequent polls held before December 31st, 2013.

6. AMENDMENT

The parties agree that this agreement may be amended as needed to ensure the proper conduct of the municipal election held on November 6th of the year 2005.

All amendments must be noted in the assessment report.

7. ASSESSMENT REPORT

Within 120 days following the end of the municipal election held on November 6th of the year 2005, 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, which report shall cover the following points in particular:

— preparations for the election (selection of the new method of voting, communications plan, establishment of the polling station or stations, ballot paper reception office and counting offices, etc.);

— the conduct of the poll;

— the cost of using a postal ballot;

— costs relating to the adaptation of voting methods;

– a comparison of the actual and estimated costs for holding the poll using the new methods of voting, and the projected cost of holding the municipal election on November 6th of the year 2005 in a traditional manner.

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

— statistics on the postal ballot, including :

– the participation rate;

– the number of electors who voted by mail, and the number who voted at a polling station;

– the number of cancelled ENV-1 envelopes.

8. 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) applies to the municipal election held on November 6th of the year 2005 in the municipality, subject to the provisions of the said Act amended or replaced by this agreement.

9. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer takes the first action in connection with an election to which the agreement applies.

AGREEMENT SIGNED IN TRIPLICATE

At Lac-aux-Sables, on the 9th day of June in the year 2005

THE MUNICIPALITY OF LAC-AUX-SABLES

By: _____
RICHARD LAVALLÉE, *Mayor*

NATHALIE VALLÉE, *Clerk*

At Québec, on the 13th day of June in the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

At Québec, on the 22nd day of June in the year 2005

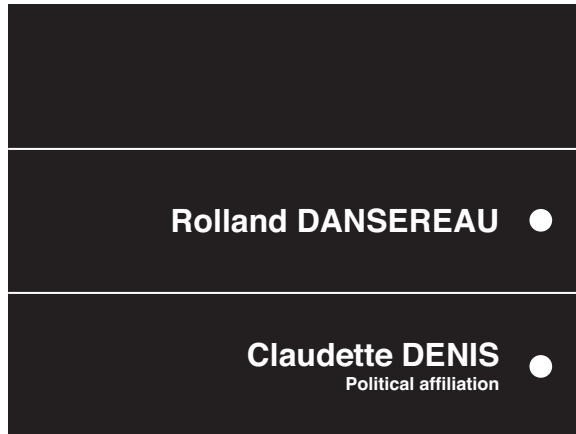
THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES



MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A rectangular box with a thin black border, representing the reverse side of the ballot paper. It contains the following text and a box:

- Initials of returning officer
- Name of municipality
- Name or number of office
- Date of poll
- Name and address of printer

A small, empty rectangular box is positioned to the right of the text "Initials of returning officer".

M.O., 2005**Order number AM 2005-033 of the Minister of
Natural Resources and Wildlife dated 3 August 2005**

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

CONCERNING the delimitation of areas on lands in the
domain of the State in view of increased utilization of
wildlife resources of the lake Fouille-Roche, located
on the territory of the Municipality of La Tuque

THE MINISTER OF NATURAL RESOURCES AND WILD-
LIFE,

CONSIDERING that under section 85 of the Act
respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1), amended by chapter 11 of the stat-
utes of 2004, the Minister may delimit areas on land in
the domain of the State in view of increased utilization
of wildlife resources and secondarily, the practice of
recreational activities ;

CONSIDERING that it is expedient to delimit the areas
on land in the domain of the State specified on plan
attached to this Order in view of increased utilization of
wildlife resources and secondarily, the practice of rec-
reational activities ;

ORDERS THAT :

The areas on lands in the domain of the State speci-
fied on plan attached to this Order are delimited in view
of increased utilization of wildlife resources and sec-
ondarily, the practice of recreational activities ;

This Order comes into force on the day of its publica-
tion in the *Gazette officielle du Québec*.

Québec, 3 August 2005

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*



Notice

Police Act
(R.S.Q., c. P-13.1)

École nationale de police du Québec — Tuition fees

CONCERNING the Tuition fees regulation of the École nationale de police du Québec

WHEREAS l'École nationale de police du Québec may, in accordance with section 42 of the Police Act (R.S.Q., c. P-13.1), charge tuition fees on such conditions as it may prescribe by by-law ;

WHEREAS on February 2, 2005, the governing board of l'École nationale de police du Québec has adopted the Tuition fees regulation of the École nationale de police du Québec ;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of June 29, 2005, with a notice that it could be submitted for comments on the expiry of 45 days following that publication ;

WHEREAS, in accordance with section 17 of the Regulations Act (R.S.Q., c. R-18.1) and with section 4 of the regulation, this regulation shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

CONSEQUENTLY, it has grounds to publish the Tuition fees regulation of the École nationale de police du Québec enclosed.

Nicolet, 17 August 2005

General Secretary and registrar,
GÉRALD LAPRISE

Tuition fees regulation of the École nationale de police du Québec

Police Act
(R.S.Q., c. P-13.1, s. 42)

1. The tuition fees chargeable to a student admitted to the basic training program in police patrolling are \$3,086 for the 2005-2006 academic year.

The tuition fees chargeable to a native student admitted within the framework of a tripartite agreement between the Government of Québec, the Government of Canada and a native community, or to any student who is not a Québec resident pursuant to section 1 of the Regulation respecting the definition of resident in Québec approved by Order in Council n° 910-98 dated July 8, 1998, are \$14,098 for the 2005-2006 academic year.

Beginning August 1, 2006, the tuition fees chargeable pursuant to this regulation shall be increased on August 1 of each year, based on the rate of increase of the consumer price index for Canada as determined by Statistics Canada for the 12-month period ending August 31 of the previous year.

The increased tuition fees are reduced in even dollars if they include a dollar mark lower than \$0.50 or are increased in even dollars if they include a dollar mark equal to or higher than \$0.50.

The Minister informs the public of the result of the indexation carried out pursuant to this section through the *Gazette officielle du Québec* or by any other means it deems appropriate.

2. A student who abandons, interrupts or is suspended or expelled from the study program between the first and the twentieth day of his training inclusively, shall have two-thirds of the amount paid for tuition refunded.

3. This regulation replaces the Tuition fees regulation adopted by the École nationale de police du Québec¹ on June 28, 2002.

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

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¹ (2002) 134 G.O. 2, p. 4870.

Draft Regulations

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Volume of timber used to calculate the penalty provided for in section 86.1

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the volume of timber used to calculate the penalty provided for in section 86.1 of the Forest Act, 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 determine the thresholds beyond which a penalty may be imposed on one or more agreement holders leaving too much timber on the harvest sites.

The draft Regulation will have no significant impact on the public apart from a potential improvement in the use of timber harvested. The draft Regulation will entail a short-term increase in expenses for small and medium-sized businesses due to changes to certain practices although in the long term, better recovery of timber is likely to result in savings to those businesses.

Further information may be obtained on the draft Regulation by contacting Serge Pinard, Direction de l'assistance technique, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 9^e étage, Québec (Québec) G1S 4X4; telephone: (418) 627-8656; fax: (418) 646-9267.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Michel Bordeleau, Associate Deputy Minister for Forêt Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*

Regulation respecting the volume of timber used to calculate the penalty provided for in section 86.1 of the Forest Act

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpar. 9.1)

1. The volume of timber reduced from the volume of timber referred to in subparagraph 2 of the second paragraph of section 86.1 of the Forest Act is determined by adding the area in hectares of

(1) the cutting with regeneration and soil protection areas, including block cutting, or strip cutting with regeneration and soil protection areas multiplied by 3.5 m³, and

(2) the areas where other silvicultural treatments involving timber harvesting are applied, multiplied by 1 m³.

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

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