

Gouvernement du Québec

Election Act
(R.S.Q., c. E-3.3)

**Agreement concerning the trial application of new voting procedures
— Electoral division of Blainville**

AGREEMENT CONCERNING THE TRIAL APPLICATION OF NEW VOTING PROCEDURES BETWEEN

MR. BERNARD LANDRY, LEADER OF THE PARTI QUÉBÉCOIS, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. JEAN CHAREST, LEADER OF THE QUÉBEC LIBERAL PARTY, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARIO DUMONT, LEADER OF THE ACTION DÉMOCRATIQUE DU QUÉBEC, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARCEL BLANCHET, IN THE CAPACITY OF CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS on 27 June 2001 the seat for the electoral division of Blainville became vacant following the resignation of Madam Céline Signori;

WHEREAS pursuant to section 130 of the Election Act (R.S.Q., c. E-3.3), an order instituting the holding of a by-election to fill a vacant seat must be issued not later than six months after the seat becomes vacant;

WHEREAS pursuant to the provisions of section 489 of the Election Act, the chief electoral officer may, at a by-election, test new voting procedures;

WHEREAS the chief electoral officer wishes, at the by-election to be held in the Blainville electoral district, to test new voting procedures, namely electronic ballot boxes, elector access to all polling stations in a polling subdivision, and the sending of a notice containing a bar-code to each elector under section 198.1 of the Election Act;

WHEREAS an agreement between the chief electoral officer of Québec and the leaders of the authorized parties represented in the National Assembly is necessary to implement such new voting procedures;

WHEREAS such an agreement must describe the new voting procedures, mention the provisions of the Election Act that it replaces, and be signed by the said party leaders;

WHEREAS this agreement has the force of law;

THE PARTIES AGREE AS FOLLOWS:

1. PREAMBLE

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

2. OBJECT OF AGREEMENT

The object of this agreement is to test new voting procedures at the by-election to be held in the electoral district of Blainville, namely: making it possible for an elector to vote at any polling station in a given place of voting, using a card containing a bar-code to identify an elector rapidly, and using electronic ballot boxes to allow the use of ballot papers and an electronic tallying of votes.

3. 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.

3.1 “Firm” means PG Élections inc., its representatives and its employees.

3.2 “Polling station” means any place to which electors report to state their identity to the deputy returning officer, produce, if they have it in their possession, a card containing a bar-code, and receive their ballot paper. A polling station comprises:

— a computer containing a record of the list of electors of the place of voting (the computers of each place of voting shall be connected to each other);

— a scanning device to scan cards containing bar-codes;

— a printer, where necessary, to print the list of electors having voted in an advance poll and on polling day.

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

3.4 “Vote tabulator” means a device that uses an optical viewer to detect a mark made in a circle on a ballot paper by an elector, as well as the number of the polling subdivision.

3.5 “Memory card” means a memory device that computes and records the marks made by an elector for one 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.

3.6 “Recipient for ballot papers” means a box into which the ballot papers fall.

3.7 “Refused ballot paper” means a ballot paper that cannot be inserted into the vote tabulator.

3.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper, containing instructions in French and English on how to vote.

3.9 “Place of voting” means a place where one or more polling stations are located.

3.10 “Computerized list of electors” means a list containing the name, date of birth, sex, address, polling subdivision and line number of each elector, which must be accessible on-screen and using a printer and must be in alphabetical order by elector name, thoroughfare and polling subdivision.

3.11 “Card containing a bar-code” means the notice provided for in section 198.1 of the Election Act, on which a bar-code and the name and address of the elector are printed as they appear on the list of electors produced once the order instituting the election has been issued.

4. ELECTION

For the by-election to be held in the electoral division of Blainville, following the resignation on 27 June 2001 of Madam Céline Signori, the computer equipment and electronic ballot boxes of the firm PG Élections inc. shall be used.

5. SECURITY MECHANISMS

The polling station computers and electronic ballot boxes used must include the following security mechanisms:

5.1 Polling station computers

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

5.2 Electronic ballot boxes

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

A verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation.

The electronic ballot box must not be placed in “end of election” mode while the poll is still under way.

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

Each electronic ballot box must be provided with a back-up power source (battery) able to operate for five hours, unless all the electronic ballot boxes are connected to a generator.

6. PROGRAMMING

Each memory card used must be specially programmed by the firm, in order to recognize and tally ballot papers in accordance with the agreement.

7. AMENDMENTS TO THE ELECTION ACT

7.1 Oath

The Election Act is amended by inserting the following section after section 136:

“**136.1.** All the representatives and employees of the firm, and all the representatives and employees of the printer of the ballot papers who help print, count, pack or deliver the ballot papers, must make a sworn statement to the returning officer that they have not supplied ballot papers fitting the same description to any person other than the returning officer.

The representatives of the firm and its employees must swear that the information contained in the list of electors and any other document will remain confidential and will be destroyed at a later date in accordance with the instructions of the chief electoral officer.”.

7.2 Notice to electors

Section 198.1 of the said Act is replaced by the following section:

“198.1. Not later than the twenty-second day preceding polling day, the firm shall send a notice containing a bar-code to each elector, indicating the information pertaining to that elector shown on the list of electors, in accordance with the model determined by the chief electoral officer.

The firm shall send to each address for which no elector’s name is entered, a notice stating that no elector’s name is entered for that address.”.

7.3 Withdrawal of a candidate or withdrawal of authorization

Section 257 of the said Act is replaced by the following sections:

“257. If the declaration of withdrawal is filed after the expiry of the period for filing nomination papers, and if it is not possible to print new ballot papers, the returning officer shall ensure that the memory card is adjusted so that any votes cast for that candidate before or after the withdrawal are rejected. The deputy returning officer shall, when handing a ballot paper to an elector, strike out the name of the candidate or candidates who have withdrawn without touching the circle next to the name, and shall advise the elector that one or more candidates have withdrawn.

257.1. If a party’s authorization is withdrawn, the returning officer shall ensure that the memory card is adjusted so that no electronic ballot box considers the party whose authorization is withdrawn. The deputy returning officer shall, when handing a ballot paper to an elector, strike out the name of the political party and advise the elector accordingly.”.

7.4 Verification of computers at places of voting and of electronic ballot boxes

The said Act is amended by inserting the following Division after Division I of Chapter V of Title IV:

“DIVISION I.1 VERIFICATION OF COMPUTERS AT PLACES OF VOTING AND OF ELECTRONIC BALLOT BOXES

261.1. The returning officer and the persons appointed for that purpose, if any, shall, at the time considered expedient by the returning officer but not later than immediately prior to the opening of the polling stations

on the first day of advance polling and immediately prior to the opening of the polling stations on polling day, in the presence of the representative of the firm and, where applicable, the representatives of the candidates, verify for each place of voting that each computer contains the list of electors for that place. The returning officer must, in particular,

(1) search for an elector’s name using a card with a bar-code;

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

(3) indicate to the computer that a certain number of electors have voted and ensure that each computer at the place of voting displays “has voted” beside the name of the electors concerned;

(4) print the list of electors who have voted, in a non-cumulative way, by elector line number and polling subdivision, and ensure that the result complies with the data entered in the computer.

261.2. The returning officer and the persons appointed for that purpose, if any, shall, at the time considered expedient by the returning officer but not later than immediately prior to the opening of the polling stations on the first day of advance voting and immediately prior to the opening of the polling stations on polling day, test the electronic ballot boxes to ensure that they tally the number of votes cast accurately and precisely, in the presence of a representative of the firm and, where applicable, the representatives of the candidates.

261.3. During the testing of the electronic ballot boxes, adequate security measures must be taken by the firm to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The firm 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.

261.4. The returning officer shall conduct the test performing the following operations.

(1) Marking the memory card with the returning officer’s initials and inserting it into the electronic ballot box.

(2) Inserting into the electronic ballot box a predetermined number of ballot papers, previously marked and tallied manually. The ballot papers shall include

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

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

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

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

(e) a pre-determined number of ballot papers on which the polling subdivision is not identified;

(f) a pre-determined number of ballot papers on which more than one polling subdivision is identified.

(3) Placing the electronic ballot box in “election” mode and ensuring that the results compiled by the electronic ballot box are consistent with the manually-compiled results.

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

(5) Placing the tabulator in the travel case and placing a seal on it; the returning officer and the representatives who so wish shall note the number entered on the seal.

(6) Where an error in the compilation of the results by the electronic ballot box 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 a perfect compilation of results is obtained. Any error or discrepancy shall be noted in the test report.

(7) The returning officer may not change the programming for the scanning of the mark in a circle without supervision from the firm and, where applicable, the presence of the representatives of the candidates.”.

7.5 Advance polling

Sections 268 and 269 of the said Act are replaced by the following sections :

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

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

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

(3) the number of spoiled or cancelled ballot papers and the number of unused ballot papers;

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

The deputy returning officer shall place in separate envelopes the spoiled or cancelled ballot papers, the unused ballot papers, the forms, and the poll book. 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 shall be given to the senior deputy returning officer for deposit in one of the transfer boxes reserved for that purpose.

At the end of each day of advance polling, the deputy returning officer shall print out a list of the electors who have voted and give the list to the returning officer.

268.1. When ballot papers are to be transferred in a transfer box, the senior deputy returning officer, in the presence of the candidates or of their representatives who wish to do so, shall open the recipient of the electronic ballot box and place the ballot papers from the recipient in one or more transfer boxes, which the deputy returning officer shall seal. The senior deputy returning officer, the assistant to the senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The senior deputy returning officer shall then give the transfer boxes to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the boxes containing the ballot papers until the results of the advance poll have been compiled.

269. Immediately before the time fixed for the opening of the polling station on the second day, the senior deputy returning officer, before the persons present, shall open the transfer boxes and give each deputy returning officer the poll books, the envelopes containing unused ballot papers and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled or cancelled ballot papers from the first day shall remain in the transfer boxes, that the senior deputy returning officer shall then 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 paper copy of the list of electors for the place of voting.

At the close of the second day of advance polling, the senior deputy returning officer, the 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 and place it in an envelope, seal the envelope, place it in a transfer box and seal the box.

The spoiled or cancelled ballot papers from the second day shall be placed in separate sealed envelope. They shall also be placed in a sealed transfer box.

The senior deputy returning officer, the assistant to the senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The returning officer shall have custody of the transfer boxes until the results of the advance poll have been compiled.”.

Section 271 of the said Act is repealed.

Section 272 of the said Act is replaced by the following section:

“**272.** From 8:30 p.m. on polling day, the senior deputy returning officer and the assistant to the senior deputy returning officer designated by the returning officer shall print out the results of all the advance polling stations, as compiled by the electronic ballot box, in the presence of 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. Among other things, the print-out shall not take polling subdivisions into account.”.

7.6 Mobile polling station

The said Act is amended by inserting the following sections after section 292:

“**292.1.** 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.

292.2. The 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. The representatives of the candidates may be present.”.

7.7 Place of voting, polling station

Section 302 of the said Act is replaced by the following section:

“**302.** Each place of voting shall have the number of polling stations determined by the chief electoral officer after consulting the returning officer. At least one polling station must be established for each group of approximately 750 electors.

A computer link may be established between the polling stations for an elector to be able to vote at the first polling station that becomes available.”.

7.8 Booths

The said Act is amended by inserting the following section after section 302:

“**302.1.** Each place of voting shall have the number of polling booths determined by the returning officer.”.

7.9 Election officers

Section 308 of the said Act is amended by replacing the word “Deputy” by the words “Senior deputy returning officers, assistants to senior deputy returning officers, deputy”.

7.10 Senior deputy returning officer and assistant to the senior deputy returning officer

Section 310 of the said Act is amended by adding the following paragraphs:

“For each electronic ballot box, the returning officer shall appoint a senior deputy returning officer and an assistant to the senior deputy returning officer.

The senior deputy returning officer shall be appointed on the recommendation of the authorized party whose candidate came first at the last election.

The assistant to the senior deputy returning officer shall be appointed on the recommendation of the candidate of the authorized party whose candidate came second at the last election.

The senior deputy returning officer and the assistant to the senior deputy returning officer shall be remunerated in accordance with the tariff established by the chief electoral officer.”.

7.11 Officer assigned to the list of electors

Section 310.1 is replaced by the following section :

“**310.1.** The returning officer shall, for each polling station, appoint an officer assigned to the list of electors. The officers assigned to the list of electors shall be recommended alternately by the candidate of the authorized party whose candidate came first at the last election and by the candidate of the authorized party whose candidate came second at the last election.”.

7.12 Duties of deputy returning officer

Section 314 of the said Act is replaced by the following section :

“**314.** The deputy returning officer shall have the following duties in particular :

- (1) to see to the arrangement of the polling station ;
- (2) to see that the polling is properly conducted and maintain order ;
- (3) to facilitate the exercise of the right to vote and ensure that voting is secret ;
- (4) to receive cards containing bar-codes from electors and locate the electors on the computerized list of electors or, if the electors do not have a card containing a bar-code, locate the electors using a keyboard search ;
- (5) to receive proof of identity from electors ;
- (6) to give electors a ballot paper, confidentiality sleeve and pencil to exercise their right to vote ;

(7) to receive from electors any ballot papers that are refused by the tabulator and give the electors another ballot paper, and to record the occurrence in the poll book ;

(8) to enter “has voted” on screen beside the name of each elector who has been given a ballot paper.”.

7.13 Duties of the poll clerk

Section 315 of the said Act is replaced by the following section :

“**315.** The poll clerk shall have the following duties in particular :

- (1) to enter in the poll book the particulars relating to the conduct of the polling ;
- (2) to enter “has voted” on the paper copy of the list of electors against the name of each elector who has been given a ballot paper by the deputy returning officer ;
- (3) to assist the deputy returning officer.”.

7.14 Duties of officers assigned to the list of electors

Section 315.1 of the said Act is replaced by the following section :

“**315.1.** The officers assigned to the list of electors at each polling station shall have, in particular, the duty of updating the list of electors who have voted and, in the event of a breakdown of the computer system, informing the poll runners, in accordance with the directives of the chief electoral officer, as to the electors who have exercised their right to vote.”.

7.15 Duties of the senior deputy returning officer and the assistant to the senior deputy returning officer

The said Act is amended by inserting the following sections after section 315 :

“**315.0.1.** The senior deputy returning officer shall have the following duties in particular :

- (1) to see to the installation and preparation of the electronic ballot box ;
- (2) to ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box ;

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

(4) to ensure that the electronic box functions correctly;

(5) when a ballot paper has been refused by the tabulator, to ask the elector to return to the polling booth, mark all the circles and go to the polling station accompanied by an assistant to the senior deputy returning officer in order to obtain another ballot paper;

(6) to print out the results compiled by the electronic ballot box at the closing of the poll;

(7) to complete a statement of reconciliation of the ballot papers, transfer the results to a computer terminal, and print them out;

(8) give the returning officer, or the person designated by the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the closing reports of the polling stations;

(9) to place the ballot papers contained in the recipient of the electronic ballot box in the transfer boxes, seal the boxes and give them to the returning officer or to the person designated by the returning officer;

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

315.0.2. The assistant to the senior deputy returning officer shall have the following duties in particular:

(1) to assist the senior deputy returning officer in the performance of the latter's duties;

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

(3) to verify the polling booths in the place of voting.”.

7.16 Poll runners and forwarding by electronic means of the list of electors who have voted

Section 318 of the said Act is replaced by the following section:

“**318.** The list of those electors who have already exercised their right to vote may be collected by one of the following means:

(1) the candidate may designate, on polling day, for each place in which polling stations are established, a person with a power of attorney to collect the list of electors who have already exercised their right to vote. The person may be the person designated by the candidate as a representative before the officer in charge of information and order. The poll runner shall collect the list of electors who have already exercised their right to vote from the deputy returning officer of the polling station designated by the returning officer. In the event of a breakdown of the computer system, the poll runner shall collect the list from the officer assigned to the list of electors of each polling station;

(2) the candidate may give to the returning officer the e-mail address to which the candidate wishes the list of electors who have already exercised their right to vote to be forwarded. The list shall be forwarded for each place of voting, in a non-cumulative way, at the following intervals: every hour during the first five hours of the poll and every half-hour thereafter. The e-mail address must be given to the returning officer in writing not later than the third day before polling day.”.

7.17 Ballot paper and confidentiality sleeve

Section 320 of the said Act is replaced by the following section:

“**320.** The returning officer shall cause ballot papers to be printed in accordance with the model provided in the Schedule to this agreement.

The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.”.

Section 321 of the said Act is replaced by the following section:

“**321.** The paper or cardboard necessary for the printing of the ballot papers shall be provided by the firm that supplies the electronic ballot boxes.”.

Section 322 of the said Act is repealed.

Section 323 of the said Act is repealed.

The said Act is amended by inserting the following sections after section 323:

“**323.1.** The ballot papers shall have, on their face, as in the model provided in the Schedule:

(1) the name of the electoral division;

(2) the words “by-election” and the date of the poll ;

(3) the surname and given name of each candidate and the candidate’s political allegiance, if any ;

(4) alignment marks for the optical viewers.

The ballot papers shall have, on their back, as in the model provided in the Schedule :

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

(2) the name and address of the printer ;

(3) alignment marks for the optical viewers.

The ballot papers must include a space for the identification of the elector’s polling subdivision.

323.2. The returning officer shall see that a sufficient number of confidentiality sleeves are available. The confidentiality sleeve must be sufficiently opaque to ensure that no mark made on the ballot paper can show through.”.

7.18 Number of electronic ballot boxes

Section 325 of the said Act is replaced by the following section :

“**325.** The returning officer must ensure that a sufficient number of electronic ballot boxes are available at each place of voting, 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 recipient and transfer boxes are available for each electronic ballot box.”.

Section 326 of the said Act is repealed.

7.19 Provision of polling materials

Section 327 of the said Act is replaced by the following section :

“**327.** Within three days before the polling, the returning officer shall give the deputy returning officer

(1) a poll book ;

(2) the required number of ballot papers in a sealed enveloped bearing the returning officer’s initials ;

(3) the forms and other necessary documents for the poll.”.

POLLING PROCEDURE

7.20 Presence at the polling station

Section 328 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**328.** The officer in charge of information and order, the senior deputy returning officer, the assistant to the senior deputy returning officer, the deputy returning officer, the officer assigned to the list of electors and the members of the identity verification panel shall be present at the polling station one hour before the opening of the poll.”.

7.21 Examination of the electronic ballot box and polling materials

Section 329 of the said Act is amended by replacing “ballot box and examine the documents found in it” by “box and the envelopes and examine the documents found in them”.

The said Act is amended by inserting the following sections after section 329 :

“**329.1.** 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 place of voting. 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 show the report to any person present who wishes to examine it, and shall keep it in the envelope provided for that purpose.

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

329.2. 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.”.

Section 332 of the said Act is replaced by the following section :

“**332.** Immediately before the hour fixed for the opening of the poll, the senior deputy returning officer, before the assistant to the senior deputy returning officer, 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, the assistant to 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.”.

7.22 Presentation of the card containing a bar-code and statement by elector

Section 337 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**337.** Each elector in possession of a card containing a bar-code shall present it to the deputy returning officer, and shall state his name and address and, if required, his date of birth to the deputy returning officer and poll clerk.”.

7.23 Initialling of ballot papers, identification of polling subdivision and entry on computerized list of electors

Section 341 of the said Act is replaced by the following section :

“**341.** The deputy returning officer shall give a ballot paper to each elector admitted to vote, after initialling the ballot paper in the space reserved for that purpose and filling in the circle corresponding to the elector’s polling subdivision, as well as a confidentiality sleeve. The deputy returning officer shall also give the elector a pencil.

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

When giving an elector a ballot paper, the deputy returning officer shall indicate on screen that the elector has voted. The poll clerk shall do likewise on the paper copy of the list of electors.”.

7.24 Voting

Section 342 of the said Act is replaced by the following section :

“**342.** 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 opposite the name of the candidate for whom the elector wishes to vote.

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

7.25 Following the vote

Section 343 of the said Act is replaced by the following section :

“**343.** After marking the ballot paper and inserting it 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 in the electronic ballot box without removing it from the confidentiality sleeve.”.

7.26 Automatic acceptance

The said Act is amended by inserting the following sections after section 343 :

“**343.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper inserted that has been given by the deputy returning officer to an elector.

343.2. If a ballot paper becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall unblock the tabulator and restart the electronic ballot box.

The senior deputy returning officer must report the time during which voting was stopped to the returning officer and to a deputy returning officer, who shall mention that fact in the poll book.”.

Section 344 of the said Act is repealed.

7.27 Cancelled ballot paper

Section 345 of the said Act is replaced by the following section :

“**345.** The senior deputy returning officer shall prevent the insertion in the electronic ballot box of any ballot paper initialled by a person other than a deputy returning officer of the polling station, or that is not initialled. The elector must return to the polling station from which the ballot paper was received.

The deputy returning officer of the polling station concerned shall, if the ballot paper is not initialled, initial it before the persons present, provided that the ballot paper appears to be a ballot paper given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to place the ballot paper in the electronic ballot box.

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

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

7.28 Person with visual impairment

Section 348 of the said Act is replaced by the following section :

“**348.** At the request of a person with a visual impairment, the deputy returning officer must provide that person with a template supplied by the firm to allow the person to vote without assistance. The deputy returning officer shall set up the template and the ballot paper, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot paper and the information given under their name, if any.

The senior deputy returning officer shall help the elector insert the ballot paper in the electronic ballot box.”.

COMPILATION OF RESULTS AND ADDITION OF VOTES

7.29 Compilation of results

Sections 360 and 361 of the said Act are replaced by the following sections :

“**360.** After the close of the poll, the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place the electronic ballot box in “close of poll” mode and print the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the place of voting may be present.

The ballot papers on which the polling subdivision has not been identified in accordance with section 341 of this Act, or on which more than one polling subdivision has been indicated, must be counted as part of a polling subdivision provided for that purpose.

361. After the close of the poll, the poll clerk shall enter the following information in the poll book :

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

(2) the number of electors admitted to vote ;

(3) the number of spoiled or cancelled ballot papers and the number of unused ballot papers ;

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

7.30 Rejected ballot papers

The said Act is amended by inserting the following section after section 361 :

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

(1) has not been marked in favour of a candidate ;

(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.

No ballot paper shall be rejected because the polling subdivision has not been identified or because more than one polling subdivision has been identified.

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 papers presented, in other words both the valid ballot papers and the rejected ballot papers, except any ballot papers that have been refused.”.

7.31 Tally sheet

Section 362 of the said Act is repealed.

7.32 Examination of ballot papers

Section 363 of the said Act is repealed.

7.33 Rejected ballot papers, procedural omission and valid ballot papers

Sections 364 and 365 of the said Act, adapted as required, shall apply only in the case of a judicial recount.

7.34 Contested validity

Sections 366 and 366.1 of the said Act are replaced by the following section:

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

7.35 Poll closing report, report of results, and copy given to candidates' representatives

Section 367 of the said Act is replaced by the following sections:

“367. The deputy returning officer shall draw up the closing report for the polling station, setting out

- (1) the number of ballot papers received from the returning officer;
- (2) the number of spoiled or cancelled ballot papers;
- (3) the number of unused ballot papers.

The deputy returning officer shall make several copies of the report, including a copy that must be given to the senior deputy returning officer.

367.1. The senior deputy returning officer shall ensure, before the persons present, that the results entered in the report on the results compiled by the electronic ballot box and the total number of unused, spoiled or cancelled ballot papers entered in the closing report for each polling station correspond to the total number of ballot papers given out by the returning officer.

367.2. The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer and before the persons present, shall withdraw the memory card from the electronic ballot box and, using the computer terminal of a polling station, proceed to print out a sufficient number of copies of the results report indicating the total number of ballot papers, the number of rejected ballot papers and the number of valid ballot papers for each polling subdivision.

The senior deputy returning officer shall immediately give a copy of the report to the representatives present. The senior deputy returning officer shall insert a copy of the report, together with the memory card, in an envelope and, in the presence of the assistant to the senior deputy returning officer, seal the envelope, initial it, allow the assistant to the senior deputy returning officer to initial it, and place it in a transfer box.”.

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

The said Act is amended by inserting the following sections after section 367.2:

“367.3. After the close of the poll, each deputy returning officer shall place in separate envelopes the poll book, the forms, the spoiled or cancelled ballot papers, the unused ballot papers and the closing report of the polling station. Each deputy returning officer shall seal the envelopes, place them in a large envelope, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling who wish to do so, shall initial the seals.

367.4. After the results compiled by the electronic ballot box have been printed, and where the ballot papers are to be transferred in a transfer box, the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer and the representatives who wish to be present, shall place the ballot papers from the recipient of the electronic ballot box in one or more envelopes that the senior deputy returning officer shall then seal and initial. The senior deputy returning officer shall allow the assistant to the senior deputy returning officer to initial the seal or seals, as well as any representatives who wish to do so.

The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place the envelope or envelopes in a transfer box.

The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place the large envelope received from the deputy returning officers in a transfer box, together with the envelope containing the zero display report produced at the initialization of the electronic ballot box.

The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall seal and initial the transfer boxes, and allow the assistant and any representatives who wish to do so to initial the boxes, and shall give the boxes to the returning officer.

367.5. The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall place in an envelope a copy of the report from the electronic ballot box and a copy of the result report. The senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer, shall then seal an initial the envelope, allow the assistant to initial it, and shall give the envelope to the returning officer.

The representatives may initial the seal.”.

Section 368 of the said Act is repealed.

7.37 Closing of the ballot box

Section 369 of the said Act is repealed.

7.38 Sending of transfer boxes to returning officer

Section 370 of the said Act is replaced by the following section :

“**370.** The senior deputy returning officer shall give the transfer boxes and all the envelopes received from the deputy returning officers to the returning officer or the person designated by the returning officer to receive them.”.

7.39 Addition of votes

Section 372 of the said Act is replaced by the following section :

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

7.40 Adjournment of the addition of votes

Section 373 of the said Act is replaced by the following section :

“**373.** A returning officer who is unable to obtain an overall statement of votes shall adjourn the addition of votes until it can be obtained.

Where it is impossible to obtain an overall statement of votes, or the printed report of results compiled by an electronic ballot box, the returning officer shall, in the presence of the assistant to the senior deputy returning officer and the candidates concerned or of 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.”.

7.41 Placing in envelope

The said Act is amended by inserting the following section after section 373 :

“**373.1.** 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 and return it to the transfer box, and then seal the box.

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

7.42 New summary counting

The said Act is amended by inserting the following section after section 373.1 :

“**373.2.** Where it is not possible to print a new report of the results compiled using the memory card, the deputy returning officer may apply for a judicial recount of the ballots counted by the electronic ballot box or ballot boxes concerned.”.

7.43 Use of electronic ballot boxes or computers at polling station impossible

The said Act is amended by inserting the following section after section 376 :

“**376.1.** If it becomes impossible to use the electronic ballot boxes or the computers of the polling stations, the firm must provide for and use an alternative system. More specifically, all the necessary replacement materials must be available, including ballot boxes, templates and anything else required for the poll. In such a case, the Election Act (R.S.Q., c. E-3.3) shall apply, adapted as required.”.

7.44 Election return

Section 381 of the said Act is replaced by the following section :

“**381.** The chief electoral officer shall, as soon as possible after the election, publish a detailed return of the election containing, in particular, the results for each polling subdivision.

The chief electoral officer shall forward the return to the Secretary General of the National Assembly.”.

7.45 Application for a recount

Section 382 of the said Act is replaced by the following section:

“**382.** Any person having reasonable grounds to believe that an electronic ballot box has unlawfully counted or rejected ballot papers may apply for a judicial recount of the votes.”.

7.46 Access to ballot papers

The said Act is amended by inserting the following section after section 570:

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

7.47 Examination of rejected ballot papers

The said Act is amended by inserting the following section after section 570.1:

“**570.2.** Within 60 days from the day on which an election is declared or contested, the chief electoral officer must, at the request of an authorized political party represented in the National Assembly, examine the rejected ballot papers to ascertain the grounds for rejection. The chief electoral officer must verify the ballot papers contained in the transfer boxes.

The chief electoral officer must notify the candidates or their representatives that they may be present at the examination. The representative of the firm that supplied 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 by the firm that supplied the electronic ballot boxes.

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 chief electoral 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.”.

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

Section 490 of the said Act is replaced by the following section:

“**490.** If, during the election period, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Act does not meet the demands of the resultant situation, the chief electoral officer may adapt such provision in order to achieve its object.

However, the chief electoral officer shall first inform the authorized parties represented in the National Assembly of the decision the chief electoral officer intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of the decision taken.

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 this section. The President shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption.”.

8. APPLICATION OF AGREEMENT

The chief electoral officer and the returning officer are responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of new voting procedures.

9. ASSESSMENT REPORT

Within 60 days following the holding of the by-election, the chief electoral officer and the returning officer shall forward to the leaders of the political parties represented in the National Assembly a report addressing, in particular, the following issues:

- the preparations for the election (choice of new voting procedures, 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 ;
- a comparison between the polling costs using the new voting procedures and the polling costs using a traditional poll in the same electoral division ;

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

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

— the results obtained during the counting of the votes and the correspondence between the number of ballot papers given out to the deputy returning officers and the number of ballot papers returned used and unused ;

— a survey of rejected ballot papers, if the survey has been completed.

10. APPLICATION OF ELECTION ACT

The Election Act (R.S.Q., c. E-3.3) applies in the electoral division of Blainville for the by-election covered by this agreement, subject to the provisions of that Act that are amended or replaced by this agreement.

11. EFFECT OF AGREEMENT

This agreement takes effect on the date of the order-in-council requiring the Chief Electoral Officer to institute a by-election in the electoral division of Blainville.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED FOUR DUPLICATES OF THIS AGREEMENT,

AT _____, on _____ 2001

BERNARD LANDRY,
Leader of the Parti Québécois

AT _____, on _____ 2001

JEAN CHAREST,
Leader of the Québec Liberal Party

AT _____, on _____ 2001

MARIO DUMONT,
Leader of the Action démocratique du Québec

AT _____, on _____ 2001

MARCEL BLANCHET,
Chief Electoral Officer of Québec

SCHEDULE

BALLOT PAPER

Electoral Division of Blainville
By-election held on 25 August 2001

	Candidate ONE Political party	<input type="radio"/>
	Candidate TWO Political party	<input type="radio"/>
	Candidate THREE Political party	<input type="radio"/>
	Candidate FOUR Political party	<input type="radio"/>
	Candidate FIVE Political party	<input type="radio"/>
	Candidate SIX Political party	<input type="radio"/>
	Candidate SEVEN Political party	<input type="radio"/>

