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**Laws and Regulations**

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**Summary**

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 869-2005, 21 September 2005**

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

#### **Terms and conditions for the signing of certain deeds, documents and writings**

Signing of certain deeds, documents and writings of the Ministère de l'Emploi et de la Solidarité sociale

WHEREAS, under the second paragraph of section 52 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), a deed, document or writing may bind the Minister or be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position, and, in the latter two cases, only to the extent determined by the Government;

WHEREAS, under the third paragraph of section 52 of the Act, a member of the personnel of an organization is, to the extent that the member is assigned to the administration of a program that the Minister has delegated by agreement to that organization, considered to be a member of the personnel of the department for the purposes of the second paragraph of that section;

WHEREAS it is expedient to replace the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité sociale, made by Order in Council 361-2003 dated 5 March 2003;

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

THAT the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de l'Emploi et de la Solidarité sociale, attached to this Order in Council, be made;

THAT this Order in Council replace Order in Council 361-2003 dated 5 March 2003;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

#### **SCHEDULE**

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE

#### **DIVISION I GENERAL**

1. Subject to other conditions of validity that may be prescribed by law, members of the personnel of the Ministère de l'Emploi et de la Solidarité sociale who hold the positions listed hereafter are authorized to sign alone and with the same authority and effect as the Minister of Employment and Social Solidarity the deeds, documents and writings listed after their respective positions.

The same applies when those deeds, documents and writings are signed by a person authorized in writing to perform the duties on an interim or temporary basis or as a temporary replacement.

2. The Associate Deputy Minister of Emploi-Québec and an assistant deputy minister are authorized to sign, for their sector of activity,

- (1) supply contracts;
- (2) contracts for services, except contracts pertaining to manpower development activities;
- (3) contracts to lease space entered into with the Société immobilière du Québec;
- (4) agreements entered into pursuant to the Solidarité jeunesse project the standards of which have been approved by the Government or the Conseil du trésor; and

(5) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001).

3. In addition to the authorizations referred to in section 2, the Assistant Deputy Minister of Income Security is authorized to sign, for the Assistant Deputy Minister's sector of activity,

(1) partnership agreements entered into under the Ententes de régionalisation et ententes de partenariat, the standards of which have been approved by the Government or the Conseil du trésor;

(2) agreements pertaining to the granting of subsidies or other financial contributions paid under the assistance fund for independent community action for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor;

(3) agreements pertaining to the granting of subsidies under the program entitled Fonds ministériel d'aide à l'innovation et à l'expérimentation, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor; and

(4) agreements pertaining to the granting of subsidies or other financial contributions paid under the Fonds québécois d'initiatives sociales, for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

4. In addition to the authorizations referred to in section 2, the Associate Deputy Minister responsible for Emploi-Québec is authorized to sign, for the Associate Deputy Minister's sector of activity,

(1) contracts for services pertaining to manpower development activities;

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister of Employment and Social Solidarity in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor; and

(3) agreements pertaining to the granting of subsidies for the implementation of the resource allocation plan of the Fonds national de formation de la main-d'oeuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister.

5. In addition to the authorizations referred to in section 2, the Assistant Deputy Minister of operations for Emploi-Québec is authorized to sign, for the Assistant Deputy Minister's sector of activity,

(1) contracts for services pertaining to manpower development activities; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor.

6. The Assistant Deputy Minister of the Direction générale des services à la gestion is authorized to sign, for all the activities of the department,

(1) supply contracts;

(2) contracts for services;

(3) contracts to lease space entered into with the Société immobilière du Québec;

(4) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;

(5) agreements pertaining to the granting of subsidies for the implementation of the resource allocation plan of the Fonds national de formation de la main-d'oeuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister;

(6) agreements entered into pursuant to the Solidarité jeunesse project the standards of which have been approved by the Government or the Conseil du trésor; and

(7) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail.

7. An assistant director general is authorized to sign, for the assistant director general's sector of activity,

(1) supply contracts;

(2) contracts for services up to \$100,000, except contracts pertaining to advertising and manpower development activities;

(3) contracts to lease space entered into with the Société immobilière du Québec;

(4) agreements entered into pursuant to the Solidarité jeunesse project the standards of which have been approved by the Government or the Conseil du trésor; and

(5) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail.

8. In addition to the authorizations referred to in section 7, the assistant director general of operations for Income Security is authorized to sign, for the assistant director general's sector of activity, partnership agreements entered into under the Ententes de régionalisation et ententes de partenariat, the standards of which have been approved by the Government or the Conseil du trésor, up to \$100,000.

9. In addition to the authorizations referred to in section 7, the assistant director general of community action and social initiatives for Income Security is authorized to sign, for the assistant director general's sector of activity,

(1) partnership agreements entered into under the Ententes de régionalisation et ententes de partenariat, the standards of which have been approved by the Government or the Conseil du trésor, up to \$100,000;

(2) agreements pertaining to the granting of subsidies or other financial contributions paid under the assistance fund for independent community action for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$500,000;

(3) agreements pertaining to the granting of subsidies under the program entitled Fonds ministériel d'aide à l'innovation et à l'expérimentation, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor, up to \$100,000; and

(4) agreements pertaining to the granting of subsidies or other financial contributions paid under the Fonds québécois d'initiatives sociales, for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

10. In addition to the authorizations referred to in section 7, an assistant director general of Emploi-Québec is authorized to sign, for the assistant director general's sector of activity,

(1) contracts for services pertaining to manpower development activities; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500,000.

11. In addition to the authorizations referred to in sections 7 and 10, the assistant director general of operations for Emploi-Québec is authorized to sign, for the assistant director general's sector of activity, contracts for services pertaining to advertising, up to \$100,000.

12. The assistant director general of the Direction générale adjointe des ressources budgétaires, financières et matérielles is authorized to sign, for all the activities of the department,

(1) supply contracts;

(2) contracts for services up to \$100,000, except contracts pertaining to advertising and manpower development activities;

(3) contracts to lease space entered into with the Société immobilière du Québec; and

(4) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail.

13. The department's secretary, for the department secretary's sector of activity and for the Deputy Minister's office, a branch director, an assistant branch director, the director of the Bureau de projet SAGIR, the director of the Bureau des renseignements et plaintes, the director of the Centre de recouvrement and a project director are authorized to sign, for their sector of activity,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$25,000, other than contracts described in paragraph 1; and

(3) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities.

14. In addition to the authorizations referred to in section 13, the director of the Direction du Fonds national de formation de la main-d'œuvre is authorized to sign the agreements pertaining to the granting of subsidies for the implementation of the resource allocation plan of the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister, up to \$100,000.

15. In addition to the authorizations referred to in section 13, the director of the Direction de la révision et de la représentation au Tribunal administratif du Québec and the director of the Direction de la conformité et de l'évaluation médicale et socioprofessionnelle are authorized to sign contracts for services for the purpose of hiring physicians, up to \$100,000.

16. In addition to the authorizations referred to in section 13, the director of the Fonds québécois d'initiatives sociales is authorized to sign, for the director's sector of activity,

(1) partnership agreements entered into under the Ententes de régionalisation et ententes de partenariat, the standards of which have been approved by the Government or the Conseil du trésor, up to \$50,000;

(2) agreements pertaining to the granting of subsidies under the program entitled Fonds ministériel d'aide à l'innovation et à l'expérimentation, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor, up to \$50,000; and

(3) agreements pertaining to the granting of subsidies or other financial contributions paid under the Fonds québécois d'initiatives sociales, for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$350,000.

17. In addition to the authorizations referred to in section 13, the director of the assistance fund for independent community action is authorized to sign, for the director's sector of activity, agreements pertaining to the granting of subsidies or other financial contributions paid under the assistance fund for independent community action for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$350,000.

18. In addition to the authorizations referred to in section 13, the director of the Direction des ressources humaines is authorized to sign, for all the activities of the department pertaining to human resources development,

(1) supply contracts; and

(2) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities.

19. In addition to the authorizations referred to in section 13, the director of the Direction des communications is authorized to sign, for all the activities of the department, contracts for services pertaining to advertising and manpower development activities, up to \$25,000.

20. In addition to the authorizations referred to in section 13, the director of the Direction des affaires publiques et des communications d'Emploi-Québec is authorized to sign, for the central administrative units of Emploi-Québec, contracts for services pertaining to advertising, up to \$25,000.

21. The director of the Direction des opérations financières et contractuelles is authorized to sign, for all the activities of the department,

(1) supply contracts;

(2) contracts for services up to \$100,000, except contracts pertaining to advertising and manpower development activities; and

(3) contracts to lease space entered into with the Société immobilière du Québec.

22. In addition to the authorizations referred to in section 13, the director of the Direction de la gestion des espaces et des services auxiliaires is authorized to sign, for all the activities of the department pertaining to the physical reorganization of departmental administrative units,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$100,000, other than contracts described in paragraph 1;

(3) contracts for services up to \$100,000; and



(4) contracts to lease space entered into with the Société immobilière du Québec.

23. A regional director and an assistant to the regional director are authorized to sign, for their sector of activity,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$25,000, other than contracts described in paragraph 1;

(3) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities; and

(4) contracts to lease space entered into with the Société immobilière du Québec.

24. In addition to the authorizations referred to in section 23, a regional director and an assistant to the regional director of Emploi-Québec are authorized to sign, for their sector of activity,

(1) contracts for services pertaining to manpower development activities, up to \$350,000;

(2) contracts for services pertaining to advertising, up to \$10,000; and

(3) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$350,000.

25. In addition to the authorizations referred to in sections 23 and 24, a regional director is authorized to sign, for the regional director's sector of activity, agreements entered into pursuant to the Solidarité jeunesse project the standards of which have been approved by the Government or the Conseil du trésor, up to \$750,000.

26. In addition to the authorizations referred to in sections 23 and 25, the regional director of Income Security is authorized to sign, for the regional director's sector of activity, partnership agreements entered into under the Ententes de régionalisation et ententes de partenariat, the standards of which have been approved by the Government or the Conseil du trésor, up to \$25,000.

27. The directors of Emploi-Québec, members of the Table des directions du support aux opérations or of the Table des directions du partenariat et de la planification,

and the director of external resources of Emploi-Québec are authorized to sign, for their sector of activity, the contracts and agreements referred to in sections 23 and 24.

28. In addition to the authorizations referred to in section 23, the director of professional services and the director of the Centre des services régionalisés of Income Security are authorized to sign, for their sector of activity, partnership agreements entered into under the Ententes de régionalisation et ententes de partenariat, the standards of which have been approved by the Government or the Conseil du trésor, up to \$25,000.

29. A director of a local employment centre, an assistant director of a local employment centre, an assistant to the director of a local employment centre and an assistant to the director of the Centre de communication avec la clientèle are authorized to sign, for their sector of activity,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$10,000, other than contracts described in paragraph 1;

(3) contracts for services up to \$10,000, except contracts pertaining to advertising and manpower development activities; and

(4) contracts to lease space entered into with the Société immobilière du Québec.

30. In addition to the authorizations referred to in section 29, a director of a local employment centre, an assistant director of a local employment centre and an assistant to the director of a local employment centre for the Emploi-Québec module are authorized to sign, for their sector of activity,

(1) contracts for services pertaining to manpower development activities, up to \$150,000;

(2) contracts for services pertaining to advertising, up to \$5,000; and

(3) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$150,000.

31. In addition to the authorizations referred to in sections 29 and 30, a director of a local employment centre is authorized to sign, for the director's sector of activity, agreements entered into pursuant to the Solidarité

jeunesse project the standards of which have been approved by the Government or the Conseil du trésor, up to \$300,000.

32. In addition to the authorizations referred to in section 29, the director of a Centre de communication avec la clientèle and the director of the Centre des garants défaillants and the Service aux parrainés of Income Security are authorized to sign, for their sector of activity, agreements entered into pursuant to the Solidarité jeunesse project the standards of which have been approved by the Government or the Conseil du trésor, up to \$300,000.

33. A service head, an assistant service head, an assistant to the Assistant Deputy Minister, an assistant to the Associate Deputy Minister, the director of the Centre d'étude sur l'emploi et la technologie and the person responsible for the Division de la rémunération et des avantages sociaux of the Direction des ressources humaines are authorized to sign, for their sector of activity,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds ;

(2) supply contracts up to \$10,000, other than contracts described in paragraph 1 ; and

(3) contracts for services up to \$10,000, except contracts pertaining to advertising and manpower development activities.

34. In addition to the authorizations referred to in section 33, the head of the Service du développement et de la santé des personnes of the Direction des ressources humaines is authorized to sign, for all the activities of the department pertaining to human resources development,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds ;

(2) supply contracts up to \$10,000, other than contracts described in paragraph 1 ; and

(3) contracts for services up to \$10,000, except contracts pertaining to advertising and manpower development activities.

35. In addition to the authorizations referred to in section 33, the head of the Service de révision médicale et socioprofessionnelle is authorized to sign contracts for services for the purpose of hiring physicians, up to \$100,000.

36. The head of the Service des opérations financières et contractuelles is authorized to sign, for all the activities of the department,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds ;

(2) supply contracts up to \$25,000, other than contracts described in paragraph 1 ;

(3) contracts to lease space entered into with the Société immobilière du Québec ; and

(4) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities.

37. A manpower and employment development counsellor and a sector intervention coordinator is authorized to sign, for their sector of activity,

(1) contracts for services up to \$50,000, except contracts pertaining to manpower development activities ; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$50,000.

38. An employment agent is authorized to sign, for the employment agent's sector of activity,

(1) contracts for services for manpower development activities, up to \$25,000 ; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$25,000.

39. A procurement officer, is authorized to sign, in respect of the units to which the officer provides administrative support,

(1) supply contracts up to \$1,000 ; and

(2) contracts for services up to \$1,000, except contracts pertaining to advertising and manpower development activities.

A compliance officer and a purchaser of the Division des opérations contractuelles are authorized to sign, for all the activities of the department, the contracts referred to in the first paragraph, up to \$5,000.

40. An administrative officer, in respect of the units to which the administrative officer provides administrative support, an assistant to the assistant director general and an assistant to the branch director, are authorized to sign, for their sector of activity,

(1) supply contracts up to \$5,000; and

(2) contracts for services up to \$5,000, except contracts pertaining to advertising and manpower development activities.

41. The person in charge of communications for Emploi-Québec is authorized to sign, in respect of the person's sector of activity, contracts for services pertaining to advertising, up to \$1,000.

42. The person responsible for the Division des opérations contractuelles of the Service des opérations financières et contractuelles is authorized to sign, for all the activities of the department,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds;

(2) supply contracts up to \$25,000, other than contracts described in paragraph 1; and

(3) contracts for services up to \$25,000, except contracts pertaining to advertising and manpower development activities.

43. The person responsible for the Secteur des imprimés administratifs of the Direction générale adjointe des ressources budgétaires, financières et matérielles, is authorized to sign, for all the activities of the department, supply contracts and contracts for services pertaining to administrative forms, up to \$10,000.

44. The Assistant Deputy Minister of the Direction générale des services à la gestion, the head of the Division des services régionalisés of the Service de la sécurité du revenu of Ville de Montréal, the director of the Centre de recouvrement and a service head of the Centre de recouvrement are authorized to sign any document required to set up a hypothec or to otherwise secure a claim by the department and any related document.

## **DIVISION II**

### **PROVISIONS PERTAINING TO INFORMATION TECHNOLOGIES**

45. The assistant director general of the Direction générale adjointe des technologies de l'information is authorized to sign, for the assistant director general's sector of activity pertaining to information technologies,

(1) supply contracts, except contracts chargeable to the Information Technologies Fund;

(2) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds, and chargeable to the Information Technologies Fund;

(3) supply contracts up to \$500,000, other than contracts described in paragraph 2, and chargeable to the Information Technologies Fund; and

(4) contracts for services up to \$500,000, including contracts chargeable to the Information Technologies Fund.

46. A director of the Direction générale adjointe des technologies de l'information, is authorized to sign, for the director's sector of activity pertaining to information technologies,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds, except contracts chargeable to the Information Technologies Fund;

(2) supply contracts up to \$25,000, other than contracts described in paragraph 1, except contracts chargeable to the Information Technologies Fund; and

(3) contracts for services up to \$25,000, except contracts chargeable to the Information Technologies Fund.

47. In addition to the authorizations referred to in section 46, a director of the Direction générale adjointe des technologies de l'information, except the director of the Direction du développement et de la continuité – Famille, is authorized to sign, for the director's sector of activity pertaining to information technologies, contracts for services chargeable to the Information Technologies Fund, up to \$25,000.

48. The director of the Direction de l'infrastructure technologique et des services spécialisés is authorized to sign, for the director's sector of activity pertaining to information technologies,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds, except contracts chargeable to the Information Technologies Fund;

(2) supply contracts up to \$100,000, other than contracts described in paragraph 1, except contracts chargeable to the Information Technologies Fund;

(3) supply contracts chargeable to the Information Technologies Fund, up to \$100,000; and

(4) contracts for services up to \$100,000, including contracts chargeable to the Information Technologies Fund.

49. A service head of the Direction générale adjointe des technologies de l'information is authorized to sign, for the service head's sector of activity pertaining to information technologies,

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or purchases from government funds, except contracts chargeable to the Information Technologies Fund;

(2) supply contracts up to \$10,000, other than contracts described in paragraph 1, except contracts chargeable to the Information Technologies Fund; and

(3) contracts for services up to \$10,000, except contracts chargeable to the Information Technologies Fund.

50. In addition to the authorizations referred to in section 49, the head of the Service de l'infrastructure technologique spécialisée and the head of the Service de l'infrastructure technologique de base are authorized to sign, for their sector of activity pertaining to information technologies,

(1) supply contracts chargeable to the Information Technologies Fund, up to \$10,000; and

(2) contracts for services chargeable to the Information Technologies Fund, up to \$10,000.

51. The administrative officer of the Direction de l'infrastructure technologique et des services spécialisés is authorized to sign, for the administrative officer's sector of activity pertaining to information technologies,

(1) supply contracts up to \$5,000, including contracts chargeable to the Information Technologies Fund; and

(2) contracts for services up to \$5,000, except contracts chargeable to the Information Technologies Fund.

52. The procurement officer of the Direction de l'infrastructure technologique et des services spécialisés is authorized to sign, for the procurement officer's sector of activity pertaining to information technologies,

(1) supply contracts up to \$1,000, except contracts chargeable to the Information Technologies Fund; and

(2) contracts for services up to \$1,000, except contracts chargeable to the Information Technologies Fund.

### **DIVISION III** **PROVISIONS PERTAINING TO CERTIFICATION**

53. The executive officers referred to in this Order in Council are authorized to certify as true the documents and copies of documents issued by the department or belonging to its archives that they are authorized to sign under the provisions applying to them or under the authorizations inherent to their functions. They may also certify as true any document or copies of documents, including the transcription of a decision, certificate or any other data stored for the Minister on any medium based on information technology with respect to the records pertaining to their sector of activity or administrative unit.

54. The Assistant Deputy Minister of the Direction générale des services à la gestion, the director of internal audit and administrative inquiries and the director of the Centre de recouvrement are authorized to certify as true, for the Minister, any document or copies of documents issued by the department or belonging to its archives, including a transcription of a decision, certificate or any other data stored for the Minister on any medium based on information technology.

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Gouvernement du Québec

## **O.C. 872-2005, 21 September 2005**

Building Act  
(R.S.Q., c. B-1.1)

### **Construction Code** **— Amendments**

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code containing

building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and may also provide that any reference they make to other standards include subsequent amendments;

WHEREAS, under section 192 of the Act, the contents of the code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the code applies;

WHEREAS the Board made the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 20 April 2005 with a notice that it could be approved by the Government with or without amendment on the expiry of 45 days following that publication;

WHEREAS the comments received were examined;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Construction Code\*

Building Act  
(R.S.Q., c. B-1.1, ss. 173, 178 and 192)

1. The Construction Code is amended in Article 1.04

(1) by inserting the following paragraph before Sentence 1:

“(0.1) by inserting the following on page XIV preceding Part 1 and under the title “A Guide to the Use of the Code”, after the paragraph “Part 9: Housing and Small Buildings”:

### “Part 10: Existing Buildings Under Alteration, Maintenance or Repair

Part 10 explains the principles underlying the application of the requirements of Parts 1 to 9 of the Code, applicable to alteration, maintenance or repair work carried out in a building and proposes specific provisions for certain of those requirements, according to the nature of the work.”;

(2) by replacing “d’un bâtiment” in the French text of Subsentence (5) of Sentence (2) by “d’un bâtiment”;

(3) by replacing “bâtiment” and “transformation” in the French text of Sentence (1) of Article 2.1.7.1. by “bâtiment” and “transformation”;

(4) by replacing “building” in the English text in Sentence (1) of Article 2.3.1.2. by “building”;

(5) by replacing “hauteur de bâtiment” in the French text of Clause (a) of Sentence (1) of Article 3.1.2.5. by “hauteur de bâtiment”;

(6) in Sentence (122)

(1) by replacing “alteration” in Clause (c) of Sentence (1) of Article 10.2.1.1. by “alteration”;

(2) by adding the following sentence after Sentence (2) of Article 10.2.2.2.:

“(3) For the purposes of this Part:

\* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the regulation approved by Order in Council 895-2004 dated 22 September 2004 (2004, *G.O.* 2, 2833). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.



(a) the revamping of a floor area or part of a floor area is considered a major alteration, where it involves altering the majority of the elements and components of the walls, ceilings and floors, renders the alarm or sprinkler system inoperative or renders the means of egress unusable;

(b) any other revamping of a floor area or part of a floor area is considered a minor alteration.

(See Schedule A)”;

(3) by replacing Sentence (1) of Article 10.3.1.1. by the following:

“(1) The fire separation that separates the altered part from another occupancy must have a fire-resistance rating determined according to subsection 3.1.7. and comply with Article 3.1.3.1.; however, the fire-resistance rating measured on the unaltered side may be:

(a) less than the required fire-resistance rating, without being less than 45 min. when the fire separation between the two occupancies must have a fire-resistance rating of more than one hour;

(b) less than 45 min., in the case of a fire separation of one hour at most or in the case of a minor alteration.”;

(4) by replacing the part preceding Sentence (1) of Article 10.3.1.3. by the following:

“(1) Except in the case of a minor alteration, the provisions of subsection 3.1.13. concerning the flame spread rating apply to the unaltered interior finish of ceilings and the upper half of the walls of any access to exit corridor from the access to exit door serving a part of the building under alteration to the nearest exit, if the following conditions are met:”;

(5) by replacing Sentence (1) of Article 10.3.2.1. by the following:

“(1) Subject to Sentence (2), the provisions of this Code requiring a noncombustible construction for a building whose building height would be equal to that of the uppermost storey where the alteration is being carried out, apply, in the altered part, to the unaltered combustible elements of a building for which a noncombustible construction is required, except in the case of a minor alteration or if the following conditions are met:

(a) the floor area where that altered part is located and the storeys located below are equipped with a sprinkler system complying with the provisions of Articles 3.2.5.13. to 3.2.5.15.;

(b) the building is equipped with a fire detection and alarm system complying with the provisions of Subsection 3.2.4.”;

(6) by replacing Sentence (2) of Article 10.3.2.1. by the following:

“(2) The provisions of this Code, requiring a non-combustible construction, also apply to the unaltered combustible elements of a building for which a noncombustible construction is required in the following cases:

(a) the increase in floor area at the time of an alteration is greater than 10% of the building area or 150 m<sup>2</sup>, except if the following conditions are met:

(i) the altered floor area and the storeys located below are equipped with a sprinkler system complying with the provisions of Articles 3.2.5.13. to 3.2.5.15.;

(ii) the building is equipped with a fire detection and alarm system complying with the provisions of Subsection 3.2.4.;

(b) the increase in building height, except if the latter is equipped with the following systems:

(i) a sprinkler system complying with the provisions of Articles 3.2.5.13. to 3.2.5.15.;

(ii) a fire detection and alarm system complying with the provisions of Subsection 3.2.4.”;

(7) by replacing Sentence 1 of Article 10.3.2.2. by the following:

“(1) Subject to Sentence (2), when an alteration increases the requirements of Subsection 3.2.2. following a change of occupancy or an increase in the building height or floor area, the requirements of Subsection 3.2.2. concerning the construction and protection of buildings in relation to their occupancies and size that apply to the part under alteration also apply:

(a) to any other adjacent part that is not separated from the altered part by a fire separation with a fire-resistance rating at least equal to that required for the floors, under Subsection 3.2.2.;

(b) to the storey below the altered part in the following cases:

(i) the altered part must be sprinkler protected;

(ii) the fire resistance rating of the fire separation, between the altered part and the floor area below, is less than the fire-resistance rating required in compliance

with the requirements of Articles 3.1.3.1. and 3.2.2.20. to 3.2.2.83., if the building is not required to be sprinklered; however, the fire-resistance rating may be limited to the part of the floor and to the structural elements supporting the altered part, if the latter is separated from the rest of the floor area, in accordance with Clause (a).”;

(8) by replacing Sentence (2) of Article 10.3.2.2. by the following:

“(2) The provisions concerning the installation of a sprinkler system, provided for in Subsection 3.2.2., do not apply to the alteration of any building or part of a building not equipped with such a system, in the following cases:

(a) the increase in floor area at the time of an alteration is not greater than 10% of the building area or 150 m<sup>2</sup>;

(b) the work carried out is a minor alteration within the meaning of Sentence 10.2.2.2.(3);

(c) for a noncombustible building, when the work carried out does not require the non-combustibility of the building or floor area under alteration;

(d) for the alteration of a building containing an occupancy other than those of groups B2 or F1, by limiting the building height to that of the uppermost storey where the alteration is being carried out and for which a sprinkler system would not be required;

(e) for the alteration of a combustible building containing an occupancy other than those of groups B2 or F1, by limiting the building height to that of the highest storey where the alteration is being carried out and for which a sprinkler system would not be required, if the occupant load, determined according to Subsection 3.1.16. for the intended occupancy, did not exceed 60;

(f) except in the case of high-rise building or of an occupancy of groups B2 and F1, at the time of a major alteration, if the fire-resistance rating of the floors and walls, columns and support arches of the altered floor area comply with the fire-resistance rating required under Articles 3.1.3.1 and 3.2.2.20. to 3.2.2.83.”;

(9) by inserting the following after Subclause (iv) of Clause (a) of Sentence (1) of Article 10.3.2.4.:

“(v) or an alteration that constitutes a major alteration within the meaning of Sentence 10.3.2.2.(3).”;

(10) by replacing the part preceding Clause (a) of Sentence (1) of Article 10.3.2.5 by the following:

“(1) The provisions of Articles 3.2.5.7. to 3.2.5.19. apply to the unaltered part of a sprinkler system or standpipe system, where the alteration of a building or part of a building increases building height or increases floor area by more than 10% of the building area or more than 150 m<sup>2</sup>, except if those systems meet the following conditions.”;

(11) by striking out “and of its structural elements” in Subclause (iii) of Clause (b) of Sentence (1) of Article 10.3.2.6.;

(12) in Article 10.3.3.1.

(1) by replacing Clause (a) of Sentence (2) by the following:

“(a) the doors of the dwelling units are equipped with:

(i) a self-closing mechanism but they do not lock automatically;

(ii) a smoke barrier around them.”;

(2) by replacing Clause (a) of Sentence (3) by the following:

“(a) the doors of the dwelling units are equipped with:

(i) a self-closing mechanism but they do not lock automatically;

(ii) a smoke barrier around them.”;

(13) by replacing Sentence (1) of Article 10.3.3.2. by the following:

“(1) In the case of the alteration of a suite, the fire separation separating that suite from any other non-altered suite or room must have a fire-resistance rating determined according to Subsection 3.1.7. and comply with Article 3.3.1.1; however, the fire-resistance rating on the non-altered side may be less than the required fire-resistance rating.”;

(14) by replacing Sentence (1) of Article 10.3.3.3. by the following:

“(1) Except in the case of a minor alteration, any part of a non-altered floor area on a storey under alteration must be made to comply with Article 3.3.1.7., where the room or part of the floor area, accessible by lift, must be barrier-free, according to Article 10.3.8.1.”;

(15) by replacing Article 10.3.4.1 by the following:

**“10.3.4.1. Size and Protection of Exits and Exit Stairs**

(1) Except in the case of a minor alteration, any unaltered exit, required to serve a floor area or part of a floor area undergoing an alteration, must comply with the following requirements:

(a) it must have a minimum unobstructed width of 760 mm (see Schedule A);

(b) subject to Sentences (2) and (3), it must be separated from the rest of the building by a fire separation with a fire-resistance rating of at least 45 min. for a building of at most 3 storeys in building height and at least 1 hour for other buildings.

(2) An unaltered stairway required as an exit to serve a floor area or part of a floor area under alteration may not be equipped with the fire separation provided for in Clause (b) of Sentence (1), if the following conditions are met:

(a) the alteration work will not increase the requirements for the means of egress;

(b) the height of the building is at most 3 storeys in building height;

(c) the main occupancy of the building is a school;

(d) half of the required exits are separated from the rest of the building by a fire separation with the fire-resistance rating required by this Code;

(e) it is not necessary to go through it to reach another exit required when the occupant load is greater than 60;

(f) any corridor or room opening onto it is separated from it by a fire separation with a fire-resistance rating of at least 45 min and any door opening onto it is equipped with a self-closing mechanism, a latching mechanism and, if it is kept opened, an electromagnetic device linked to the alarm system;

(g) any corridor or room opening onto it is equipped with smoke detectors that must be placed near the openings on the stairway.

(3) An unaltered stairway required as an exit to serve a floor area or a part of a floor area under alteration may not be equipped with the fire separation provided for in Clause (b) of Sentence (1), if the following conditions are met:

(a) the alteration work will not increase the requirements for the means of egress;

(b) it is used to link the first storey with the storey above or below but not both;

(c) the floor areas it links serve any occupancy other than a group A, B or C occupancy;

(d) half of the exits required are separated from the rest of the building by a fire separation having a fire-resistance rating required by this Code and they lead directly outside;

(e) the travel distance to the exterior exit door on the first storey is at most 15 m;

(f) the building is equipped with an alarm system complying with Subsection 3.2.4;

(g) a smoke detector is located above its uppermost flight of stairs.”;

(16) by replacing Article 10.3.4.2. by the following:

**“10.3.4.2. Door Swing**

1) The provisions of Article 3.4.6.11. concerning the direction of an exit door swing apply to any unaltered exterior exit door serving a floor area or part of a floor area under alteration, except in one of the following cases:

(a) the exit door opens directly onto a public way, independently from any other exit when it serves only one floor area or part of a floor area under an occupant load determined according to Subsection 3.1.16., of at most:

(i) 40 persons when there is only one exit door;

(ii) 60 persons when there is a second means of egress;

(b) the exit door serves at most 30 persons in a building with a maximum building height of 18 m and it meets the following conditions:

(i) it opens directly onto a step, a public way or an obstacle which reduces its required minimum width and it is located not more than 1.5 m above the public way;

(ii) the occupants have access to a second means of egress.



#### “10.3.4.3. Curved Exit Stairs

(1) Any curved exit stairway that is not under alteration but that is used to serve a floor area or part of a floor area under alteration must meet the following conditions:

(a) it must comply with the provisions of Article 10.3.4.1.;

(b) it must not serve a day-care centre or a supervised residence.”;

(17) by replacing the part preceding Clause (a) of Sentence (1) of Article 10.3.6.1 by the following:

“(1) The provisions of Subsections 3.6.2 and 3.6.3 apply at the time of an alteration other than a minor alteration to any unaltered service room located on a floor area or part of a floor area and to any unaltered vertical service space going through it, except if that room or space is separated from the rest of the building by a fire separation of at least:”;

(18) by replacing Article 10.4.1.3 by the following:

#### “10.4.1.3 Live Loads Due to Earthquakes

“(1) The provisions of Subsection 4.1.9. concerning live loads due to earthquakes apply to the whole building under alteration, if the following conditions are met:

(a) the alteration will:

(i) increase the height of the building; or

(ii) compromise the lateral stability of the building following an alteration to the structural bracing system that ensures stability;

(b) the resistance to live loads due to earthquakes is less than 60% of that determined according to the method prescribed in that Subsection.”;

(7) by inserting the following after Sentence (136):

“(136.1) by adding the following after Appendix Note A-9.33.6.14:

#### “A-10.2.2.2.(3) Major or Minor Alteration

The concepts of major or minor alteration are used for revamping. The term “revamping” means all the alteration work carried out in view of a different occupancy of the altered part. The alteration types, such as enlargement, change of main occupancy, alteration of shell or exterior element, increase in occupant load, construction of or change to a mezzanine or interconnected floor

space, or the addition or alteration of a lift are not governed by this type of alteration since they are already governed by other requirements of Part 10.

#### A-10.3.4.1. Capacity of Exits Serving an Altered Part

Even if the exits must have a minimum width of 760 mm, the exits must comply, for the altered part they serve, with the minimum capacity prescribed in Article 3.4.3.4., calculated according to the occupant load under Article 3.3.1.16. of this Code.

If the calculation of the capacity results in the exits having a width larger than 760 mm, they should either be changed or another exit added.

This provision refers to an alteration, other than a minor alteration, which does not include an exit.”.

**2.** This Regulation comes into force on 19 November 2005.

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Gouvernement du Québec

### O.C. 873-2005, 21 September 2005

Building Act  
(R.S.Q., c. B-1.1)

#### Construction Code — Amendments

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code containing, in particular, building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Building Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 178 of the Act, the Building Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and may also provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 192 of the Act, the contents of the Building Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board made the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 20 April 2005 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the comments received were studied;

WHEREAS, under section 189 of the Building Act, every code of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Construction Code\*

Building Act  
(R.S.Q., c. B-1.1, ss. 173, 176, 178 and 192)

### 1. The Construction Code is amended in section 3.03

(1) by inserting the following after subparagraph 2 of paragraph 2:

“2.1. by replacing the definition “Potable” by the following:

“*Potable (potable)* means water intended for ingestion by human beings.”;

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

“3.1. by inserting the following symbol after the abbreviation NFPA ... National Fire Protection Association:

“NSF ... NSF International (PO Box 130140, Ann Arbor, Michigan 48113-0140, USA)”;

(3) by inserting the following after paragraph 5:

“5.1. in Article 1.6.3, by replacing “Every” by “Subject to Clause a of Sentence 1 of Article 7.3.2., every”;

(4) by inserting the following after subparagraph 1 of paragraph 7:

“1.1. by inserting the following in Table 1.9.3. after the document “NFPA 13-1999” incorporated by reference:

“

NSF	NSF/ANSI 42-2002e	Drinking water treatment units - Aesthetic effects	2.10.16.
NSF	NSF/ANSI 44-2004	Residential cation exchange water softeners	2.10.16.
NSF	NSF/ANSI 53-2002e	Drinking water treatment units - Health effects	2.10.16.
NSF	NSF/ANSI 55-2002e	Ultraviolet microbiological water treatment systems	2.10.16.
NSF	NSF/ANSI 58-2004	Reverse osmosis drinking water treatment systems	2.10.16.
NSF	NSF/ANSI 62-2004	Drinking water distillation systems	2.10.16.

”;

(5) by replacing Article 2.10.16 by the following:

#### “2.10.16. Drinking Water Treatment Units

1) Drinking water treatment units must conform to one of the following standards published by NSF International:

\* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the regulation approved by Order in Council 895-2004 dated 22 September 2004 (2004, *G.O.* 2, 2833). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

a) NSF/ANSI 42, “Drinking water treatment units – Aesthetic effects”;

b) NSF/ANSI 44, “Residential cation exchange water softeners”;

c) NSF/ANSI 53, “Drinking water treatment units – Health effects”;

d) NSF/ANSI 55, “Ultraviolet microbiological water treatment systems”;

e) NSF/ANSI 58, “Reverse osmosis drinking water treatment systems”;

f) NSF/ANSI 62, “Drinking water distillation systems”.”;

(6) by adding the following after paragraph 12:

“(13) by replacing Clause a of Sentence 1 of Article 7.3.2 by the following:

a) in a sink or lavatory, except in the case of a seasonal tourist establishment referred to in Chapter V.1 of the Regulation respecting the quality of drinking water made by Order in Council 647-2001 dated 30 May 2001;”.

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

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Gouvernement du Québec

## 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 SAINT-ADOLPHE-D’HOWARD, a legal person established in the public interest, having its head office at 1881, chemin du Village, Province de Québec, represented by the mayor,

Mr. Marc Vadeboncoeur, and the Director general and secretary-treasurer, M<sup>e</sup> Michel Binette, under resolution number 2005-127, hereinafter called

THE LOCAL MUNICIPALITY

AND

LES PAYS-D’EN-HAUT REGIONAL COUNTY MUNICIPALITY, a legal person established in the public interest, having its head office at 1014, rue Valiquette, Province de Québec, hereby represented by the warden, Mr. Charles Garnier, and the Director general and Secretary-treasurer, M<sup>e</sup> Yvan Genest, under resolution number CM 123-06-05, hereinafter called

THE REGIONAL COUNTY 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, by its resolution No. 2005-127, passed at its meeting of May 16th, 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 November 6, in the year 2005, in the LOCAL MUNICIPALITY;

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

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

WHEREAS the LOCAL MUNICIPALITY AND THE REGIONAL COUNTY MUNICIPALITY expressed the desire to avail themselves of those provisions to hold a general election on November 6, 2005, and, could, with the necessary adaptations, avail themselves 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 the LOCAL MUNICIPALITY adopted resolution No. 2005-127, at its meeting of May 16th, 2005, approving the text of the agreement and authorizing the Mayor and the Director general and Secretary treasurer to sign the present agreement;

WHEREAS the REGIONAL COUNTY MUNICIPALITY designated by rural character may, by by-law, decree that the warden must be elected in accordance to article 210.29.2 of the Municipal territorial organization Act (R.S.Q., c. O-9);

WHEREAS the REGIONAL COUNTY MUNICIPALITY adopted such a by-law at its meeting of July 24th, in the year 2001;

WHEREAS that in a REGIONAL COUNTY MUNICIPALITY, the election of a warden must be held during the same year as the general election of all municipalities;

WHEREAS the provisions of the Elections and referendums in municipalities Act which are relative to the election of the Mayor, with the exception of those in chapter III and IV of Title 1, apply to the election of a warden on November 6th, 2005 and for every subsequent election stipulated in the agreement should they be compatible with such an election, taking into account the necessary adaptations;

WHEREAS the REGIONAL COUNTY MUNICIPALITY would like to use the new voting mechanism which will be used in the LOCAL MUNICIPALITY;

WHEREAS the council of the REGIONAL COUNTY MUNICIPALITY adopted, at its meeting of June 14th, in the year 2005, resolution No. CM 123-06-05 approving the text of the agreement and authorizing the warden and the Director general and Secretary-treasurer to sign the present agreement;

WHEREAS that in order to plan for these elections, the procedure which applies throughout the territory of the LOCAL MUNICIPALITY, and on part of the territory of the REGIONAL COUNTY MUNICIPALITY formed by the territory of the LOCAL MUNICIPALITY;

WHEREAS an agreement must be entered into between the LOCAL MUNICIPALITY, the REGIONAL COUNTY MUNICIPALITY and the DIRECTOR GENERAL OF ELECTIONS and the MINISTER;

WHEREAS the LOCAL MUNICIPALITY and the REGIONAL COUNTY MUNICIPALITY are solely responsible for the choice of technology;

WHEREAS the returning officer of the LOCAL MUNICIPALITY and the returning officer of the REGIONAL COUNTY MUNICIPALITY are responsible for the application of this agreement and the means necessary to carry it out throughout the territory of the LOCAL MUNICIPALITY;

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.

2.9 Unless otherwise mentioned, the expression “returning officer” means the returning officer of the LOCAL MUNICIPALITY and the returning officer of the REGIONAL COUNTY MUNICIPALITY who carries out their respective tasks pertaining to elections in each of their municipalities, taking into account the necessary adaptations.

### 3. ELECTION

3.1 For the purposes of the general election in the LOCAL MUNICIPALITY and the election of the warden of the REGIONAL COUNTY MUNICIPALITY on November 6th of the year 2005 for a part of its territory which coincides with the territory of the LOCAL 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 LOCAL MUNICIPALITY must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting. It must also inform electors that the new method applies as well to the election to the office of warden of the REGIONAL COUNTY MUNICIPALITY.

3.3 If the election of the warden of the REGIONAL COUNTY MUNICIPALITY is to be held after November 6th, 2005, the “Accu-Vote”, model ES 2000 voting mechanism will be used throughout the LOCAL MUNICIPALITY.

3.4 If the election of the warden must be held between November 6th, 2005 and the month of November 2009, the REGIONAL COUNTY MUNICIPALITY must take the necessary steps to inform the electors of the LOCAL MUNICIPALITY that the “Accu-Vote”, model ES 2000 voting mechanism will be used for the election of the warden.

### 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 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. 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 Functions of the electoral personnel

Members of the electoral personnel may exercise their functions for the general election of the LOCAL MUNICIPALITY and for the election of the REGIONAL COUNTY MUNICIPALITY pursuant to an agreement between the returning officer regarding their roles and functions along with the necessary adaptations.



### 6.3 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.”.

### 6.4 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.”.

### 6.5 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 shall not be greater than 750 electors.”.

## 6.8 Verification of electronic ballot box

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

### “§1.1 Verification of electronic ballot box

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

### 6.9 Mobile polling station

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

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

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

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

### 6.10 Advance polling

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

#### 6.11 Booths

The following is substituted for section 191 of the Act:

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

#### 6.12 Ballot papers

The following is substituted for section 193 of the Act:

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

Section 195 of the Act is revoked.

#### 6.13 Identification of the candidates

Section 196 of the Act is amended by substituting the following for the first and paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. For the election of the office of warden of the REGIONAL COUNTY MUNICIPALITY, the ballot paper cards shall contain a ballot paper for the office of warden. Each ballot paper shall allow each candidate to be identified.

It shall 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.”.

#### 6.14 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** For the election of the LOCAL MUNICIPALITY, the ballot paper cards shall contain on the obverse, as shown in the Schedule,

(1) the name of the REGIONAL COUNTY MUNICIPALITY;

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

(3) the ballot papers;

(4) the bar code.

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

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

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

(3) the name and address of the printer;

(4) the bar code.”.

#### 6.15 Confidentiality sleeve

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

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

### 6.16 Withdrawal of a candidate

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

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

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

### 6.17 Withdrawal of authorization or recognition

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

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

### 6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

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

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of 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 polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

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

## POLLING PROCEDURE

### 6.21 Presence at the polling station

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

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

## 6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act :

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

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

## 6.23 Voting

The following is substituted for section 222 of the Act :

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

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

## 6.24 Following the vote

The following is substituted for section 223 of the Act :

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

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

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

## 6.25 Automatic acceptance

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

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

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

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

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

## 6.26 Cancelled ballots

The following is substituted for section 224 of the Act :

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

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

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

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

### 6.27 Visually impaired person

Section 227 of the Act is amended:

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

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

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

(2) by striking out the fourth paragraph.

### COMPILATION OF RESULTS AND ADDITION OF VOTES

#### 6.28 Compilation of results

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

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

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

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

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

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

(2) the number of electors admitted to vote;

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

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

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

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

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

#### 6.29 Compiling sheet

Section 231 of the Act is revoked.

#### 6.30 Counting of the votes

Section 232 of the Act is revoked.

#### 6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

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

(1) has not been marked;

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

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

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

### 6.32 Rejected ballot papers, procedural omission, valid ballot papers

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

### 6.33 Contested validity

The following is substituted for section 237 of the Act :

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

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

The following is substituted for section 238 of the Act :

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

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

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

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

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

Section 240 of the Act is revoked.

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

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

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

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

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

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

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

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

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

Section 244 of the Act is revoked.

### 6.36 Addition of votes

The following is substituted for section 247 of the Act :

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

### 6.37 Adjournment of the addition of votes

The following is substituted for section 248 of the Act :

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

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

### 6.38 Placing in envelope

The following is substituted for section 249 of the Act :

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

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

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

### 6.39 New counting of the votes

The following is substituted for section 250 of the Act :

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

### 6.40 Notice to the Minister

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

### 6.41 Access to ballot papers

The following is substituted for section 261 of the Act :

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

### 6.42 Application for a recount

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

## 7. EXAMINATION OF REJECTED BALLOT PAPERS

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

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

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

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



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

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

#### 8. DURATION AND APPLICATION OF AGREEMENT

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

The returning officer of the REGIONAL COUNTY MUNICIPALITY is responsible for applying this new agreement and consequently, the proper operation of the trial of this new voting mechanism for the election of the warden until December 31st, 2009.

#### 9. AMENDMENT

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

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

#### 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 6th, 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 November 6th, 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 November 6th, 2005 and for each subsequent election until December 31st, 2009, in the LOCAL MUNICIPALITY, at the election of the warden of the REGIONAL COUNTY MUNICIPALITY throughout the territory of the LOCAL 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-Adolphe-d'Howard, on this 27th day of the month of June of the year 2005

THE MUNICIPALITY OF SAINT-ADOLPHE-  
D'HOWARD

By: \_\_\_\_\_  
MARC VADEBONCŒUR, *Mayor*

\_\_\_\_\_  
MICHEL BINETTE, *Director general  
and Secretary-Treasurer*

In Sainte-Adèle, on this 28th day of the month of June  
of the year 2005

THE REGIONAL COUNTY MUNICIPALITY

By: \_\_\_\_\_  
CHARLES GARNIER, *Warden*

\_\_\_\_\_  
YVAN GENEST, *General Manager  
and Secretary-Treasurer*

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

THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
FRANCINE BARRY

In Québec, on this 30th day of the month of August 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 ●

## Councillor seat no. 1

Robert ALLARD ●

Denise LESSARD ●  
Appartenance politique

Serge LECLERC ●

## Councillor seat no. 2

Jean-Pierre BRODEUR ●  
Appartenance politique

Guy BROSSEAU ●

Maurice RICHARD ●

## Councillor seat no. 3

Gérard CYR ●  
Appartenance politique

Claudine DUSSAULT ●

Anne DUBÉ ●

Monique LEMAIRE ●

## Councillor seat no. 4

Luc GAUTHIER ●

Carl LUSSIER ●  
Appartenance politique

Hélène ROCHETTE ●

Sylvain ST-PIERRE ●

## Councillor seat no. 5

Joël MORIN ●  
Appartenance politique

Alain PERRON ●

## Councillor seat no. 6

Claude BRETON ●

Alain TREMBLAY ●  
Appartenance politique

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

**MRC of Matteau**

**MRC election - November 6, 2005**

Prefect Office	
Marie BONENFANT	●
Jean-Charles BUREAU	●
Pierre-A LARRIVÉE	●

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

Gouvernement du Québec

## Agreement

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

### AGREEMENT CONCERNING NEW METHODS OF VOTING IN CONNECTION WITH A POSTAL BALLOT

AGREEMENT ENTERED INTO

BETWEEN

The LOCAL MUNICIPALITY OF LAC-DES-SEIZE-ÎLES, a legal person established in the public interest, having its head office at 47, rue de l'Église, Lac-des-Seize-Îles, Province de Québec, here represented by the mayor, Mr. Maurice Leclair, and the Director general and secretary-treasurer, Mrs. Luce Bergeron, in accordance with resolution number CM 2005-05-54, hereinafter referred to as

THE LOCAL MUNICIPALITY

AND

DES PAYS-D'EN-HAUT REGIONAL COUNTY MUNICIPALITY, a legal person established in the public interest, having its head office at 1014, rue Valiquette, Province de Québec, hereby represented by the warden, Mr. Charles Garnier, and the secretary-treasurer, M<sup>e</sup> Yvan Genest, under resolution number CM 122-06-05, hereinafter called,

THE REGIONAL COUNTY MUNICIPALITY

AND

THE LOCAL MUNICIPALITY TO BE RECONSTITUTED OF ESTÉREL, represented by Mrs. Madeleine Laurin, returning officer, hereinafter called

THE LOCAL MUNICIPALITY TO BE RECONSTITUTED

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

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 LOCAL MUNICIPALITY, by resolution number No. CM 2005-06-54, passed on June 8th, 2005, the LOCAL MUNICIPALITY TO BE RECONSTITUTED by the decision of his mandatory (see the letter of May 31) and the council of the REGIONAL COUNTY MUNICIPALITY, in accordance with resolution No. CM 122-06-05 adopted at its meeting of June 14, 2005 have expressed the desire to avail themselves 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 6 of the year 2005 in the LOCAL MUNICIPALITY, in the LOCAL MUNICIPALITY TO BE RECONSTITUTED and on the same date the election for the warden of the REGIONAL COUNTY 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 LOCAL MUNICIPALITY, THE LOCAL MUNICIPALITY TO BE RECONSTITUTED and the REGIONAL COUNTY MUNICIPALITY expressed the desire to avail themselves of the provisions to hold a general election November 6, 2005 and, could, with the necessary adaptations, avail themselves 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 the LOCAL MUNICIPALITY adopted resolution No. CM 2005-06-54 at its meeting of June 8, 2005, approving the text of the agreement and authorizing the mayor and the director general–secretary-treasurer to sign the present agreement and the authorization given by the mandatory in his letter of May 31 for the LOCAL MUNICIPALITY TO BE RECONSTITUTED;

WHEREAS the REGIONAL COUNTY MUNICIPALITY designated by rural character may, by by-law, decree that the warden must be elected in accordance to article 210.29.2 of the Municipal territorial organization Act (R.S.Q., c. O-9);

WHEREAS the REGIONAL COUNTY MUNICIPALITY adopted such a by-law at its meeting of July 24th, in the year 2001;

WHEREAS that in a REGIONAL COUNTY MUNICIPALITY, the election of a warden must be held during the same year as the general election of all municipalities;

WHEREAS the provisions of the elections and referendums in municipalities Act which are relative to the election of the mayor, with the exception of those in chapter III and IV of title 1, apply to the election of a warden on November 6th, 2005 and for every subsequent election stipulated in the agreement should they be compatible with such an election, taking into account the necessary adaptations;

WHEREAS the REGIONAL COUNTY MUNICIPALITY would like to use the new voting mechanism, which will be used in the LOCAL MUNICIPALITY and in the LOCAL MUNICIPALITY TO BE RECONSTITUTED;

WHEREAS the council of the REGIONAL COUNTY MUNICIPALITY adopted, at its meeting of 14th June, in the year 2005, resolution No. CM 122-06-05 approving the text of the agreement and authorizing the warden and the Director general–secretary-treasurer to sign the agreement;

WHEREAS that in order to plan for these elections, the procedure which applies throughout the territory of the LOCAL MUNICIPALITY and the territory of the LOCAL

MUNICIPALITY TO BE RECONSTITUTED and on part of the territory of the REGIONAL COUNTY MUNICIPALITY formed by the territory of the LOCAL MUNICIPALITY TO BE RECONSTITUTED;

WHEREAS an agreement must be entered into between the LOCAL MUNICIPALITY, the LOCAL MUNICIPALITY TO BE RECONSTITUTED and the DIRECTOR GENERAL OF ELECTIONS and the MINISTER;

WHEREAS the LOCAL MUNICIPALITY, the LOCAL MUNICIPALITY TO BE RECONSTITUTED and the REGIONAL COUNTY MUNICIPALITY are solely responsible for the choice of technology;

WHEREAS the returning officer of the LOCAL MUNICIPALITY, the returning officer of the LOCAL MUNICIPALITY TO BE RECONSTITUTED and the returning officer of the REGIONAL COUNTY MUNICIPALITY are responsible for the application of this agreement and the means necessary to carry it out throughout the territory of the LOCAL MUNICIPALITY TO BE RECONSTITUTED;

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 For the purpose of general elections in the LOCAL MUNICIPALITY, in the LOCAL MUNICIPALITY TO BE RECONSTITUTED and for the warden of the REGIONAL MUNICIPALITY OF COUNTY on November 6, 2005 for the part of the territory of the regional municipality of county corresponding to the territory of the two local municipalities, the mechanism of voting for an election by mail 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. 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 ballot 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, a Canadian passport, a Certificate of Indian Status or a Canadian Armed Forces identification card.

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 do 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 am 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 LOCAL MUNICIPALITY, of the LOCAL MUNICIPALITY TO BE RECONSTITUTED and of the REGIONAL COUNTY 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, 2009.

## 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 LOCAL MUNICIPALITY, of the LOCAL MUNICIPALITY TO BE RECONSTITUTED and of the REGIONAL COUNTY 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 FIVE COPIES

In Lac-des-Seize-Îles on the 28th day of June in the year 2005

THE LOCAL MUNICIPALITY OF  
LAC-DES-SEIZE-ÎLES

By: \_\_\_\_\_  
MAURICE LECLAIR, *Mayor*

\_\_\_\_\_  
LUCE BERGERON, *Director general and  
Secretary-Treasurer*

In Sainte-Adèle, on the 28th day of June in the year 2005

DES PAYS-D'EN-HAUT REGIONAL COUNTY  
MUNICIPALITY

By: \_\_\_\_\_  
CHARLES GARNIER, *Warden*

\_\_\_\_\_  
YVAN GENEST, *Director general and  
Secretary-Treasurer*

In Sainte-Adèle, on the 29th day of June in the year 2005

THE LOCAL MUNICIPALITY TO RECONSTITUTE

By: \_\_\_\_\_  
MADELEINE LAURIN, *Returning Officer*

At Québec, on the 30th day of June in the year 2005

THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

At Québec, on the 30th day of August in the year 2005

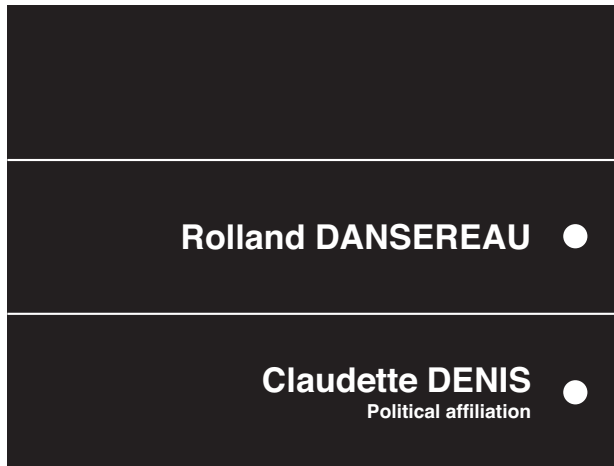
THE MINISTER OF MUNICIPAL AFFAIRS  
AND REGIONS

\_\_\_\_\_  
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

The image shows a model of the reverse of a ballot paper. It is a white rectangular area with a thin black border. On the right side, there is a vertical grey bar. The text is arranged vertically on the left side of the white area:

- Initials of returning officer
- Name of municipality
- Name or number of office
- Date of poll
- Name and address of printer

To the right of the text "Initials of returning officer", there is a small, empty rectangular box.

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 SAINTE-BARBE, a legal person established in the public interest, having its head office at 470, chemin de l'Église, Sainte-Barbe, Province de Québec, here represented by the mayor, Mr. Jean-Claude Chantigny, and the clerk or secretary-treasurer, Mrs. Chantal Girouard, in accordance with resolution number 2005-115, hereinafter referred to as

THE MUNICIPALITY

The MUNICIPALITY OF THE PARISH OF SAINT-ANICET, a legal person established in the public interest, having its head office at 335, avenue Jules-Léger, Saint-Anicet, Province de Québec, here represented by the mayor, Mr. Alain Castagner, and the secretary-treasurer, Mrs. Lyne Viau, in accordance with resolution number 187-2005, hereinafter referred to as

THE MUNICIPALITY

The MUNICIPALITY OF FOSSAMBAULT-SUR-LE-LAC, a legal person established in the public interest, having its head office at 145, boulevard Gingras, Fossambault-sur-le-Lac, Province de Québec, here represented by the mayor, Mr. Gilles Landry, and the clerk or secretary-treasurer, Mrs. Johanne Bédard, in accordance with resolution number 196-06-2005, 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 SAINTE-BARBE, pursuant to resolution number 2005-087, adopted at the meeting held on April 4th, 2005 ;

WHEREAS the council of the MUNICIPALITY OF THE PARISH OF SAINT-ANICET, pursuant to resolution number 152-2005, adopted at the meeting held on the 2nd of May, 2005 ;

WHEREAS the council of the MUNICIPALITY OF FOSSAMBAULT-SUR-LE-LAC, pursuant to resolution number 136-04-2005, adopted at the meeting held on 26th of April 2005,

intend to avail themselves 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 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 SAINTE-BARBE adopted, at the meeting held on May 2nd of the year 2005, resolution No. 2005-115 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF THE PARISH OF SAINT-ANICET adopted, at the meeting held on the 6th of June of the year 2005, resolution No. 187-2005 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign the agreement;

WHEREAS the council of the MUNICIPALITY OF FOSSAMBAULT-SUR-LE-LAC adopted, at the meeting held on the 6th of June of the year 2005, resolution No. 196-06-2005 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 4.27 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 municipal 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, a Canadian passport, a Certificate of Indian Status or a Canadian Armed Forces identification card.

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 do 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 municipal election held on November 6th of the year 2005 and for any subsequent polls held before November 1st of the year 2009

### 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 THREE DUPLICATES

At Sainte-Barbe, on the 7th day of June in the year 2005

THE MUNICIPALITY OF SAINTE-BARBE

By: \_\_\_\_\_  
JEAN-CLAUDE CHANTIGNY, *Mayor*

\_\_\_\_\_  
CHANTAL GIROUARD, *Clerk or Secretary-Treasurer*

At Saint-Anicet, on the 7th day of June in the year 2005

THE MUNICIPALITY OF THE PARISH OF SAINT-ANICET

By: \_\_\_\_\_  
ALAIN CASTAGNER, *Mayor*

\_\_\_\_\_  
LYNE VIAU, *Clerk or Secretary-Treasurer*

At Fossambault-sur-le-Lac, on the 13th day of June in the year 2005

THE MUNICIPALITY OF FOSSAMBAULT-SUR-LE-LAC

By: \_\_\_\_\_  
GILLES LANDRY, *Mayor*

\_\_\_\_\_  
JOHANNE BÉDARD, *Clerk or Secretary-Treasurer*

At Québec, on the 27th 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

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES



MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

Initials of returning officer	<input type="text"/>
Name of 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 USING “PERFAS-MV” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINTE-MARTHE-SUR-LE-LAC, a legal person established in the public interest, having its head office at 3000, chemin d’Oka, Sainte-Marthe-sur-le-Lac, Province de Québec, J0N 1P0, represented by the mayor, Lucie Leblanc, and the clerk or secretary-treasurer, Luc Bouchard, under a resolution bearing number 2005-06-190, 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, by its resolution No. 2005-03-77, passed at its meeting of March 9th of the year 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 general election of 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 the following:

“**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 for the general election to be held on November 6th of the year 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 passed, at its meeting of March 9th 2005 and June 8th 2005, resolution No. 2005-03-77 and 2005-06-190 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

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

## 2. INTERPRETATION

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

2.1 “electronic voting system” means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in “election” mode, to vote (electronic voting cards), to place the terminals in “end of election” mode, and to record the results from each autonomous voting terminal;

2.2 “voting terminal” means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 “electronic card reader” means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” has been pushed by an elector on the voting terminal;

2.5 “operations trail” means a print-out of the operations (audit) of a voting terminal.

## 3. ELECTION

3.1 For the purposes of the general election of November 6th 2005 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems 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

Each electronic voting system must include the following security mechanisms:

1) a report displaying a total of “zero” must be automatically produced by the electronic ballot box when a voting terminal is 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 of the voting terminal, and must record each procedural operation;

3) a mechanism which prevents a voting terminal from being placed in “end of election” mode while polling is still under way, because the terminal can only be placed in “end of election” mode by the insertion of an “end of election” card;

4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in “election” mode;

5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

## 5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order 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 voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

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

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(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;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “end of election” mode, and the voting terminals in sealed cases.

**80.1.** The assistant to the 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.

**80.2.** The deputy returning officer shall, in particular,

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

(2) see that the polling is properly conducted and maintain order at 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 electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.”.

### 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 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.”.

### 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:

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

### 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, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.”.

### 6.8 Verification of electronic voting systems

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

#### “§1.1 Verification of electronic voting systems

**173.1.** The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

**173.2.** During the testing of the electronic voting system, 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 system, 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 prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor”;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not

wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in “end of election” mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.”.

### 6.9 Advance polling

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

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

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

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

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and 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 contain-

ing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

**182.1.** At the close of the advance polling station, the senior deputy returning officer shall:

(1) place the voting terminals in “end of election” mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

**182.2.** The senior deputy returning officer shall place the card used to place the terminals in “election” mode and “end of election” mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

**182.3.** The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

**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 large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in “election” mode and the card used to place the terminals in “end of election” mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll 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 Revocation

Sections 186 and 187 of the Act are revoked.

#### 6.11 Polling place

The following is substituted for the first paragraph of section 188 of the Act:

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

#### 6.12 Booths

The following is substituted for section 191 of the Act:

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

#### 6.13 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors’ right to vote.”.

The following is substituted for sections 193 to 195 of the Act:

“**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule I to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.”.

#### 6.14 Identification of the candidates

The following is substituted for section 196 of the Act:

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the 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 rectangle for the elector’s mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate’s name and, where such is the case, above the indication of the candidate’s political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”

### 6.15 Reverse of ballot paper

Section 197 is revoked.

### 6.16 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

“**198.** Where an electronic voting system is 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

The following is substituted for section 199 of the Act:

“**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.”

### 6.18 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act:

“**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

**201.** The upper surface of the voting terminal must be in conformity with the model described in Schedule II to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.”

### 6.19 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and the recording of votes.”

### 6.20 Examination of polling materials and documents

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 voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

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

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

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

## 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 Electronic voting cards

The following is substituted for section 221 of the Act :

“**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.”.

### 6.23 Voting

The following is substituted for section 222 of the Act :

“**222.** The elector shall enter the polling booth and exercise the right to vote by :

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal ;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle ;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.”.

### 6.24 Following the vote

The following is substituted for section 223 of the Act :

“**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter’s assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter’s assistant shall press the button corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” or both, as the case may be, and shall then record the voter’s vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.”.

### 6.25 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

### 6.26 Assistance for electors

The following is substituted for section 226 of the Act :

“**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 :

(1) by a person who is the elector’s spouse or a relative within the meaning of section 131 ;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.”.

### 6.27 Transfer of information to electronic voting cards

The following is substituted for section 228 of the Act :

“**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.”.

### 6.28 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act :

“**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by :

- (1) placing the election terminals of the polling place in “end of election” mode;
- (2) recording the results of each voting terminal;
- (3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.”.

### 6.29 Entries in poll book

The following is substituted for section 230 of the Act :

“**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book :

- (1) the number of electors who have voted;

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

**230.1.** The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.”.

### 6.30 Compiling sheet

Section 231 of the Act is revoked.

### 6.31 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 voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.”.

Sections 234 to 237 of the Act are revoked.

### 6.33 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.”.

### 6.34 Separate envelopes

The following is substituted for section 241 of the Act :

“**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall :

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so ;

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

### 6.35 Seals

The following is substituted for section 242 of the Act :

“**242.** The senior deputy returning officer shall place in a large envelope :

(1) the small envelopes prepared pursuant to paragraph 1 of section 241 ;

(2) the envelopes provided for in section 230.1 ;

(3) the card used in the polling place to place the terminals in “election” mode and “end of election” mode ;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

### 6.36 Placing in ballot box

Section 243 of the Act is revoked.

### 6.37 Delivery to returning officer

The following is substituted for section 244 of the Act :

“**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

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

(2) the large envelope provided for in section 242.”.

### 6.38 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.”.

### 6.39 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 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.”.

### 6.40 Placing in envelope

The following is substituted for section 249 of the Act :

“**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.”.



#### 6.41 New counting of the votes

Section 250 of the Act is revoked.

#### 6.42 Notice to the Minister

The following is substituted for section 251 of the Act:

“**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs and Regions in accordance with Division III of Chapter XI.”

#### 6.43 Access to voting papers

Section 261 of the Act is revoked.

#### 6.44 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act:

“**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.”

#### 6.45 Notice to candidates

The following is substituted for section 267 of the Act:

“**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.”

#### 6.46 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act:

“**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.”

#### 6.47 Repeal

Section 269 is revoked.

#### 6.48 Missing electronic card for recording results and partial statements of votes

The following is substituted for the first paragraph of section 270 of the Act:

“**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.”

#### 6.49 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

**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.

**273.** After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.”

## 7. DURATION AND APPLICATION OF AGREEMENT

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

## 8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election to be held on November 6th 2005 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

## 9. ASSESSMENT REPORT

Within 120 days following the general election held on November 6th 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 addressing, in particular, the following issues:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 6th 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 votes cast and the number of electors admitted to vote.

## 10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the general election held on November 6th 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 11. EFFECT OF 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 Sainte-Marthe-sur-le-Lac, this 9th day of June of the year 2005

MUNICIPALITY OF SAINTE-MARTHE-SUR-LE-LAC

By: \_\_\_\_\_  
LUCIE LEBLANC, *Mayor*

\_\_\_\_\_  
LUC BOUCHARD, *Clerk*

In Québec, on this 29th day of June 2005

THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

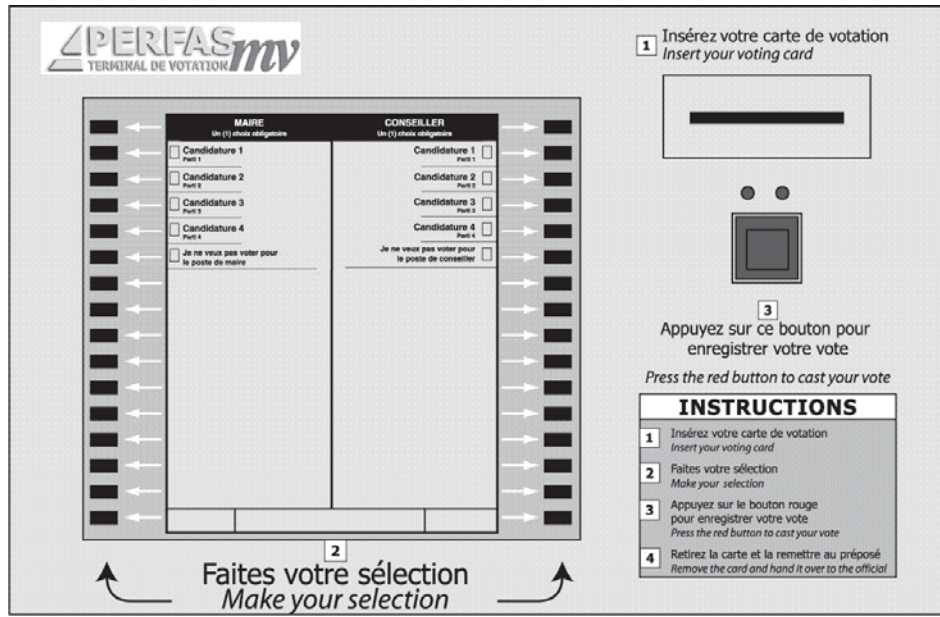
In Québec, on this 19th day of July 2005

THE MINISTER OF MUNICIPAL AFFAIRS  
AND REGIONS

\_\_\_\_\_  
DENYS JEAN, *Deputy Minister*

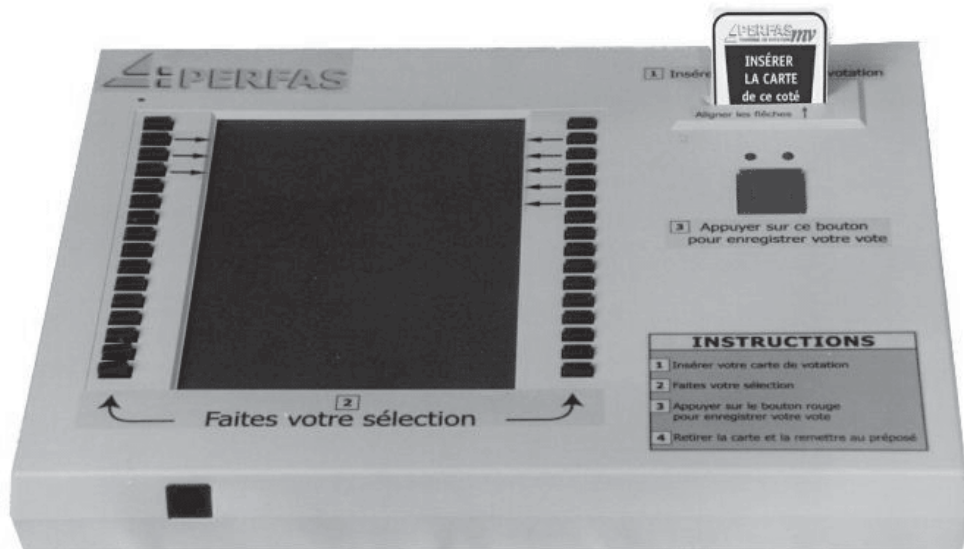
## SCHEDULE I

### BALLOT PAPER



## SCHEDULE II

### VOTING TERMINAL



**M.O., 2005-015****Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan**

An Act respecting prescription drug insurance  
(R.S.Q., c. A-29.01)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 14 September 2005

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

**Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan\***

An Act respecting prescription drug insurance  
(R.S.Q., c. A-29.01, s. 60)

**1.** The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, in Appendix I entitled “Manufacturers That Have Submitted Different Guaranteed Selling Prices for Wholesalers and Pharmacists”:

(1) by deleting the line concerning the manufacturer “Theramed”;

(2) by inserting the following after the line concerning the manufacturer “Phmscience”:

“Prempharm      Prempharm Inc.                      5%”.

**2.** The List of medications, attached to the Regulation, is amended in Appendix III entitled “Products for Which the Wholesaler’s Mark-up is Limited to a Maximum Amount”:

(1) by inserting the following after the line concerning the medication “Aranesp Syringe 150 mcg/0,3 mL”:

Amgen	Aranesp Syringe 200 mcg/0,4 mL	1
Amgen	Aranesp Syringe 500 mcg/0,6 mL	1
Amgen	Aranesp Syringe 500 mcg/1,0 mL	1”;

\* The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister’s Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister’s Orders 2003-010 dated 10 September 2003 (2003, *G.O.* 2, 2915A), 2003-012 dated 28 October 2003 (2003, *G.O.* 2, 3288), 2003-013 dated 2 December 2003 (2003, *G.O.* 2, 3472), 2004-002 dated 19 January 2004 (2004, *G.O.* 2, 828), 2004-006 dated 15 April 2004 (2004, *G.O.* 2, 1376), 2004-008 dated 17 June 2004 (2004, *G.O.* 2, 2028), 2004-013 dated 21 September 2004 (2004, *G.O.* 2, 2864), 2004-015 dated 15 November 2004 (2004, *G.O.* 2, 3157), 2004-019 dated 13 December 2004 (2004, *G.O.* 2, 3613), 2005-001 dated 20 January 2005 (2005, *G.O.* 2, 491), 2005-006 dated 13 May 2005 (2005, *G.O.* 2, 1381) and 2005-011 dated 28 July 2005 (2005, *G.O.* 2, 3273) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

(2) by inserting the following after the line concerning the medication “Enbrel S.C. Inj. Pd 25 mg”:

“J.O.I. Eprex Syringe 5000 UI/0,5 mL 6”;

(3) by inserting the following after the line concerning the medication “Gleevec Caps. 100 mg”:

“Novartis Gleevec Tab. 100 mg 120”;

(4) by inserting the following after the line concerning the medication “Humatrope Cartridge 24 mg”:

“Abbott Humira S.C. Inj. Sol. 2”;  
(syr) 40 mg

(5) by inserting the following after the line concerning the medication “Mepron Oral Susp. 150 mg/mL”:

“Novartis Myfortic Ent. Tab. 360 mg 120”;

(6) by inserting the following after the line concerning the medication “Pegetron Kit 200 mg-150 mcg/0,5mL”:

“Pharmel Phl-Fluoxétine Caps. 20 mg 500  
“Phmscience pms-Docusate Syr. 50 mg/mL 500 ml”;

(7) by inserting the following after the line concerning the medication “Sandostatin LAR I.M. Inj. Susp. 30 mg”:

“Pharmel Selegiline Tab. 5 mg 300”.

**3.** The List of medications is amended in Appendix IV entitled “Exceptional Medications, With Recognized Indications for Payment Purposes”:

(1) by deleting the following:

“ALFACALCIDOL, inj. sol.:

◆ for treatment of persons who cannot take a vitamin D analogue orally;

BETAINE ANHYDROUS:

◆ for treatment of hyperhomocysteinemia caused by:

- a deficiency in cystathionine  $\beta$ -synthase (CBS);
- a deficiency in 5, 10-methylenetetrahydrofolate reductase (MTHFR);
- a defect in cobalamin cofactor metabolism (cbl);

BUTORPHANOL TARTRATE, nasal sol.:

◆ for non-prophylactic treatment of migraine episodes or Horton’s syndrome in persons for whom treatment with other opiate analgesics or other drug therapies is ineffective or poorly tolerated;

★ CARVEDILOL:

◆ for treatment of congestive heart failure;

ETIDRONATE DISODIUM:

◆ for treatment of Paget’s disease;

◆ for maintenance treatment of hypercalcemia of malignant origin;

MAGNESIUM GLUCOHEPTONATE:

◆ for treatment of persons suffering from hypomagnesemia;

MAGNESIUM GLUCONATE:

◆ for treatment of persons suffering from hypomagnesemia;

★ MIDAZOLAM:

◆ in palliative care, for persons having an obstruction of the upper respiratory tract or severe uncontrollable symptoms requiring titrated sedation;

◆ in palliative care, for non-prophylactic treatment of generalized convulsive seizures and of myoclonia where the intravenous route is not advisable;

MIDODRINE HYDROCHLORIDE:

◆ for treatment of orthostatic hypotension;

SODIUM DANAPAROID:

◆ as an alternative to regular herapin or to low molecular weight herapins in patients who have or who have had thrombocytopenia induced by such herapins;”;

(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying indications:

“ADALIMUMAB :

◆ for treatment of moderate or severe rheumatoid arthritis;

Upon initiation of treatment or if the person has been receiving the drug for less than five months :

• the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present :

— a positive rheumatoid factor ;

— radiologically measured erosions ;

— a score of more than 1 on the health assessment questionnaire (HAQ) ;

— an elevated C-reactive protein level ;

— an elevated sedimentation rate ;

and

• the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be :

— methotrexate at a dose of 20 mg or more per week ;

or

— leflunomide at a dose of 20 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically :

• a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements :

— a decrease of 20% or more in the C-reactive protein level ;

— a reduction of 20% or more in the sedimentation rate ;

— an improvement of 0.20 in the HAQ score ;

— a return to work.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for twelve months.

Authorizations for adalimumab are given for a dose of 40 mg every two weeks.

ATOMOXETINE HYDROCHLORIDE :

◆ for treatment of children and adolescents suffering from attention deficit disorder and in whom it has not been possible to properly control the symptoms of the disease with methylphenidate and dexamphetamine or for whom these medications are contraindicated.

Before it can be concluded that methylphenidate and dexamphetamine are ineffective, these medications must have been titrated at adequate doses and, in addition, the 12-hour controlled-release form of methylphenidate must have been tried, unless there is proper justification for not complying with these requirements ;

MEMANTINE HYDROCHLORIDE :

◆ as monotherapy for person suffering from Alzheimer's disease at the moderate or severe stage who are living at home, specifically, who do not live in a residential and long-term care centre that is either a public institution or a private institution under agreement ;

Upon the initial request, the following elements must be present :

• an MMSE score of 3 to 14 ;

• medical confirmation of the degree to which the person is affected (intact domain, mildly, moderately or severely affected) in the following five domains :

— intellectual function, including memory ;

— mood ;

— behaviour ;

— autonomy in activities of daily living (ADL) and in instrumental activities of daily living (IADL) ;

— social interaction, including the ability to carry on a conversation.



The duration of the initial authorization for a treatment with memantine is six months from the beginning of treatment.

Upon subsequent requests, the physician must provide evidence of a beneficial effect confirmed by stabilization or improvement of symptoms in at least three of the following domains:

- intellectual function, including memory;
- mood;
- behaviour;
- autonomy in activities of daily living (ADL) and in instrumental activities of daily living (IADL);
- social interaction, including the ability to carry on a conversation.

The maximum duration of the authorization is six months;”.

(3) by adding the following indication after the indication accompanying the medication “DARBEOETIN ALFA”:

“♦ for treatment of chronic and symptomatic non-hemolytic anemia in cancer patients having a hemoglobin rate less than or equal to 100 g/L, where the anemia is not caused by an iron, folic acid or vitamin B<sub>12</sub> deficiency.

The maximum duration of the initial authorization is three months. When requesting continuation of treatment, the physician must provide evidence of a beneficial effect defined by an increase in the reticulocyte count of at least 40x10<sup>9</sup>/L or an increase in the hemoglobin measurement of at least 10 g/L;”;

(4) by replacing:

(a) at the end of the first indication accompanying the medication “ETANERCEPT” and concerning the treatment of rheumatoid arthritis, the sentence “Authorizations for etanercept are given for a dose of 25 mg twice per week;” by the sentence “Authorizations for etanercept are given for a dose of 50 mg per week;”;

(b) at the end of the second indication accompanying this medication and concerning the treatment of idiopathic arthritis, the sentence “Authorizations for etanercept are given for 0.4 mg/kg (maximum 25 mg per dose) twice per week;” by the sentence “Authorizations for etanercept are given for 0.8 mg/kg (maximum dose of 50 mg) per week;”;

(c) at the end of the third indication accompanying this medication and concerning the treatment of psoriatic arthritis, the sentence “Authorizations for etanercept are given for a dose of 25 mg twice per week;” by the sentence “Authorizations for etanercept are given for a dose of 50 mg per week;”;

(5) by replacing the second and third indications accompanying the medication “VALGANCICLOVIR” by the following:

“♦ for CMV-infection prophylaxis in D+R- persons having had a solid organ transplant and in D+R+ and D-R+ persons having had a lung transplant. The maximum duration of the authorization is 100 days;

♦ for CMV-infection prophylaxis in D+R-, D+R+ and D-R+ persons having had a solid organ transplant when receiving antilymphocyte antibodies. The maximum duration of each authorization is 100 days;”;

(6) by adding the following indication after the indications accompanying the medication “VERTEPORFINE”:

“♦ for treatment of presumed ocular histoplasmosis syndrome with neovascularisation;”.



**4.** The List of medications is amended:

(1) by inserting, in the order of classification of the medications, the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**8:12:04**

**ANTIFUNGAL ANTIBIOTICS**


**TERBINAFIN HYDROCHLORIDE** 

Tab.

				250 mg	
02254727	<i>Co Terbinafine</i>	Cobalt	100	252.43	2.5243
02262924	<i>Riva-Terbinafine</i>	Riva	100	252.43	2.5243

**8:12:16**

**PENICILLINS**

**AMOXICILLIN** 

Caps.

				250 mg LPM	
02262851	<i>Phl-Amoxicillin</i>	Pharmel	1000	103.20	➔ 0.1032

Caps.

				500 mg LPM	
02262878	<i>Phl-Amoxicillin</i>	Pharmel	500	100.50	➔ 0.2010

Oral Susp.


				125 mg/5 mL LPM	
02262886	<i>Phl-Amoxicillin</i>	Pharmel	150 ml	3.00	➔ 0.0200

Oral Susp.

				250 mg/5 mL LPM	
02262894	<i>Phl-Amoxicillin</i>	Pharmel	150 ml	4.50	➔ 0.0300

**8:12:24**

**TETRACYCLINES**

**MINOCYCLINE HYDROCHLORIDE** 

Caps.

				50 mg LPM	
02248208	<i>Enca</i>	Prempharm	100	53.50	➔ 0.5350

Caps.

				100 mg LPM	
02248209	<i>Enca</i>	Prempharm	100	103.32	➔ 1.0332

**8:18**

**ANTIVIRALS**

**AMANTADINE HYDROCHLORIDE** 

Syr.

				50 mg/5 mL LPM	
02262649	<i>Phl-Amantadine</i>	Pharmel	500 ml	40.50	➔ 0.0810

**8:18:08**


**ANTIRETROVIRAL AGENTS**

**FOSAMPRENAVIR CALCIUM** 

Oral Susp.

				50 mg/mL	
02261553	<i>Telzir</i>	GSK	225 ml	124.78	0.5546

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**20:12:04****ANTICOAGULANTS****WARFARIN (SODIUM) **

Tab.

				1 mg LPM	
02265273	<i>Novo-Warfarin</i>	Novopharm	250	44.55	⇒ 0.1782

Tab.

				2 mg LPM	
02265281	<i>Novo-Warfarin</i>	Novopharm	250	47.13	⇒ 0.1885

Tab.

				2.5 mg LPM	
02265303	<i>Novo-Warfarin</i>	Novopharm	250	37.72	⇒ 0.1509

Tab.


				3 mg LPM	
02265311	<i>Novo-Warfarin</i>	Novopharm	100	23.37	⇒ 0.2337

Tab.

				4 mg LPM	
02265338	<i>Novo-Warfarin</i>	Novopharm	250	58.43	⇒ 0.2337

Tab.

				5 mg LPM	
02265346	<i>Novo-Warfarin</i>	Novopharm	250	37.80	⇒ 0.1512

**24:06:08****HMG-COA REDUCTASE INHIBITORS****ROSUVASTATIN CALCIUM **

Tab.

				5 mg	
02265540	<i>Crestor</i>	AZC	30	38.70	1.2900

**24:06:92****MISCELLANEOUS ANTILIPEMIC AGENTS****NIACIN **

L.A. Tab.

				500 mg	
02262347	<i>Niaspan</i>	Oryx	100	110.00	1.1000

L.A. Tab.

				750 mg	
02262355	<i>Niaspan</i>	Oryx	100	110.00	1.1000

L.A. Tab.

				1000 mg	
02262339	<i>Niaspan</i>	Oryx	100	110.00	1.1000

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**24:24****BÊTA-ADRENERGICS BLOCKING AGENTS****SOTALOL HYDROCHLORIDE** 

Tab.

			80 mg LPM		
02242156	<i>Riva-Sotalol</i>	Riva	100	59.32	➔ 0.5932

Tab.

			160 mg LPM		
02242157	<i>Riva-Sotalol</i>	Riva	100	64.92	➔ 0.6492

**24:32:04****ANGIOTENSIN-CONVERTING ENZYME INHIBITORS (ACEI)****CILAZAPRIL** 

Tab.

			1 mg		
02266350	<i>Novo-Cilazapril</i>	Novopharm	100	41.30	0.4130

Tab.

			2.5 mg		
02266369	<i>Novo-Cilazapril</i>	Novopharm	500	238.00	0.4760

Tab.

			5 mg		
02266377	<i>Novo-Cilazapril</i>	Novopharm	500	276.50	0.5530

**SODIUM FOSINOPRIL** 

Tab.

			10 mg		
02262401	<i>Gen-Fosinopril</i>	Genpharm	100	49.77	0.4977
02255944	<i>Pms-Fosinopril</i>	Phmscience	100	49.77	0.4977

Tab.

			20 mg		
02262428	<i>Gen-Fosinopril</i>	Genpharm	100	59.85	0.5985
02255952	<i>Pms-Fosinopril</i>	Phmscience	100	59.85	0.5985

**28:08:08****OPIATE AGONISTS****OXYCODONE HYDROCHLORIDE** 

L.A. Tab.

			5 mg		
02258129	<i>Oxycontin</i>	Purdue	50	30.00	0.6000

Tab.

			20 mg LPM		
02262983	<i>Supeudol 20</i>	Sabex	50	27.65	➔ 0.5530

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**28:12:92****MISCELLANEOUS ANTICONVULSANTS****GABAPENTIN**

Caps.

				100 mg	
02256142	<i>Co Gabapentin</i>	Cobalt	500	126.00	0.2520

Caps.

				300 mg	
02256150	<i>Co Gabapentin</i>	Cobalt	500	306.50	0.6130

Caps.

				400 mg	
02256169	<i>Co Gabapentin</i>	Cobalt	500	365.25	0.7305

**LAMOTRIGINE**

Tab.

				25 mg	
02265494	<i>Gen-Lamotrigine</i>	Genpharm	100	20.88	0.2088

Tab.

				100 mg	
02265508	<i>Gen-Lamotrigine</i>	Genpharm	100	83.54	0.8354

Tab.

				150 mg	
02265516	<i>Gen-Lamotrigine</i>	Genpharm	100	125.30	1.2530

**28:16:04****ANTIDEPRESSANTS****BUPROPION HYDROCHLORIDE**

L.A. Tab.

				150 mg	
02260239	<i>Novo-Bupropion SR</i>	Novopharm	60	33.60	0.5600

**FLUVOXAMINE MALEATE**

Tab.

				50 mg	
02262622	<i>Phi-Fluvoxamine</i>	Pharmel	100	49.52	0.4952

Tab.

				100 mg	
02262630	<i>Phi-Fluvoxamine</i>	Pharmel	100	89.02	0.8902

**MIRTAZAPINE**

Tab. or oral disint.

				30 mg	
02265265	<i>Riva-Mirtazapine</i>	Riva	100	78.00	0.7800

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**PAROXÉTINE HYDROCHLORIDE**

			10 mg		
02262746	<i>Co Paroxetine</i>	Cobalt	100	104.30	1.0430

			20 mg		
02262754	<i>Co Paroxetine</i>	Cobalt	500	500.85	1.0017

			30 mg		
02262762	<i>Co Paroxetine</i>	Cobalt	100	106.47	1.0647

**28:16:08****ANTIPSYCHOTIC AGENTS****FLUPHENAZINE HYDROCHLORIDE**

			5 mg LPM		
00405361	<i>Apo-Fluphenazine</i>	Apotex	500	86.00	➔ 0.1720

**28:24:92****MISCELLANEOUS****L-TRYPTOPHANE**

			500 mg LPM		
02262436	<i>Phl-Tryptophan (Tab.)</i>	Pharmel	250	124.68	➔ 0.4987
02262444	<i>Phl-Tryptophan (Caps.)</i>	Pharmel	100	49.87	➔ 0.4987

**28:28****ANTIMANIC AGENTS****LITHIUM CARBONATE**

			150 mg		
02237006	<i>Phl-Lithium Carbonate</i>	Pharmel	1000	53.20	0.0532

			300 mg		
02237007	<i>Phl-Lithium Carbonate</i>	Pharmel	1000	55.80	0.0558

			600 mg		
02237008	<i>Phl-Lithium Carbonate</i>	Pharmel	100	13.60	0.1360

			300 mg		
02266695	<i>Apo-Lithium Carbonate SR 300 mg</i>	Apotex	100	13.34	0.1334

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**28:92****MISCELLANEOUS CENTRAL NERVOUS SYSTEM AGENTS****ZOLMITRIPTAN** 

Nas. spray

02248993	Zomig	AZC	6	5 mg 77.70	12.9500
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**36:26****DIABETES MELLITUS****QUANTITATIVE GLUCOSE BLOOD TEST**

Stick

99100214	Accu-Check Aviva	Roche Diag	100	69.85	
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**40:12****REPLACEMENT PREPARATIONS****CALCIUM CARBONATE/VITAMIN D**

Caps. or Tab.

500 mg - 125 UI à 200 UI LPM


02248374	O-Calcium 500 mg with Vitamin D	Novopharm	500	34.00	➔ 0.0680
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**CALCIUM CITRATE/VITAMIN D**

Chew. Tab.

500 mg -400 UI

80000281	Ci-Cal D 400	Euro-Pharm	60	7.44	0.1240
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**40:18****POTASSIUM-REMOVING RESINS****POLYSTYRENE SODIUM SULFONATE** 

Oral Pd

Pouvoir liant: 1 mmol de k/g LPM

02261677	Phl-Sodium Polystyrene Sulfonate	Pharmel	454 g	➔ 65.00	
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Oral Susp.


Pouvoir liant: 1 mmol de k/4mL LPM

02261650	Phl-Sodium Polystyrene Sulfonate	Pharmel	500 ml	47.29	➔ 0.0946
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Rect. Susp.

Pouvoir liant: 1 mmol de k/4mL LPM

02261669	Phl-Sodium Polystyrene Sulfonate retention Enema	Pharmel	120 ml	➔ 13.64	
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**52:04:12****MISCELLANEOUS ANTI-INFECTIVES****CIPROFLOXACIN** 

Oph. Sol.

0.3 % LPM

02253933	pms-Ciprofloxacin	Phmscience	5 ml	➔ 5.64	
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**68:04****ADRENALS****DEXAMETHASONE**

Elix.

0.5 mg/5 mL LPM

02260298	<i>Phl-Dexamethasone</i>	Pharmel	100 ml	27.95	➔ 0.2795
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**DEXAMETHASONE SODIUM PHOSPHATE**

Inj. Sol.

10 mg/mL LPM

02260301	<i>Phl-Dexamethasone</i>	Pharmel	10 ml	➔ 12.83	
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**68:12****CONTRACEPTIVES****ETHINYLESTRADIOL / NORELGESTROMIN**

Patch (3)

0,60 mg - 6 mg

02248297	<i>Evra</i>	J.O.I.	1	14.01	
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**ETHINYLOESTRADIOL NORGESTIMATE**

Tab. (21)

0,025 mg/0,180 mg - 0,215 mg -0,250 mg

02258560	<i>Tri-Cyclen LO</i>	J.O.I.	1	11.50	
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Tab. (28)

0,025 mg/0,180 mg - 0,215 mg -0,250 mg

02258587	<i>Tri-Cyclen LO</i>	J.O.I.	1	11.50	
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**68:36:04****THYROID AGENTS****LEVOTHYROXINE (SODIUM)**

Tab.

0.025 mg

02264323	<i>Euthyrox</i>	Genpharm	1000	56.44	0.0564
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Tab.

0.05 mg

02264331	<i>Euthyrox</i>	Genpharm	1000	24.92	0.0249
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Tab.

0.075 mg

02264358	<i>Euthyrox</i>	Genpharm	1000	61.00	0.0610
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Tab.

0.088 mg

02264366	<i>Euthyrox</i>	Genpharm	1000	61.00	0.0610
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Tab.

0.1 mg


02264374	<i>Euthyrox</i>	Genpharm	1000	30.60	0.0306
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.				0.112 mg	
02264390	<i>Euthyrox</i>	Genpharm	1000	64.41	0.0644
Tab.				0.125 mg	
02264404	<i>Euthyrox</i>	Genpharm	1000	65.44	0.0654
Tab.				0.137 mg	
02264412	<i>Euthyrox</i>	Genpharm	100	11.48	0.1148
Tab.				0.15 mg	
02264420	<i>Euthyrox</i>	Genpharm	1000	33.94	0.0339
Tab.				0.175 mg	
02264439	<i>Euthyrox</i>	Genpharm	1000	69.90	0.0699
Tab.				0.2 mg	
02264447	<i>Euthyrox</i>	Genpharm	100	3.59	0.0359
Tab.				0.3 mg	
02264455	<i>Euthyrox</i>	Genpharm	100	7.85	0.0785

**84:06****ANTI-INFLAMMATORY AGENTS****AMCINONIDE** 

Lot.				0.1 % LPM	
02247097	<i>Ratio-Amcinonide</i>	Ratiopharm	60 ml	➔ 13.63	
Top. Oint.				0.1 % LPM	
02247096	<i>Ratio-Amcinonide</i>	Ratiopharm	60 g	16.42 ➔	0.2737

**88:16****VITAMIN D****CHOLECALCIFEROL** 

Caps. or Tab.				10 000 UI LPM	
02253178	<i>Euro D</i>	Euro-Pharm	60	12.60 ➔	0.2100

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
<b>92:00:02</b>					
<b>OTHER MISCELLANEOUS</b>					
<b>CYCLOSPORINE</b>					
Caps.					
02247073	<i>Rhoxal-Cyclosporine</i>	Rhoxal	30	25 mg 29.85	0.9950
Caps.					
02247074	<i>Rhoxal-Cyclosporine</i>	Rhoxal	30	50 mg 58.20	1.9400
<b>MYCOPHÉROLATE SODIUM</b>					
Ent. Tab.					
02264560	<i>Myfortic</i>	Novartis	120	180 mg 235.02	1.9585
Ent. Tab.					
02264579	<i>Myfortic</i>	Novartis	120	360 mg 470.04	3.9170
<b>PAMIDRONATE DISODIUM</b>					
I.V. inf. pd/sol.					
02264951	<i>Rhoxal-Pamidronate</i>	Rhoxal	1	30 mg 88.35	
I.V. inf. pd/sol.					
02264978	<i>Rhoxal-Pamidronate</i>	Rhoxal	1	60 mg 176.70	
I.V. inf. pd/sol.					
02264986	<i>Rhoxal-Pamidronate</i>	Rhoxal	1	90 mg 265.05	

(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying information:

#### EXCEPTIONAL MEDICATIONS

##### ADALIMUMAB

S.C. Inj.Sol (syr)

02258595	<i>Humira</i>	Abbott	2	40 mg 1320.00	660.0000
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##### ATOMOXETINE HYDROCHLORIDE

Caps.

02262800	<i>Strattera</i>	Lilly	28	10 mg 111.44	3.9800
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Caps.

02262819	<i>Strattera</i>	Lilly	28	18 mg 111.44	3.9800
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Caps.

02262827	<i>Strattera</i>	Lilly	28	25 mg 111.44	3.9800
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Caps.					
02262835	Strattera	Lilly	28	40 mg 111.44	3.9800
Caps.					
02262843	Strattera	Lilly	28	60 mg 111.44	3.9800
<b>DARBEPOETINE ALFA</b>					
Syringe					
99100209	Aranesp	Amgen	1	200 mcg/0,4 mL 536.00	
Syringe					
99100210	Aranesp	Amgen	1	300 mcg/0,6 mL 804.00	
Syringe					
99100211	Aranesp	Amgen	1	500 mcg/1,0 mL 1340.00	
<b>DRESSING - HYDROCOLLOIDAL</b>					
Dressing					
99100218	Tegasorb Hydrocolloid (sacral shaped)	3M Canada	6	16,2 cm x 17 cm 55.91	9.3183
<b>EPOETIN ALFA</b>					
Syringe					
02243400	Eprex	J.O.I.	6	5 000 UI/0.5 mL 427.50	71.2500
<b>GALANTAMINE HYDROBROMIDE</b>					
L.A. Caps.					
02266717	Reminyl ER	J.O.I.	100	8 mg 459.00	4.5900
L.A. Caps.					
02266725	Reminyl ER	J.O.I.	100	16 mg 459.00	4.5900
L.A. Caps.					
02266733	Reminyl ER	J.O.I.	100	24 mg 459.00	4.5900
<b>IMATINIB MESYLATE</b>					
Tab.					
02253275	Gleevec	Novartis	120	100 mg 2922.00	24.3500

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**MEMANTINE HYDROCHLORIDE** 

Tab.

02260638	<i>Ebixa</i>	Lundbeck	30	10 mg 68.85	2.2950
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**NUTRITIONAL FORMULAS - FRACTIONATED COCONUT OIL**

Liq.

99100217	<i>Medium chain triglycerides</i>	Novartis-N	946 ml	suppl. 34.49	
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**NUTRITIONAL FORMULAS - POLYMERIC LOW-RESIDUE**

Liq.

99100215	<i>Boost Plus</i>	Novartis-N	235 mL à 250 mL 1	suppl. 1.46	
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**NUTRITIONAL FORMULAS - POLYMERIC WITH RESIDUE**

Liq.

99100216	<i>Resource just for kids 1.5 cal</i>	Novartis-N	235 mL à 250 mL 1	suppl. 2.17	
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5. The List of medications is amended by replacing the information accompanying the following medications by the following information :

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**8:12:02****AMINOGLYCOSIDES****STREPTOMYCIN SULFATE**

Inj. Pd

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
02243660	<i>Streptomycin</i>	Sterimax	1	29.95	1 g

**12:08:04****ANTIPARKINSONIAN AGENTS****SELEGILINE HYDROCHLORIDE**

Tab.

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
02230641	<i>Apo-Selegiline</i>	Apotex	500	632.50	5 mg LPM → 1.2650
02231036	<i>Gen-Selegiline</i>	Genpharm	60	75.90	→ 1.2650
02068087	<i>Novo-Selegiline</i>	Novopharm	60	75.90	→ 1.2650
02238102	<i>pms-Selegiline</i>	Phmscience	300	379.50	→ 1.2650
02238319	<i>Selegiline</i>	Pharmel	300	379.50	→ 1.2650
02231479	<i>Selegiline-5</i>	Pro Doc	500	632.50	→ 1.2650
02123312	<i>Eldepryl</i>	Draxis	60	120.51	2.0085

**12:08:08****ANTISPASMODICS****IPRATROPIUM (BROMIDE) / SALBUTAMOL (SULFATE)**

Oral aerosol

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
02163721	<i>Combivent</i>	Bo. Ing.	200 dose(s)	19.41	20 mcg-120 mcg/dose

**20:12:04****ANTICOAGULANTS****WARFARIN (SODIUM)**

Tab.

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
02242926	<i>Apo-Warfarin</i>	Apotex	500	75.44	2.5 mg LPM → 0.1509
01918346	<i>Coumadin</i>	B.-M.S.	250	37.72	→ 0.1509
02244464	<i>Gen-Warfarin</i>	Genpharm	1000	150.88	→ 0.1509
02242682	<i>Taro-Warfarin</i>	Taro	250	37.72	→ 0.1509

**24:24****BÊTA-ADRENERGICS BLOCKING AGENTS****SOTALOL HYDROCHLORIDE**


Tab.

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
02238768	<i>Phl-Sotalol</i>	Pharmel	100	59.32	80 mg LPM → 0.5932

Tab.

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
02238769	<i>Phl-Sotalol</i>	Pharmel	100	64.92	160 mg LPM → 0.6492

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**28:08:08****OPIATE AGONISTS****OXYCODONE HYDROCHLORIDE** 

Tab.

20 mg LPM

02240132	<i>Oxy IR</i>	Purdue	50	30.20	0.6040
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**28:16:08****ANTIPSYCHOTIC AGENTS****FLUPHENAZINE HYDROCHLORIDE** 

Tab.

5 mg LPM

00726354	<i>pms-Fluphenazine</i>	Phmscience	500	86.00	➔ 0.1720
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**40:12****REPLACEMENT PREPARATIONS****CALCIUM CARBONATE/VITAMIN D**

Caps. or Tab.

500 mg - 125 UI à 200 UI LPM

00752673	<i>Cal-500-D</i>	Pro Doc	500	34.00	➔ 0.0680
00688770	<i>Calcite D 500</i>	Riva	100	6.80	➔ 0.0680
00688975	<i>Calcium D 500</i>	Trianon	100	6.80	➔ 0.0680
02237351	<i>Euro-Cal-D</i>	Euro-Pharm	500	34.00	➔ 0.0680
00720798	<i>Neo-Cal-D 500</i>	Néolab	500	34.00	➔ 0.0680
00718580	<i>Novo-Calcium avec vitamine D</i>	Novopharm	500	34.00	➔ 0.0680
02244477	<i>Nu-Cal D</i>	Odan	500	34.00	➔ 0.0680

**40:18****POTASSIUM-REMOVING RESINS****POLYSTYRENE SODIUM SULFONATE** 

Oral Susp.


Pouvoir liant: 1 mmol de k/4mL LPM

00769541	<i>pms-Sodium Polystyrene Sulfonate</i>	Phmscience	500 ml	47.29	➔ 0.0946
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Rect. Susp.

Pouvoir liant: 1 mmol de k/4mL LPM

00769533	<i>pms-Sodium Polystyrene Sulfonate</i>	Phmscience	120 ml	➔ 13.64	
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**52:04:12****MISCELLANEOUS ANTI-INFECTIVES****CIPROFLOXACIN** 

Oph. Sol.

0.3 % LPM

01945270	<i>Ciloxan</i>	Alcon	5 ml	7.05	
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**52:36****MISCELLANEOUS EENT DRUGS****BRIMONIDINE TARTRATE** 

Oph. Sol.

0.2 %

02246284	<i>pms-Brimonidine</i>	Phmscience	10 ml	20.79	
02243026	<i>Ratio-Brimonidine</i>	Ratiopharm	10 ml	20.79	

**68:04****ADRENALS****DEXAMETHASONE** 

Elix.

0.5 mg/5 mL LPM

01946897	<i>pms-Dexamethasone</i>	Phmscience	100 ml	27.95	➔ 0.2795
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**68:16:04****ESTROGENS****CONJUGATED ESTROGENS (BIOLOGICS)** 

Vag. Cr.

0.625 mg/g


02043440	<i>Premarin</i>	Wyeth	14 g	8.12	
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**68:36:04****THYROID AGENTS****LIOTHYRONINE (SODIUM)** 

Tab.

5 mcg

01919458	<i>Cytomel</i>	Theramed	100	98.18	0.9818
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**84:06****ANTI-INFLAMMATORY AGENTS****AMCINONIDE** 

Lot.

0.1 % LPM

02192276	<i>Cyclocort</i>	Stiefel	60 ml	19.48	
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Top. Oint.

0.1 % LPM

02192268	<i>Cyclocort</i>	Stiefel	60 g	23.46	0.3910
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**MOMETASON FUROATE** 

Top. Oint.

0.1 %

02244769	<i>pms-Mometasone</i>	Phmscience	50 g	17.46	0.3492
02248130	<i>Ratio-Mometasone</i>	Ratiopharm	50 g	17.46	0.3492

**88:16****VITAMIN D****CHOLECALCIFEROL** 

Caps. or Tab.

10 000 UI **LPM**

00821772	<i>D-Tabs</i>	Riva	60	12.60	➔ 0.2100
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**92:00:02****OTHER MISCELLANEOUS****TETRABENAZINE** 

Tab.

25 mg

02199270	<i>Nitoman</i>	Prestwick	112		<b>UE</b>
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6. The List of medications is amended by inserting, in the order of classification of the medications, the following medications and the accompanying information and by deleting them from the exceptional medications section:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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**20:12:04****ANTICOAGULANTS****SODIUM DANAPAROID** 

Inj. Sol.

750 U/0.6 mL

02129043	<i>Organon</i>	Organon	10	180.00	18.0000
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**24:24****BÊTA-ADRENERGICS BLOCKING AGENTS****CARVEDILOL** 

Tab.

3.125 mg

02247933	<i>Apo-Carvedilol</i>	Apotex	100	80.01	0.8001
02246529	<i>Novo-Carvedilol</i>	Novopharm	100	80.01	0.8001
02248752	<i>Phl-Carvedilol</i>	Pharmel	100	80.01	0.8001
02245914	<i>pms - Carvedilol</i>	Phmscience	100	80.01	0.8001
02252309	<i>Ratio-Carvedilol</i>	Ratiopharm	100	80.01	0.8001
02229650	<i>Coreg</i>	GSK	100	127.00	1.2700

Tab.

6.25 mg

02247934	<i>Apo-Carvedilol</i>	Apotex	100	80.01	0.8001
02246530	<i>Novo-Carvedilol</i>	Novopharm	100	80.01	0.8001
02248753	<i>Phl-Carvedilol</i>	Pharmel	100	80.01	0.8001
02245915	<i>pms - Carvedilol</i>	Phmscience	100	80.01	0.8001
02252317	<i>Ratio-Carvedilol</i>	Ratiopharm	100	80.01	0.8001
02229651	<i>Coreg</i>	GSK	100	127.00	1.2700

Tab.


12.5 mg

02247935	<i>Apo-Carvedilol</i>	Apotex	100	80.01	0.8001
02246531	<i>Novo-Carvedilol</i>	Novopharm	100	80.01	0.8001
02248754	<i>Phl-Carvedilol</i>	Pharmel	100	80.01	0.8001
02245916	<i>pms - Carvedilol</i>	Phmscience	100	80.01	0.8001
02252325	<i>Ratio-Carvedilol</i>	Ratiopharm	100	80.01	0.8001
02229652	<i>Coreg</i>	GSK	100	127.00	1.2700

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.				25 mg	
02247936	<i>Apo-Carvedilol</i>	Apotex	100	80.01	0.8001
02246532	<i>Novo-Carvedilol</i>	Novopharm	100	80.01	0.8001
02248755	<i>Phl-Carvedilol</i>	Pharmel	100	80.01	0.8001
02245917	<i>pms - Carvedilol</i>	Phmscience	100	80.01	0.8001
02252333	<i>Ratio-Carvedilol</i>	Ratiopharm	100	80.01	0.8001
02229653	<i>Coreg</i>	GSK	100	127.00	1.2700

**28:08:12**  
**OPIATE PARTIAL AGONISTS**  
**BUTORPHANOL TARTRATE** 

Nas. spray				10 mg/mL	
02242504	<i>Apo-Butorphanol</i>	Apotex	2.5 ml	41.65	
02244508	<i>pms-Butorphanol</i>	Phmscience	2.5 ml	41.65	
02113031	<i>Stadol NS</i>	B.-M.S.	2.5 ml	59.50	

**28:24:08**  
**BENZODIAZEPINES**  
**MIDAZOLAM** 

Inj. Sol.				1 mg/mL LPM	
02243253	<i>Apo-Midazolam</i>	Apotex	10 ml	3.58	➔ 0.3580
02240285	<i>Midazolam</i>	Sabex	10 ml	3.58	➔ 0.3580

Inj. Sol.				5 mg/mL LPM	
02243254	<i>Apo-Midazolam</i>	Apotex	10 ml	15.16	➔ 1.5160
02240286	<i>Midazolam</i>	Sabex	10 ml	15.16	➔ 1.5160

**40:12**  
**REPLACEMENT PREPARATIONS**  
**MAGNESIUM GLUCOHEPTONATE**

Oral Sol.				500 mg/5 mL (Mg-25 mg/5 mL)	
00026697	<i>Ratio-Magnesium</i>	Ratiopharm	2000 ml	39.95	0.0200

**MAGNESIUM GLUCONATE**

Tab.				500 mg (Mg-29.31 mg)	
00555126	<i>Maglucate</i>	Phmscience	100	10.66	0.1066

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
<b>88:16</b>					
<b>VITAMIN D</b>					
<b>ALFACALCIDOL</b>					
I.V. Inj. Sol.					
				2 mcg/mL	
02242502	<i>One-Alpha</i>	Leo	1 ml	15.00	
<b>92:00:02</b>					
<b>OTHER MISCELLANEOUS</b>					
<b>BÉTAINE ANHYDROUS</b>					
Oral Pd					
				1 g/1.7 mL	
02238526	<i>Cystadane</i>	Orphan	180 g	233.00	
<b>ETIDRONATE DISODIUM</b>					
Tab.					
				200 mg LPM	
02248686	<i>Co Etidronate</i>	Cobalt	100	82.57	⇒ 0.8257
02245330	<i>Gen-Etidronate</i>	Genpharm	60	49.54	⇒ 0.8257
01997629	<i>Didronel</i>	P&G Pharma	60	78.65	1.3108
<b>MIDODRINE HYDROCHLORIDE</b>					
Tab.					
				2.5 mg	
01934392	<i>Amatine</i>	Shire	100	42.84	0.4284
Tab.					
				5 mg	
01934406	<i>Amatine</i>	Shire	100	71.40	0.7140

**7.** This Regulation comes into force on 5 October 2005.

7120

## Draft Regulations

### Draft Regulation

Building Code  
(R.S.Q., c. B-1.1)

### Construction Code — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Construction Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make adjustments to Chapter II of the Construction Code, approved by Order in Council 875-2003 dated 20 August 2003, in order to take into account new editions of the Canadian standards relating to gas, published in French in January 2005, which came into force on 31 July 2005. Moreover, a new certification body is added to the list of those already recognized by the Régie. Finally, a provision is introduced to suspend the coming into force of the new edition of the national building and plumbing codes expected in 2005.

The draft Regulation will have positive impacts on undertakings, which are generally in favour of the adoption of the latest editions of Canadian standards.

Further information may be obtained by contacting Jacques Renaud, engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7<sup>e</sup> étage, Montréal (Québec) H2M 2V2; telephone: (514) 873-2224; fax: (514) 873-1939.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Daniel Gilbert, Chair and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3<sup>e</sup> étage, Montréal (Québec) H2M 2V2.

LAURENT LESSARD,  
*Minister of Labour*

### Regulation to amend the Construction Code\*

Building Act  
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 185,  
1st par., subpars. 6.2, 6.3 and 38 and s. 192)

**1.** The Construction Code is amended in sections 2.01, 2.03, 2.05 and 2.11 to 2.15 of Chapter II by replacing the following references, wherever they occur, as follows:

(1) “CSA B149.1-00” by “CAN/CSA-B149.1-05”;

(2) “CSA B149.2-00” by “CAN/CSA-B149.2-05”;

(3) in the French text, “Code sur l’emmagasinement et la manipulation du propane” by “Code sur le stockage et la manipulation du propane”;

(4) “CSA B149.3-00” by “CAN/CSA-B149.3-05”;

(5) “CSA B108-99” by “CAN/CSA-B108-99 (C2004)”;

(6) “CSA Z276-94” by “CAN/CSA-Z276-01”.

**2.** Section 2.03 is amended by replacing, in Table 1:

(1) “CSA B149.1” by “CAN/CSA-B149.1”;

(2) “CSA B149.2” by “CAN/CSA-B149.2”;

(3) “CSA B108” by “CAN/CSA-B108”.

**3.** Section 2.05 is amended by inserting the following after subparagraph 4 of the first paragraph:

“(4.1) Omni-Test Laboratories, Inc.;”.

**4.** Section 2.11 is amended

(1) in paragraph 4 by replacing “in Clause 2.1” by “in Clause 3”;

\* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the regulation approved by Order in Council 895-2004 dated 22 September 2004 (2004, *G.O.* 2, 2833). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

- (2) in paragraph 5:
- (a) by replacing “in Clause 2.3” by “in Clause 2”;
- (b) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “enacted under the Building Act (R.S.Q., c. B-1.1)”;
- (c) by replacing subparagraphs b to d by the following:
- “(b) by replacing “B51-03” by “B51-M1991”;
- (c) by replacing “B108-05” by “CAN/CSA-B108-99(C2004)” and
- (d) by replacing, in the French text, “Natural gas fuelling stations installation code” by “Centres de ravitaillement de gaz naturel: code d’installation”;
- (3) in paragraph 6 by replacing “Clause 3.2” by “Clause 4.2”;
- (4) by deleting paragraph 7;
- (5) in paragraph 8 by replacing “5.9.3” by “6.9.3” wherever it occurs;
- (6) in paragraph 9:
- (a) by replacing “6.1.3” by “7.1.3”;
- (b) by replacing “6.1.4” by “7.1.4” and “Clause A.8.3” by “Clauses 9.4.1 and 9.4.2”;
- (7) in paragraph 10:
- (a) by replacing “7.2.1” by “8.2.1” wherever it occurs;
- (b) by replacing “7.2.3” by “8.2.3”;
- (c) by replacing “7.2.2” by “8.2.2”;
- (8) in paragraph 11:
- (a) by replacing “7.2.2A and 7.2.2B” by “8.1 and 8.2”;
- (b) by replacing “7.2.1” by “8.2.1” wherever it occurs;
- (9) in paragraph 12 by replacing “7.2.3” by “8.2.3” wherever it occurs;
- (10) in paragraph 13:
- (a) by replacing “7.2.4 and 7.2.5” by “8.2.4 and 8.2.5”;
- (b) by replacing “7.2.5A and 7.2.5B” by “8.3 and 8.4”;
- (11) in paragraph 14:
- (a) by replacing “7.2.6” by “8.2.6”;
- (b) by replacing “7.2.1” by “8.2.1” wherever it occurs;
- (c) by replacing “shall” by “must”;
- (12) in paragraph 15:
- (a) by replacing “7.3.1, 7.3.3 and 7.3.4” by “8.3.1, 8.3.3 and 8.3.4”;
- (b) by replacing “7.2.4” by “8.2.4”;
- (13) by deleting paragraph 16;
- (14) in paragraph 17:
- (a) by replacing “7.13.3” by “8.13.3”;
- (b) by replacing, in the French text, “l’appendice” by “l’annexe” and “cet appendice” by “cette annexe”;
- (15) in paragraph 18 by replacing “7.14.8” by “8.14.8”;
- (16) by replacing paragraph 19 by the following:
- “(19) by deleting, in the French text, Clause 8.18.1 and “et à la chaleur”;
- (17) in paragraph 20:
- (a) by replacing “7.18.23” by “8.18.23”;
- (b) by replacing “7.18.24” by “8.18.24”;
- (18) in paragraph 21:
- (a) by replacing “in Clause 1” by “in Clause C.2.2”;
- (b) by replacing, in the French text, “l’appendice” by “l’annexe”;
- (c) by replacing “7.2.1” by “8.2.1”.
- 5.** Section 2.12 is amended:
- (1) in paragraph 2:
- (a) by replacing “in Clause 2.1” by “in Clause 3”;

(b) by replacing “emmagasiner” in the French text of subparagraph *c* by “stockage”;

(c) by replacing “Garage” in subparagraph *f* by “Gauge”;

(2) in paragraph 3:

(a) by replacing “in Clause 2.3. by “in Clause 2”;

(b) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “enacted under the Building Act (R.S.Q., c. B-1.1)”;

(c) by replacing “B51-97” by “B51-03” in subparagraph *b*;

(d) by replacing subparagraph *c* by:

“(c) by inserting “NFPA 68, Guide for Venting of Deflagrations, 2002 Edition.” after the reference “NFPA 30B-2002 Code for the Manufacture and Storage of Aerosol Products”;

(3) in paragraph 4 by replacing “3.2” by “4.2”;

(4) in paragraph 5 by replacing “4.2.11” by “5.2.11”;

(5) in paragraph 6 by replacing “5.5.10.2” by “6.5.10.2”;

(6) in paragraph 7 by replacing “5.6” by “6.6”;

(7) in paragraph 8 by replacing “6.17.3” by “7.17.3”;

(8) in paragraph 9 by replacing “Clauses 6.21.1 to 6.21.4” by “Clause 7.21.1”.

**6.** Section 2.13 is amended in paragraph 2:

(1) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “enacted under the Building Act (R.S.Q., c. B-1.1)”;

(2) by replacing “Z662-99” in subparagraph *d* by “Z662-03”;

(3) by replacing “CSA-B149.1” in subparagraph *e* by “CAN/CSA-B149.1”.

**7.** Section 2.14 is amended by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* of paragraph 3 by “enacted under the Building Act (R.S.Q., c. B-1.1)”.

**8.** Section 2.1.5 is amended:

(1) in paragraph 2 by replacing “Clauses 1.4 and 1.5” by “Clause 1.5”;

(2) in paragraph 3:

(a) by replacing “in Clause 2” by “in Clause 2.1”;

(b) by replacing “Éléments secondaires” in the French text of subparagraph *a* by “Dégivrage (déglaçage)”;

(3) in paragraph 4:

(a) by replacing “Clause 3.1” by “Clause 2.2”;

(b) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “enacted under the Building Act (R.S.Q., c. B-1.1)”;

(c) by replacing subparagraphs *b* to *f* by the following:

“(b) by replacing “B51-03” by “B51-M1991”;

(c) by replacing “B149.1-00” by “B149.1-05”;

(d) by replacing “B149.2-00” by “B149.2-05”;

(e) by replacing “C22.1-98” by “C22.10-04”;

**9.** Sections 1.01 of Chapter I – Building and 3.01 of Chapter III – Plumbing of the Construction Code do not apply to the editions of the National Building Code of Canada and of the National Plumbing Code of Canada expected in 2005.

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

7133

## Draft Regulation

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

### Fees payable — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting annual



fees and other fees payable, the text of which appears below, was adopted by the Autorité des marchés financiers on 22 August 2005 and may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting annual fees and other fees payable so that new dues may be collected and paid into the Fonds d'indemnisation des services financiers.

To avoid a steep rise, the dues will be phased in over a 4-year period. The following table shows the dues to be paid by a representative for each sector in which he or she is authorized to pursue activities:

Year	Damage insurance and claims adjustment sectors	Other sectors
2006	\$120	\$75
2007	\$128	\$80
As of 2008	\$137	\$85

The discounts on the dues to be paid by representatives who operate in two sectors or more are renewed and no annual indexation has been provided for.

The draft Regulation also allows for the charging of fees for an application for exemption. Amendments recently made to the Act respecting the distribution of financial products and services authorize the Autorité des marchés financiers to grant an exemption for a requirement set out in the Act or a regulation applicable to a securities sector, and it is therefore necessary to charge fees for such an application. The fees are fixed at \$500, the same amount as those payable under the Securities Regulation made by Order in Council 660-83 dated 30 March 1983.

Further information on the draft Regulation may be obtained by contacting Normand Côté, Directeur de l'indemnisation, Autorité des marchés financiers, Place de la Cité, tour Cominar, 2640, boulevard Laurier, bureau 400, Sainte-Foy (Québec) G1V 5C1; telephone: (418) 525-0558, extension 4151; toll-free 1 877 525-0337; e-mail: normand.cote@lautorite.qc.ca or by contacting Hélène Ouellet, Direction des affaires juridiques, Autorité des marchés financiers, Place de la Cité, tour Cominar, 2640, boulevard Laurier, bureau 400, Sainte-Foy (Québec) G1V 5C1; telephone: (418) 525-0558, extension 2574; toll-free 1 877 525-0337; e-mail: helene.ouellet@lautorite.qc.ca

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 the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MICHEL AUDET,  
*Minister of Finance*

## Regulation to amend the Regulation respecting annual fees and other fees payable\*

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, ss. 226 and 278)

**1.** The title of the Regulation respecting annual fees and other fees payable is replaced by the following:

“Regulation respecting annual fees, dues and other fees payable”.

**2.** The following is inserted after section 3:

### “DIVISION I.1 DUES PAYABLE TO THE FONDS D’INDEMNISATION DES SERVICES FINANCIERS

**3.1.** The dues to be paid by an independent representative and by a firm or an independent partnership for each sector to the Fonds d'indemnisation des services financiers for each representative through whom the firm or the independent partnership pursues or intends to pursue its activities are

(1) \$137 for the damage insurance and claims adjustment sectors; and

(2) \$85 for the other sectors in which it is authorized to pursue activities.

The dues are discounted by 25% if a representative operates in two sectors and by 40% if a representative operates in three sectors or more.

\* The Regulation respecting annual fees and other fees payable, approved by Order in Council 836-99 dated 7 July 1999 (1999, G.O. 2, 2102), has been amended once, by the regulation approved by Order in Council 1204-2004 dated 21 December 2004 (2005, G.O. 2, 63).

Despite subparagraphs 1 and 2 of the first paragraph, the dues for 2006 and 2007 per representative are \$120 and \$128 respectively for the damage insurance and claims adjustment sectors, and \$75 and \$80 respectively for the other sectors.”.

**3.** The following is inserted after section 7:

“7.1. The fees payable at the time of an application for an exemption from a requirement prescribed by the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) or any of its regulations are \$500.”.

**4.** Section 19 is amended by deleting “respecting the distribution of financial products and services (1998, c. 37).”.

**5.** This Regulation comes into force on 1 January 2006.

7131

## Draft Regulation

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

### Fonds d'indemnisation des services financiers — Eligibility of a claim submitted — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers, the text of which appears below, was adopted by the Autorité des marchés financiers on 22 August 2005 and may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation updates the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers to reflect the amendments made to the Act respecting the distribution of financial products and services which assign the administration of the Fonds d'indemnisation des services financiers to the Autorité des marchés financiers instead of to a board of directors.

Further information on the draft Regulation may be obtained by contacting Normand Côté, Directeur de l'indemnisation, Autorité des marchés financiers, Place de la Cité, tour Cominar, 2640, boulevard Laurier, bureau 400, Sainte-Foy (Québec) G1V 5C1; telephone: (418) 525-0558, extension 4151; toll-free 1 877 525-0337; e-mail: normand.cote@lautorite.qc.ca or by contacting Hélène Ouellet, Direction des affaires juridiques, Autorité des marchés financiers, Place de la Cité, tour Cominar, 2640, boulevard Laurier, bureau 400, Sainte-Foy (Québec) G1V 5C1; telephone: (418) 525-0558, extension 2574; toll-free 1 877 525-0337; e-mail: helene.ouellet@lautorite.qc.ca

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MICHEL AUDET,  
*Minister of Finance*

## Regulation to amend the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers\*

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 228, par. 4)

**1.** Paragraph 5 of section 1 of the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers is amended by replacing “the Secretary of the Board of Directors of the Fonds” by “the Autorité des marchés financiers”.

**2.** Section 3 is amended by replacing “The Board of Directors of the Fonds” by “the Authority”.

**3.** Section 6 is amended by replacing “by the Secretary of the Fonds or of one of its directors” by “by the Authority”.

**4.** This Regulation comes into force on 1 January 2006.

7136

\* The Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers, approved by Order in Council 831-99 dated 7 July 1999 (1999, G.O. 2, 2091), has not been amended since being made.

## Draft Regulation

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45)

### Regulation

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, 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 proposed Regulation is to make amendments to the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons to reflect the amendments made by the Act to amend the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons and other legislative provisions (2005, c. 14). Those amendments relate to the project to integrate the annual declaration filed with the enterprise registrar into the fiscal return required by the Ministère du Revenu of Québec. Others amendments clarify and update various provisions or rectify certain inaccuracies.

The draft Regulation will have no negative impact on the public and businesses since it is mainly intended to reduce the administrative burden on businesses.

Further information on the draft Regulation may be obtained by contacting Klara de Pokomandy, director of enterprises, enterprise registrar, 800, place D'Youville, 6<sup>e</sup> étage, Québec (Québec) G1R 4Y5, telephone: (418) 528-7594 or fax: (418) 528-5703.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Klara de Pokomandy. The comments will be analysed by the enterprise registrar and then forwarded to the Minister of Finance who is responsible for the administration of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons.

MICHEL AUDET,  
*Minister of Finance*

## Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons\*

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45, ss. 97 to 99 and 526; 2005, c. 14, s. 40)

**1.** The Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons is amended by replacing the first paragraph of section 1 by the following:

“A natural person operating a sole proprietorship in Québec may not add, in or after the name used by the person, a word or expression indicating a plurality of members, unless such word or expression indicates the person’s trade or profession.”.

**2.** Section 2 is amended

(1) by inserting the following after paragraph 15:

“(15.1) local health and social services network development agencies;”;

(2) by deleting the comma after “autochtones” in the French version of paragraph 19.

**3.** Section 6 is amended by replacing the part preceding paragraph 1 by the following: “Every document filed in paper form, even if it is a schedule to a supplied or authorized form, must meet the following specifications:”.

**4.** Section 7 is amended by inserting “in paper form” in the first paragraph after “Every document”, in the third paragraph after “schedules” and in the last paragraph after “documents”.

**5.** Section 8 is amended

(1) by inserting “without accent, excluding all double letters but “Æ”” at the end of paragraph 1;

\* The Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, made by Order in Council 1856-93 dated 15 December 1993 (1993, *G.O.* 2, 7022), was last amended by the regulation made by Order in Council 816-2004 dated 1 September 2004 (2004, *G.O.* 2, 2619). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

(2) by inserting the following after paragraph 1:

“(1.1) the following characters from the Latin alphabet with an accent or diacritic mark: Â Á Ã Ä Å Æ È É Ê Ë Ì Í Î Ï Ó Ô Õ Ö Ù Ú Û Ü Ý Ç Ñ;”;

(3) by replacing paragraph 3 by the following:

“(3) the following signs and symbols: Ð Ø ! ; @ « » “ # \$ % & ’ ( ) \* + , . - \_ / \ | ; = [ ] { } ? < > ® ° ¢ ©.”.

**6.** The following is inserted after section 9:

“**9.1.** The annual registration fees for any registrant registered on 1 January are as follows:

(1) \$79 for a profit-making legal person and for a mutual insurance association;

(2) \$48 for a partnership;

(3) \$38 for a cooperative;

(4) \$32 for a non-profit legal person, for a natural person and for a mutual benefit association;

(5) \$32 for any other person or group.”.

**7.** Section 11 is replaced by the following:

“**11.** The fees for the filing of the annual declaration after the prescribed period are as follows:

(1) \$39.50 for a profit-making legal person and for a mutual insurance association;

(2) \$24 for a partnership;

(3) \$19 for a cooperative;

(4) \$16 for a non-profit legal person, for a natural person and for a mutual benefit association;

(5) \$16 for any other person or group.”.

**8.** Section 12 is deleted.

**9.** Section 20 is amended by replacing “Inspector General” by “enterprise registrar”.

**10.** The following paragraph is added at the end of section 22:

“Where priority treatment is provided upon request in respect of a document that may be deposited in the register free of charge, the fees are as follows:

(1) \$39.50 for a profit-making legal person and for a mutual insurance association;

(2) \$24 for a partnership;

(3) \$19 for a cooperative;

(4) \$16 for a non-profit legal person, for a natural person and for a mutual benefit association;

(5) \$16 for any other person or group.”.

**11.** Section 24 is replaced by the following:

“**24.** The period during which the annual declaration of legal persons required to file a fiscal return under section 1000 of the Taxation Act (R.S.Q., c. I-3) is to be deposited begins on the day after the end date of their taxation year and lasts for 6 months.

The period applicable to natural persons and partnerships begins on 1 January and ends on 15 June.

The period applicable to other registrants begins on 15 May and ends on 15 November.”.

**12.** Section 25 is amended

(1) by replacing “registration number” by “business number” in subparagraphs 1 and 25;

(2) by inserting the following after subparagraph 10:

“(10.1) any other activity carried on in the registrant’s establishments that must be declared under a statute;”;

(3) by inserting the following after subparagraph 13:

“(13.1) the year for which the legal person is deemed to have satisfied the annual updating obligation pursuant to section 26.3 of the Act;”;

(4) by inserting the following after subparagraph 21:

“(21.1) the date on which the general partnership becomes or ceases to be a limited liability partnership;”.

**13.** The second paragraph of section 26 is amended by replacing “Inspector General” by “enterprise registrar”.

**14.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 6, 7, 8 and 11, which come into force on 1 January 2006.

## Draft Regulation

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs (R.S.Q., c. B-7.1)

### Fishers and assistant fishers — Recognition of the professional qualification — Amendments

Notice is hereby given, according to section 10 and 11 of the Regulation Act (R.S.Q., c. R-18.1), that the Board of Directors of the Bureau d'accréditation des pêcheurs et des aides-pêcheurs, on a meeting held for this purpose on September 15, 2005, took the hereafter Regulation modifying the Regulation respecting recognition of the professional qualification of fishers and assistant fishers.

Under this draft regulation, more persons could benefit from a recognized technical qualification or from a special training program before acting as assistant fisher; however, this new training program is not intended to be an invitation for student to take a short cut to gain access to the working market.

This draft regulation should have a positive impact on enterprises involved in the fishing industry since more persons could have the recognized technical qualification before getting a job as assistant fisher.

Notice is also hereby given that this regulation could be approved, with or without amendments, by the Government 45 days after the publication of this notice.

Before the end of the above mentioned period, further information on this matter may be obtained from and comments on this regulation may be made in writing to Mr. Simon-Pierre Dubé, administration officer, Bureau d'accréditation des pêcheurs et des aides-pêcheurs, 167, Grande Allée Est, case postale 220, Grande-Rivière (Québec) G0C 1V0; phone: (418) 385-4000; fax: (418) 385-4050; e-mail: bapap@globetrotter.net

CLAUDE RÉGNIER, *avocat*

## Regulation to amend the Regulation respecting recognition of the professional qualification of fishers and assistant fishers\*

An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., c. B-7.1, s. 14, 2nd par.)

**1.** The Regulation respecting recognition of the professional qualification of fishers and assistant fishers is amended in section 9:

(1) by replacing subparagraph (1) of the first paragraph by the following:

“(1) fisher or assistant fisher who practiced commercial fishing during at least 5 weeks a year for at least 2 years in 1999, 2000 or 2001 or for at least 5 years between January 1, 1990 and September 13, 2001;”;

(2) by adding at the end of subparagraph *b* in subparagraph (2) of the first paragraph: “or was entitled, as fisher or assistant fisher, to benefit from The Atlantic Groundfish Strategy (TAGS) Government of Canada Program enforced from May 1994 to August 1998;”;

(3) by inserting “a year” after “weeks”, in subparagraph (3) of the first paragraph.

**2.** This regulation is amended by inserting the following section after section 9:

“**9.1.** Shall benefit from a qualification equivalent to that required in subparagraph *a* in subparagraph (2) of section 8, any person of at least 22 years old intending to become an assistant fisher and holding a written proof of successful completion of a training course of at least 420 hours provided by the Centre or any other professional training center established by a school board and pertaining on emergency operations at sea, net mending, rigging of fixed or mobile gears, environment and living conditions of aquatic organisms, rules of the road at sea, communication systems and handling and preservation of products.”.

**3.** This Regulation shall come into force 15 days following the date of its publication in the *Gazette officielle du Québec*.

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\* The Regulation respecting recognition of the professional qualification of fishers and assistant fishers (2001, *G.O.* 2, 4827) was not amended since it was approved by Order in Council 944-2001 of August 23, 2001.



## Draft Regulation

Building Code  
(R.S.Q., c. B-1.1)

### Safety Code

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Safety Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make adjustments to Chapter III of the Safety Code, approved by Order in Council 877-2003 dated 20 August 2003, in order to take into account new editions of the Canadian standards relating to gas, published in French in January 2005, which came into force on 31 July 2005.

The draft Regulation will have positive impacts on undertakings, which are generally in favour of the adoption of the last editions of Canadian standards.

Further information may be obtained by contacting Jacques Renaud, engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7<sup>e</sup> étage, Montréal (Québec) H2M 2V2; telephone: (514) 873-2224; fax: (514) 873-1939.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Daniel Gilbert, Chair and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3<sup>e</sup> étage, Montréal (Québec) H2M 2V2.

LAURENT LESSARD,  
*Minister of Labour*

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## Regulation to amend the Safety Code \*

Building Act  
(R.S.Q., c. B-1.1, ss. 175, 176, 178 and 192)

**1.** The Safety Code is amended in sections 27, 29, 52, 53, 58, 61, 64, 66 and 71 to 73 of Chapter III by replacing the following references, wherever they occur, as follows:

(1) “CSA Standard B149.1” by “CAN/CSA-B149.1”;

(2) in the French text, “Code sur l’emmagasinement et la manipulation du propane” by “Code sur le stockage et la manipulation du propane”;

(3) “CSA B149.2” and “CSA Standard B149.2” by “CAN/CSA-B149.2”;

(4) “CSA B108” and “CSA Standard B108” by “CAN/CSA-B108”;

(5) “CSA Z276” and “CSA Standard Z276” by “CAN/CSA Z276”.

**2.** Section 53 is amended by replacing “Clause 5.5” by “Clause 6.5”.

**3.** Section 58 is amended by replacing

(1) “Clause 6.19.4” in paragraph 1 by “Clause 7.19.4”;

(2) “Table 6.16” in paragraph 2 by “Table 7.16”.

**4.** Section 61 is amended by replacing “Clauses 7.15 to 7.19” by “Clauses 8.15 to 8.19”.

**5.** Section 73 is amended by replacing “8.2 to 8.5 of Clause 8” by “9.2 to 9.5 of Clause 9”.

**6.** 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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\* The Safety Code, approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654), was last amended by the regulation approved by Order in Council 1154-2004 dated 8 December 2004 (2004, *G.O.* 2, 3593). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

## Draft Regulation

Securities Act  
(R.S.Q., c. V-1.1)

### Securities

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Securities Regulation, appearing below, was made by the Autorité des marchés financiers on 15 August 2005 and may be submitted to the Government for approval on the expiry of 45 days following this publication. The Government may approve it with or without amendment.

The draft Regulation introduces provisions into the Securities Regulation providing for payment of administrative monetary penalties by a reporting issuer, an insider or a senior executive deemed to be an insider, in connection with a contravention of a provision of Division II of Chapter II, Chapter III or Chapter IV of Title III of the Securities Act (R.S.Q., c. V-1.1).

Further information may be obtained by contacting Maurice Lalancette, Directeur général de l'encadrement et du développement du secteur financier, Ministère des Finances, 800, place D'Youville, 17<sup>e</sup> étage, Québec (Québec) G1R 3P4; telephone: (418) 646-7420; fax: (418) 646-5744; e-mail: m.lalancette@finances.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MICHEL AUDET,  
*Minister of Finance*

## Regulation to amend the Securities Regulation\*

Securities Act  
(R.S.Q., c. V-1.1, s. 331, 1st par., subpars. 9 and 11.1)

**1.** The Securities Regulation is amended by inserting the following chapter after section 271.12:

### “CHAPTER III ADMINISTRATIVE MONETARY ACTIVITIES

**271.13.** Any reporting issuer who contravenes a provision of Division II of Chapter II or Chapter III of Title III of the Act for failure to file a disclosed document is liable to an administrative monetary penalty of \$100 per document for each business day during which such failure occurs, to a maximum amount of \$5,000 during any given fiscal year of the Authority.

**271.14.** Any insider or senior executive deemed to be an insider who contravenes a provision of any of sections 96 to 98 or 102 of the Act for failure to disclose control or a change in control over securities is liable to an administrative monetary penalty of \$100 for each day during which such failure to report occurs, to a maximum amount of \$5,000.

**271.15.** An administrative monetary penalty is payable as of the time the Authority sends a notice thereof.”

**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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\* The Securities Regulation, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269) was last amended by the regulations approved by Minister's Orders 2005-04 dated 19 May 2005 (2005, *G.O.* 2, 1496), 2005-17 dated 2 August 2005 (2005, *G.O.* 2, 3523) and 2005-22 dated 17 August 2005 (2005, *G.O.* 2, 3643), and by Order in Council 748-2005 dated 17 August 2005 (2005, *G.O.* 2, 3457). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.



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

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