

It must also be displayed in any other place where a body referred to in this section displays its banner.

6. The flag of Québec must be flown on the buildings of the following bodies in the health and social services sector:

(1) public institutions governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) and by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(2) private institutions governed by those acts and funded by the consolidated revenue fund; and

(3) regional boards and regional health and social services councils established under those acts.

7. The flag of Québec may be flown in front of buildings rather than on them.

8. The flag of Québec may be displayed in the public entrance inside a building if the body occupies only part of the building and is not on the outside perimeter of the building.

9. The flag of Québec must be displayed in the room in which sit the bodies referred to in section 3 or the councils of the bodies referred to in sections 4 to 6.

10. A body referred to in this Regulation must fly the flag at half mast where the Government so decides.

11. Any displayed flag must comply with the standards of the Bureau de normalisation du Québec.

The flag must bear no tears or lacerations.

12. A body referred to in this Regulation must not display the flag of Québec on a mast or flagpole together with another flag or banner.

13. This Regulation replaces the Order respecting the flag of Québec (R.R.Q., 1981, c. D-13, r.2).

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

5075

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 BY MAIL

AGREEMENT ENTERED INTO

BETWEEN

the MUNICIPALITY OF BROMONT, a legal person established in the public interest, having its head office at 88, boulevard de Bromont, Bromont, Province de Québec J2L 1A1, represented here by the mayor, Mrs. Pauline Quinlan, and the clerk, Mr. Pierre Simoneau, under a resolution bearing number 2002-03-072, herein-after called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBÉC, 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

the Honourable André Boisclair, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the Province of Québec and having her main office at 20, rue Pierre-Olivier Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution no. 2002-01-021 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 use of the mail for the general election of 3 November 2002 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY wishes to avail itself of those provisions to hold a general election on 3 November 2002 and, with the adaptations required, could avail itself of those provisions for subsequent polling provided for in the agreement. The adaptations must form the subject of 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 that new method of voting;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of 4 March of the year 2002, resolution no. 2002-03-072 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the returning officer 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 “Envelope ENV-1”

The envelope used to receive ballot papers, which in no way identifies the elector and which bears the words: “insert ballot papers in this envelope”.

2.2 “Envelope ENV-2”

The envelope bearing the name and address of the returning officer and used to receive Envelope ENV-1 as well as a photocopy of one of the identification documents provided for in section 213.1 and the declaration form of the elector or of the person giving assistance.

2.3 “Declaration Form of Elector or of Person Giving Assistance”

The elector must sign the following declaration: “I have the capacity of elector and I have not voted in the current election.”

The person giving assistance must sign the declaration stating that he is the spouse or a relative within the meaning of section 131 or is not the spouse or a relative and has not already given assistance to another elector during the poll and will not reveal the name of the candidate for whom the elector has asked him to vote.

2.4 “Instructions to the Elector”

The information provided to the elector on how to vote.

3. ELECTIONS

3.1 For the purposes of the general election of 3 November 2002 in the municipality, voting will be carried out by mail.

3.2 The municipality must forward to the Chief Electoral Officer and to the Minister a document listing the means it intends to take to appropriately inform the electors about testing the new voting method.

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 amended:

(1) by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer,” after the word “assistant”;

(2) by substituting the words “clerk of the counting station” for the words “poll clerk”;

(3) by deleting the words “member of an identity verification panel, officer in charge of information and order.”;

4.2 Senior Deputy Returning Officer, Assistant to the Senior Deputy Returning Officer and 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 receiving and processing the ballot papers sent by the electors.

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

4.3 Duties of Senior Deputy Returning Officer, Assistant to the Senior Deputy Returning Officer and Deputy Returning Officer of the Counting Station

The following are substituted for section 80 of the Act:

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

(1) receive the envelopes of the electors;

(2) verify if the photocopy of the elector’s identification provided for in section 213.1 is attached and if his signature appears thereon;

(3) verify, where the elector has asked for assistance, if the identification of the person giving assistance provided for in section 213.1 is attached and if his signature appears thereon;

(4) if the declaration of the elector is not signed or the photocopy of the identification is missing, contact the elector to obtain it or them;

(5) if the declaration of the person giving assistance is not signed or if the photocopy of the identification is missing, contact that person to obtain it or them;

(6) compare the signatures on the photocopy of the identification and on the declaration of the elector;

(7) if the elector has asked for assistance, compare the signatures on the photocopy of the identification of the person giving assistance and on that person’s declaration;

(8) if the signatures are the same, place Envelope ENV-1 containing the ballot paper(s) in the ballot box corresponding to the elector’s voting subdivision.

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) indicate on the list of electors that the elector has voted;

(3) enter the information in the poll book.

80.2. The deputy returning officer shall, in particular,

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

(2) see that the votes are counted properly and maintain order at the counting station;

(3) proceed with the counting of the votes;

(4) ensure the secrecy of the vote;

(5) transmit the results of the vote and all the election materials to the returning officer.”.

4.4 Clerk of Counting Station

Section 81 of the Act is amended by substituting the words “clerk of the counting station” for the words “poll clerk” and the words “register of votes counted” for the words “poll book”.

4.5 Identity Verification Panel and Appointment and Duties of Officer in Charge of Information and Order

The following are substituted for sections 81.1 to 83 of the Act:

“**81.1.** The senior deputy returning officer shall verify the identity of electors.”.

4.6 Discretion of 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 the agreement entered into under section 659.2 of this Act does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

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

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

4.7 Representatives of Candidates

The following is substituted for section 92 of the Act:

“**92.** A party authorized under Chapter XIII, a ticket recognized under Division III of Chapter VI or an independent candidate may designate a person and give him a power of attorney to represent his candidates before the senior deputy returning officer and the deputy returning officer of the counting station.”.

4.8 Poll Runner

The following is substituted for section 96 of the Act:

“**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an inde-

pendent candidate may designate a poll runner and give him a power of attorney to periodically collect, with his representative, a list of the persons who have already exercised their right to vote.”.

4.9 Power of Attorney of Representative or Poll Runner

Section 98 of the Act is amended:

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

“The power of attorney shall be presented to the senior deputy returning officer or to the deputy returning officer of the counting station.”;

(2) by substituting, in the third paragraph, the words “counting station” for the words “polling station”.

4.10 Notice of Election

The following is substituted for section 99 of the Act:

“**99.** Not later than forty-four days before the first Sunday of November, 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 place, 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 voting by mail;

(5) the day on which the ballot papers are sent by mail as well as the date and time by which they must be returned to the returning officer;

(6) the name of the election clerk;

(7) the telephone number of the office of the returning officer;

(8) the fact that electors who have not received the ballot papers sent by mail by the seventh day preceding the first Sunday of November at the latest must contact the returning officer.

Notwithstanding the period provided for in the first paragraph, the returning officer may, after that period, change the notice of election to take into account the provisions of this section.”.

4.11 Notice of Poll

The following is substituted for section 171 :

“**171.** Not later than the eleventh day before the first Sunday of November, 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) for each candidate, his membership in an authorized party or recognized ticket;
- (5) the day and time by which the ballot papers must be received by the senior deputy returning officer;
- (6) the address of the returning officer’s office and the opening hours of the office where the elector may obtain ballot papers if he has not received them in the mail;
- (7) the day, place and time when the votes will be counted;
- (8) the day and time when the addition of votes will begin and the location where it will take place.”.

4.12 Sending of Ballot Papers by Returning Officer

The Act is amended by inserting, after section 172, the following :

“**172.1.** After the revision and the notice of poll and not later than the tenth day before the first Sunday of November, the returning officer shall mail, to the electors entered on the list of electors, the following :

- (1) a ballot paper for the office of mayor and one or more ballot papers for the office(s) of councillor. The ballot papers must be a different colour for the office of mayor and for that of councillor;

(2) the envelopes provided for in section 2 of this agreement;

(3) the declaration form of the elector and of the person giving assistance;

(4) the instructions for voting provided for in section 2 of this agreement.

172.2. Not later than the sixth day before the first Sunday of September, the returning officer shall take the necessary steps to inform the electors who have not received the ballot papers that they may obtain them at his office.

The elector may then obtain a ballot paper in accordance with the procedure provided for in section 219.”.

4.13 Repeals – Reminder and Advance Poll

Sections 173 to 185 of the Act are repealed.

4.14 Polling Stations

The following are substituted for section 186 of the Act:

“**186.** The returning officer shall establish a polling station in the place where the envelopes containing the ballot papers in particular are received.

186.1. The returning officer shall notify each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI or each independent candidate of the decision made under section 186.”.

Sections 187 and 188 of the Act are repealed.

4.15 Use of Premises Free of Charge

Section 189 of the Act is amended by substituting the words “counting stations” for the words “polling stations”.

4.16 Arrangement of Counting Stations

The following is substituted for section 190 of the Act:

“**190.** The returning officer shall be responsible for the arrangement and identification of the place where a polling station and one or more counting stations are situated.”.

4.17 Polling Booth

The following is substituted for section 191 ;

“**191.** A polling station shall have one polling booth.”.

4.18 Repeal – Counterfoil and Stub of Ballot Paper

Section 195 of the Act is repealed.

4.19 Reverse of Ballot Paper

The following is substituted for section 197 of the Act:

“**197.** The ballot paper shall contain, on the reverse, in accordance with the specimen attached hereto:

- (1) a space reserved for the initials of the returning officer which may be printed, lithographed or engraved ;
- (2) the name of the municipality ;
- (3) the date of the poll ;
- (4) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.”.

4.20 Withdrawal of Candidate

The following is substituted for section 198 of the Act:

“**198.** Where the withdrawal of a candidate occurs when there is no time to have the ballot papers reprinted and before the ballot papers 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 he sends such a ballot paper of the candidate’s withdrawal.

If a candidate withdraws his candidature after the ballot papers are sent, the returning officer shall notify the electors thereof.

Any vote cast in favour of the candidate, before or after his withdrawal, is null.”.

4.21 Material Necessary for Voting

The following is substituted for section 200 of the Act:

“**200.** The returning officer shall obtain a sufficient quantity of ballot papers, envelopes, declaration forms for the elector and the person giving assistance, instructions to the elector for voting and ballot boxes for each counting station.”.

4.22 Ballot Box

The following is substituted for section 201 of the Act:

“**201.** Each ballot box must be made of durable material with an opening on the top so as to allow the envelopes containing the ballot papers to be inserted without being withdrawn therefrom before the ballot box is opened.”.

4.23 Delivery of Materials to Senior Deputy Returning Officer

“**204.** On the tenth day before the poll, the returning officer shall deliver to the senior deputy returning officer:

- (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 senior deputy returning officer any other materials necessary for his duties.”.

4.24 Formalities Prior to the Opening of Polling Stations

The following are substituted for sections 205 to 209 :

“**205.** The senior deputy returning officer and the assistant to the senior deputy returning officer shall be present at the polling station on the days and at during the opening hours of the polling station, of the tenth day before the first Sunday of November until 7 p.m. on the first Sunday of November.

206. The representatives assigned to the station where the ballot papers are received may be present on the same days and at the same times as the senior deputy returning officer.”.

POLLING PROCEEDINGS

4.25 Polling Period

The following is substituted for section 210 of the Act:

“**210.** The polling period shall begin on the tenth day before the first Sunday of November and shall end at 7 p.m. on the first Sunday of November, subject to any extension of the polling period provided for in section 211.”.

4.26 Delay or Interruption

Section 211 is amended by deleting, in the first paragraph, the following words: “for the polling station affected by the delay or interruption”.

4.27 Electors on the Premises of a Polling Station

The following is substituted for section 212:

“**212.** Any electors on the premises of a polling station at the end of the polling period who have not received the ballot papers and who have not been able to vote may nevertheless exercise their right to vote.

The senior deputy returning officer shall declare the polling closed after they have voted.

For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the end of the polling period.”.

4.28 Repeal – Employee’s Leave

Section 213 of the Act is repealed.

4.29 Identification of Electors

The following is substituted for section 213.1:

“**213.1.** The elector shall send with his ballot paper(s) a copy of one of the following documents showing his signature: the Québec health insurance card, the Québec driver’s licence or probationary licence or a Canadian passport.”.

4.30 Absence of Document Identifying Elector and of Declaration of Elector or of Person Giving Assistance

“**213.2.** Where an elector has not sent with his ballot paper(s) a copy of one of the documents provided for in section 213.1 or has not signed the declaration of the

elector or of the person giving assistance, the senior deputy returning officer shall contact that elector and ask him to send a copy of one of those documents before 7 p.m. on the first Sunday of November. Otherwise his ballot paper(s) will be cancelled.

213.2.1. Where an elector returns his envelope containing the ballot papers to the senior deputy returning officer at the polling station other than by mail with none of the identification provided for in section 213.2, that elector must, if he wishes to be admitted to vote, have himself identified as follows:

(1) declare before the senior deputy officer and the assistant to the senior deputy officer that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the identity verification register kept by the senior deputy returning officer and the assistant to the senior deputy returning officer;

(3) meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompanied by a person who

i. identifies himself in accordance with section 213.1;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 131;

iv. produces a document referred to in section 213.1 that bears his photograph;

v. signs a sworn statement provided for that purpose in the identity verification register, which statement shall indicate his name, date of birth and address.”.

4.31 Information in an Identification Document

The following is substituted for section 213.3 of the Act:

“**213.3.** No person may write down or otherwise record information contained in a document produced pursuant to section 213.2.1.”.

4.32 Certificate of Identity

The following is substituted for section 213.4 of the Act:

“**213.4.** The senior deputy returning officer shall enter in the poll book that the elector has identified himself in accordance with the Act.”

4.33 Voting by Mail

The following are substituted for sections 214 to 228 of the Act:

“**214.** The elector shall mark the ballot paper in one of the circles, using a pen or pencil.

The elector, after marking the ballot paper(s) received, shall insert them in the envelope identified “Envelope ENV-1”, seal that envelope and insert it in the envelope identified “Envelope ENV-2”. In addition, he must insert in Envelope ENV-2 one of the identification documents provided for in section 213.1 as well as the declaration of the elector or the declaration of the person giving assistance provided for in section 2.3 of this agreement and which is duly signed. He must also enter his name in block letters, his address which must correspond to that entered on the list of electors and his telephone number.

215. If the elector is unable to carry out the operations to vote, those operations shall be carried out by the person assisting him in accordance with section 220.

The person giving assistance must insert, in Envelope ENV-2:

- (1) Envelope ENV-1 containing the ballot papers;
- (2) a photocopy of one of the identification documents provided for in section 213.1 concerning the elector who has asked for assistance;
- (3) the declaration of the person giving assistance provided for in section 2.3 of this agreement;
- (4) a photocopy of one of the identification documents provided for in section 213.1 concerning the person giving assistance.

216. The elector may send Envelope ENV-2 by mail. He may also deposit it at the polling office.

Any ballot paper received after 7 p.m. on the first Sunday of November is cancelled.

217. An elector who does not wish to exercise his right to vote shall return to the returning officer the complete election kit within the period provided for in section 216 for returning ballot papers.

218. Where the name or address of the elector specified on the declaration of the elector differs slightly from that entered on the list of electors, the senior deputy officer shall place the envelope containing that elector’s ballot papers in the ballot box corresponding to the elector’s polling subdivision. An indication thereof shall be entered in the poll book.

219. An elector who has not received a ballot paper may contact the senior deputy returning officer to obtain one.

In that case, the senior deputy returning officer shall verify on the list of electors if that elector has already voted. He shall then deliver an envelope containing the ballot papers to the elector and, if the elector wishes to vote at the polling station, he must do so in accordance with sections 214 or 215.

If the senior deputy returning officer has already received the envelope from the elector, he shall not allow that elector to vote and shall not give him another envelope.

The elector may avail himself of the first two paragraphs from the eighth day before the first Sunday of November.

The assistant to the senior deputy returning officer shall enter an indication thereof in the poll book.

220. An elector who cannot mark his ballot paper himself may be assisted:

- (1) by a person who is his spouse or a relative within the meaning of section 131; or
- (2) by another person who declares, in accordance with section 2.3 of this agreement, that he has not already given assistance to another elector during the poll.

221. The returning officer may authorize an elector to vote where the name of the elector does not appear on the revised list of elector but was entered or corrected by a board of revisors. An indication thereof shall be entered in the poll book.

The returning officer shall send to the chief electoral officer a copy of the authorization given to an elector domiciled in the territory of the municipality unless he is satisfied that the change to the list warranting the authorization was communicated in accordance with section 140.

222. In no case may any person who refuses to make the oath that is required of him be admitted to vote. An indication thereof shall be entered in the poll book.

223. An elector who has inadvertently marked or spoiled his ballot paper may contact the senior deputy returning officer to obtain a new one in exchange for the spoiled ballot paper. An indication thereof shall be entered in the poll book.

224. The senior deputy returning officer shall place without opening it Envelope ENV-1 containing the ballot paper in the ballot box corresponding to the elector's polling subsection after verifying if the elector's signature on the declaration of the elector corresponds with the signature on the identification. If the signatures do not correspond, he must cancel Envelope ENV-1 and place it in an envelope provided for that purpose.

225. If the elector votes with the help of a person who gives him assistance, the senior deputy returning officer shall verify if the elector's name on the identification provided for in section 213.1 and the address on the declaration of the elector correspond with those entered on the list of electors, in which case he shall place Envelope ENV-1 in the ballot box without opening it.

If that information does not correspond with that entered on the list of electors, the senior deputy returning officer shall cancel Envelope ENV-1 and place it without opening it in an envelope provided for that purpose.

226. As soon as an elector has voted, the assistant to the senior deputy returning officer shall indicate it on the list of electors in the space reserved for that purpose.

227. At the end of the polling period, the assistant to the senior deputy returning officer shall enter in the poll book the following particulars:

- (1) the date of the poll and the name of the municipality;
- (2) the number of electors who have sent Envelope ENV-1;
- (3) the number of Envelopes ENV-1 cancelled per polling subdivision;
- (4) the number of election kits returned to the returning officer under section 217.

The senior deputy returning officer shall give all the election materials to the returning officer."

COMPILATION OF RESULTS AND ADDITION OF VOTES

4.34 Establishment of a Counting Station

The following is substituted for section 228.1 of the Act:

"**228.1.** The returning officer shall establish, in a same place, a counting station for each polling subsection.

228.2. The returning officer shall notify each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI or each independent candidate of the decision made under section 228.1."

4.35 Counting of Votes

The following is substituted for section 229 of the Act:

"**229.** After the closing of the poll, the deputy returning officer, assisted by the clerk of the counting station, shall proceed to the counting of the votes.

The representatives assigned to the counting station may attend.

Where several counting stations are situated at the same polling place, the counting of votes shall begin only after the poll is closed at all the counting stations."

4.36 Entries in Poll Book

The following is substituted for section 230 of the Act:

"**230.** Before the ballot box is opened and before the counting of votes, the clerk of the counting station shall enter the following particulars in the register of votes counted:

- (1) the date of the poll, the name of the municipality and the number of the counting station;
- (2) the name of the persons designated by the returning officer to count the votes;
- (3) the name of the representatives present when the votes are counted."

4.37 Compiling Sheet

Section 231 of the Act is amended by substituting the words "counting station" for the words "polling station".

4.38 **Opening of Ballot Box and Envelopes ENV-1 and Counting of Votes**

The following is substituted for section 232 of the Act:

“**232.** The deputy returning officer shall open the ballot box and take Envelopes ENV-1 one by one, open them and place before him the ballot papers according to the office for which the election is held.

232.1. The deputy returning officer shall count the votes, taking the ballot papers one by one, by office. He shall allow each person present to examine the ballot papers without touching them.”.

4.39 **Rejected Ballot Papers**

The following are substituted for sections 233 and 234 of the Act:

“**233.** Every ballot paper marked as provided for in section 214 shall be valid. However, any ballot paper must be rejected which:

- (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.

234. Every ballot paper that does not bear the initials of the returning officer or of the person designated for that purpose must be rejected.”.

4.40 **Repeal – Ballot Paper Stub Not Detached**

Section 235 of the Act is repealed.

4.41 **Objection in Respect of Validity**

The following is substituted for section 237:

“**237.** The deputy returning officer 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 shall be entered in the poll book.”.

4.42 **Repeal – Statement of Poll**

Section 238 of the Act is repealed.

4.43 **Statement of Votes**

The following is substituted for section 239:

“**239.** After examining all the ballot papers received, the deputy returning officer shall draw up a statement of votes indicating:

- (1) the total number of electors who have voted, which must correspond to the number of envelopes placed in the ballot box;
- (2) the number of ballot papers in favour of each candidate;
- (3) the number of ballot papers rejected in the counting of votes.

The returning officer may require the deputy returning officer to draw up several copies of the statement of votes.”.

4.44 **Copy for Representative**

Section 240 of the Act is amended by substituting the words “counting station” for the word “polling station”.

4.45 **Separate Envelopes**

The following are substituted for sections 241 and 242 of the Act:

“**241.** After drawing up the statement of votes, the returning officer shall place the ballot papers marked in favour of one candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

He shall seal the envelopes. The deputy returning officer, the clerk of the counting station and the representatives assigned to that station who wish to do so shall affix their initials to the seals.

Those envelopes and the register of votes counted shall be placed in the ballot box. Before the ballot boxes are closed, the returning officer shall deliver to each deputy returning officer an envelope corresponding to their polling subdivision which contains the cancelled ballot papers when they are received by the senior deputy returning officer.

That envelope shall be placed in the ballot box without being opened.

A copy of the register of votes counted shall be placed in the ballot box.”.

4.46 Closing of Ballot Box

The following is substituted for section 243 of the Act:

“**243.** The deputy returning officer shall close and seal the ballot box. The deputy returning officer, the clerk of the counting station and the representatives assigned to the counting station who wish to do so shall affix their initials to the seals.”.

4.47 Delivery to Returning Officer

The following is substituted for section 244 of the Act:

“**244.** The deputy returning officer shall deliver the ballot box to the returning officer or to the person designated by the latter to receive it.

He shall also deliver with the ballot box the envelope containing the statement of votes.”.

4.48 Addition of Votes

The following are substituted for sections 245, 247 248 and 249 of the Act:

“**245.** The addition of the votes shall begin, at the discretion of the returning officer:

(1) at the time he fixes, during the evening of closing of the poll;

(2) at 9 a.m. on the day after the day of closing of the poll; or

(3) at the time and on the day he determines, that day being any of the four days following the day of closing of the poll.

If the returning officer chooses to begin the addition of the votes after the day of closing of the poll, he shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.

247. The returning officer shall proceed to the addition of the votes by using the statement of votes delivered with the envelope provided for in section 244 and by compiling the votes cast in favour of each candidate.

However, if the returning officer has not received the envelope containing the statement of votes with the ballot box, he shall use that which was placed in the ballot box under section 241.

248. If the statement of votes is missing, the returning officer shall adjourn the addition of the votes until he obtains it.

If it is impossible to obtain the copy of the statement of votes with the ballot box and the copy which is placed in the ballot box, the returning officer shall use the statement of votes kept by the deputy returning officer or, failing that, the statement which was delivered to one of the representatives.

249. After consulting the statement of votes, the returning officer shall place the statement of votes in an envelope. He shall then place the envelope in the ballot box.”.

4.49 Summary Counting of Votes

The following is substituted for section 250 of the Act:

“**250.** If it appears impossible to obtain the statement of votes, the returning officer shall cause a summary counting of the votes to be made by the persons he designates on the date, at the time and at the place determined by him.

At the summary counting of the votes, the deputy returning officer shall open the ballot box and the envelopes it contains.

With the clerk’s assistance, the deputy returning officer shall count, without questioning whether the ballot papers are valid, rejected or cancelled, the ballot papers cast in favour of each candidate, the ballot papers spoiled or rejected at the time of the counting of votes and the ballot papers that were cancelled. The formalities applicable after any counting of votes shall then apply.

If the persons designated are unable or refuse to act, the returning officer shall himself proceed thereto.

The returning officer shall give advance notice of the counting of the votes to each authorized party, recognized ticket and independent candidate concerned. The representatives may attend.”.

4.50 Notice to Minister

The following is substituted for section 251 of the Act:

“**251.** When it appears impossible to obtain the statement of votes and the ballot paper, the returning officer shall inform the Minister of Municipal Affairs and Greater Montréal in accordance with Division III of Chapter XI.”.

RECOUNT OR RE-ADDITION OF VOTES

4.51 Application for recount

The following is substituted for section 262:

“**262.** Any person who has reasonable grounds to believe that a senior deputy returning officer has improperly cancelled ballot papers or that a deputy returning officer or the returning officer has improperly counted or rejected votes or drawn up an incorrect statement of the number of votes cast in favour of a candidate may apply for a recount of the votes.

Any person who has reasonable grounds to believe that the returning officer improperly compiled the votes cast in favour of a candidate may apply for a re-addition of the votes.

The first paragraph does not apply where the returning officer applies for a recount of the votes in the case of a tie.”.

4.52 Recount or Re-addition

Section 268 of the Act is amended by deleting, in the first paragraph, the words “, the statement of the poll and”.

4.53 Verification or Rectification

The following is substituted for section 272 of the Act:

“**272.** Immediately upon completion of the recount, the judge shall verify or rectify any statement of votes and make a re-addition of the votes.”.

4.54 Secrecy of Voting

The following is substituted for section 280 of the Act:

“**280.** No person may attempt to learn in favour of which candidate an elector proposes to vote or has voted.”.

4.55 Assistance to an Elector

The following is substituted for section 281 of the Act:

“**281.** No person who has given assistance to another elector may disclose for which candidate the elector has voted.”.

4.56 Publicity and Partisan Work

The following is substituted for section 283 of the Act:

“**283.** No person may, on the premises of a polling station and on the premises of a counting 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 polling station or counting 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 the polling station or counting station.”.

4.57 Intervention in Case of Fortuitous Event or Special Circumstance

Section 314.2 of the Act is amended by adding, after the first paragraph, the following:

“Notwithstanding the first paragraph, the council may sit for the adoption, in its French and English versions, of the text of the agreement provided for in section 659.2 and may designate signatories.”.

4.58 Offences

Section 586 of the Act is amended:

(1) by substituting, in paragraph 6, the words “senior deputy returning officer” for the words “deputy returning officer”;

(2) by substituting the following for paragraph 9:

“(9) every person who falsifies the statement of votes;”;

(3) by adding the following paragraph:

“(13) every person who falsely declares that he is the spouse, including the de facto spouse, a relative or a person living with the elector.”.

4.59 Returning Officer or Senior Deputy Returning Officer

The following is substituted for section 587 of the Act:

“**587.** Every senior deputy returning officer who admits a person to vote with the knowledge that he has already voted and has no other voting right to exercise is guilty of an offence.”.

4.60 Alteration or Imitation of Initials

Section 633 of the Act is amended by substituting the following for paragraph 2:

“(2) alters or imitates the initials of the returning officer;”.

4.61 Admission to Vote

Section 634 of the Act is amended by substituting the following for paragraph 1:

“(1) every senior deputy returning officer who admits a person to vote who refuses to make the oath required of him in accordance with the Act;”.

4.62 Leave to Vote

Section 635 of the Act is amended by deleting paragraph 1.

5. DURATION AND APPLICATION OF AGREEMENT

The returning officer is responsible for the application of this agreement and, consequently, for the proper testing of the new method of voting for the general election of 3 November 2002 and for subsequent polls until the next general election.

6. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election of 3 November 2002.

That fact shall be entered in the assessment report.

7. ASSESSMENT REPORT

Within 120 days following the general election held on 3 November 2002, the returning officer 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 to the Minister addressing relevant aspects for improving the testing of the new method of voting, such as:

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

— the conduct of the poll;

— the cost of using voting by mail:

- 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, where applicable, the planned costs for the traditional general election held on 3 November 2002;

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

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) shall apply to the general election held on 3 November 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

9. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES :

In Bromont, on this seventh day of the month of February of the year 2002.

THE MUNICIPALITY OF BROMONT

By:

PAULINE QUINLAN, *Mayor*

PIERRE SIMONEAU, *Clerk or Secretary-Treasurer*

In Sainte-Foy, on this 18th day of the month of March of the year 2002

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 28th day of the month of March of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: _____
JEAN PRONOVOST, *Deputy Minister*

SCHEDULE

MODEL FOR BALLOT PAPER

Rolland DANSEREAU	●
Claudette DENIS Political Affiliation	●

Initial of Returning Officer	<input type="text"/>
Municipality of Matteau	
Election for Office of Mayor 3 November 2002	
MAXIME TREMBLAY, Printer 117, rue Notre-Dame Est Montréal (Québec)	