

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 REGIONAL COUNTY MUNICIPALITY OF
“BASQUES”, a legal person established in the public
interest, having its head office at 400, rue Jean-Rioux,
Trois-Pistoles, Province of Québec, represented here by
the warden, M. André Leblond and the secretary-
treasurer, François Gosselin, under a resolution bearing
number 2002-09-15, hereinafter called

THE RCM

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MIN-
ISTER OF MUNICIPAL AFFAIRS AND GREATER
MONTRÉAL having his main office at 10, rue Pierre-
Olivier-Chauveau, Québec, Province of Québec, herein-
after called

THE MINISTER

WHEREAS the administrative committee of the RCM,
by its resolution No. 2002-09-15, passed at its meeting
of 30 September 2002, expressed the desire to avail
itself of the provisions of the Act respecting elections
and referendums in municipalities to enter into an agree-
ment with the CHIEF ELECTORAL OFFICER and the
MINISTER in order to allow use of the mail for the
election of the Warden of RCM of “Basques” held on
November 3th of the year 2002 in the RCM;

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 appli-
cation.

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 RCM wishes to avail itself of those
provisions to hold an election on warden of RCM of
“Basques” of November 3th of the year 2002 and, with
the adaptations required, could avail itself of those provi-
sions for subsequent polling provided for in the agree-
ment. The adaptations must form the subject of an adden-
dum to this agreement;

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

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

WHEREAS the RCM is solely responsible for that new
method of voting;

WHEREAS the council of the RCM passed, at its meet-
ing of 30 September of the year 2002, resolution
No. 2002-09-30 approving the text of the agreement and
authorizing the mayor and the clerk or secretary-treasurer
to sign this agreement;

WHEREAS the returning officer of the RCM is respon-
sible 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 of the Act respecting elections and referendums in municipalities, as amended by section 4.30 of this agreement, and the declaration form of the elector or of the person giving assistance.

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

A document with the following wording:

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 of the Act respecting elections and referendums in municipalities 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 election of the warden of RCM of “Basques” of November 3th of the year 2002 in the RCM, voting will be carried out by mail.

3.2 The RCM must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

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

4.1 Election Officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by replacing the words “poll clerk, member of an identity verification panel, officer in charge of information and order” by the words “clerk of ballot receiving station, clerk of counting station”

4.2 Deputy Returning Officer and Clerk of ballot Receiving Station, Deputy Returning Officer and Clerk of the Counting Station

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint a deputy returning officer and a clerk for each receiving ballot papers station.

Where there is only one receiving ballot paper station, the returning officer himself may perform the duties of deputy returning officer and the election clerk may perform the duties of receiving ballot papers clerk

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

4.3 Duties of Deputy Returning Officer of ballot Receiving Station and Deputy Returning Officer of the Counting Station

The following are substituted for section 80 of the Act:

“**80.** The 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 of the Act respecting elections and referendums in municipalities, as amended by section 4.30 of this agreement, 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 of the Act respecting elections and referendums in municipalities, as amended by section 4.30 of this agreement, 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 deputy returning officer of the counting station 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 Functions of Clerk of ballot receiving station and Clerk of Counting Station

The following are substituted for section 81 of the Act:

"81. The clerk of receiving of ballot papers station shall, in particular,

- (1) assist the 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.

81.0.1. The clerk of the counting station shall, in particular, assist the deputy returning officer of the counting station in the latter's duties."

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

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

"81.1. The deputy returning officer and the clerk of receiving of ballot papers station 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 the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

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

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

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 deputy returning officer of receiving of ballots papers station 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 independent 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 deputy returning officer of receiving of ballot papers station 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 polling day, the returning officer shall give a public notice setting forth the following particulars:

(1) every office on the council that is open for nominations;

(2) the places, days and hours for filing nomination papers;

(3) the fact that where two or more candidates are nominated for the same office, a poll will be held to elect one of them;

(4) the fact that the method of voting is 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;

(6.1) the names of the deputy returning officers able to receive nominations, where applicable;

(7) the telephone number of the office of the returning officer and, where applicable, the telephone number of the offices of the deputy returning officers;

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

The returning officer shall send a certified copy of the notice of election to the chief electoral officer.”.

4.11 Polling Subdivisions

Section 104 of the Act is amended by substituting the numbers “500” for the numbers “300”.

4.12 Notice of Poll

The following is substituted for section 171:

“171. Not later than the eleventh day before polling day, 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 deputy returning officer of ballot receiving station;

(6) the address of the returning officer’s office and, where applicable, the addresses of the deputy returning officers’ offices, 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 and time when the votes must be deposited by mail;

(8) the day, place and time when the counting of votes will be begin;

(9) the day and time when the addition of votes will begin and the location where it will take place.”.

4.13 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 polling day, the returning officer shall mail, to the electors entered on the list of electors, the following:

(1) a ballot paper for the office of warden of RCM. The ballot papers shall bear the initials of the returning officer. The returning officer may permit a facsimile of his initials to be engraved, lithographed or printed;

(2) the envelopes provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities;

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

(4) the instructions for voting provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

172.2. Not later than the sixth day before polling day, the returning officer shall take the necessary steps to inform the electors who have not received the ballot papers that they may obtain them from the deputy returning officer of receiving of ballot papers station.

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

4.14 Repeals - Reminder and Advance Poll

Sections 173 to 185 of the Act are repealed.

4.15 Ballot Receiving Stations

The following are substituted for section 186 of the Act:

“**186.** The returning officer shall establish a receiving of ballot papers 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.

4.16 Use of Premises Free of Charge

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

4.17 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 receiving of ballot papers station and one or more counting stations are situated.”

4.18 Polling Booth

Section 191 of the Act is repealed.

4.19 Repeal – Counterfoil and Stub of Ballot Paper

Section 195 of the Act is repealed.

4.20 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 RCM

(3) the office concerned;

(4) the date of the poll;

(5) the name and address of the printer.

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

4.21 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.”.

4.22 **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 a ballot box for each counting station.”.

4.23 **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.”.

4.24 **Delivery of Materials to Deputy Returning Officer of ballot receiving station**

The following is substituted for section 204 of the Act:

“**204.** On the tenth day before the poll, the returning officer shall deliver to the 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 deputy returning officer any other materials necessary for his duties.”.

4.25 **Formalities Prior to the Opening of ballot Receiving Stations**

The following are substituted for sections 205 to 209:

“**205.** The deputy returning officer and the clerk of receiving of ballot papers station 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 polling day until 7 p.m. on polling day.

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 deputy returning officer of ballot receiving station.”.

POLLING PROCEEDINGS

4.26 **Polling Period**

The following is substituted for section 210 of the Act:

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

4.27 **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”.

4.28 **Electors on the Premises of a Polling Station**

Section 212 of the Act is repealed:

4.29 **Repeal – Employee’s Leave**

Section 213 of the Act is repealed.

4.30 **Identification of Electors**

The following is substituted for section 213.1:

“**213.1.** The elector shall send with his ballot paper(s) a photocopy 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.”.

4.31 **Absence of Document Identifying Elector and of Declaration of Elector or of Person Giving Assistance**

The following are substituted for section 213.2 of the Act:

“**213.2.** Where an elector has not sent with his ballot paper(s) a photocopy 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 deputy returning officer shall contact that elector and ask him to send a photocopy of one of those documents before 7 p.m. on polling day. Otherwise his ballot paper(s) will be cancelled.

213.2.1. Where an elector can not send a photocopy of one of the documents provided for in section 213.1, that elector must, if he wishes to be admitted to vote, have himself identified as follows :

(1) declare before the deputy returning officer and the clerk of receiving of ballot papers station 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 deputy returning officer and the clerk of receiving of ballot papers station ;

(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.”.

4.32 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.”.

4.33 Certificate of Identity

The following is substituted for section 213.4 of the Act :

“**213.4.** The clerk of ballot receiving station shall enter in the poll book that the elector has identified himself in accordance with section 213.2.1.”.

4.34 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 the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities 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.

Any ballot paper received after 7 p.m. on polling day is cancelled.

217. An elector who does not wish to exercise his right to vote shall return to the returning officer all the documents received from the returning officer 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 deputy returning officer of receiving of ballot papers station 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 deputy returning officer of receiving of ballot papers station to obtain one.

In that case, the deputy returning officer of receiving of ballot paper station shall verify on the list of electors if that elector has already voted. He shall then make the necessary arrangements to deliver to the elector without delay, an envelope containing the ballot papers bearing the returning officer's initials to the elector.

If the 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 polling day.

The poll clerk 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 photocopy of the authorization given to an elector domiciled in the territory of the RCM 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 deputy returning officer of receiving of ballot papers station to obtain a new ballot paper. An indication thereof shall be entered in the poll book.

224. The deputy returning officer of ballot receiving station 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 photocopy of 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 deputy returning officer of ballot receiving station 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 deputy returning officer of ballot receiving station 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 clerk of ballot receiving station shall indicate it on the list of electors in the space reserved for that purpose.

227. At the end of the polling period, the clerk of ballot receiving station shall enter in the poll book the following particulars:

(1) the date of the poll and the name of the RCM;

(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 documents returned to the returning officer under section 217.

The deputy returning officer of ballot receiving station shall give all the election materials to the returning officer.”.

COMPILATION OF RESULTS AND ADDITION OF VOTES

4.35 Establishment of a Counting Station

The following are substituted for section 228.1 of the Act:

“**228.1.** The returning officer shall establish 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.”.

4.36 Counting of Votes

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the deputy returning officer of counting station 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 a counting station is situated at the same place as the polling station, the counting of votes shall begin only after the poll is closed at the ballot receiving station.”.

4.37 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.”.

4.38 Compiling Sheet

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

4.39 Opening of Ballot Box and Envelopes ENV-1 and Counting of Votes

The following are substituted for section 232 of the Act:

“**232.** The deputy returning officer of counting station 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 of counting station 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.”.

4.40 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.”.

4.41 Repeal – Ballot Paper Stub Not Detached

Section 235 of the Act is repealed.

4.42 Objection in Respect of Validity

The following is substituted for section 237:

“**237.** The deputy returning officer of counting station 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.”.

4.43 Statement of Votes

The following is substituted for section 238:

“**238.** After examining all the ballot papers received, the deputy returning officer of counting station 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 deputy returning officer of counting station shall draw up sufficient copies of the statement of votes for himself, the returning officer and every representative assigned to the counting station.”.

4.44 Copy for Representative

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

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 of the counting station 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 and 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 of a counting station an envelope corresponding to their polling subdivision which contains the cancelled ballot papers when they are received by the deputy returning officer of ballot receiving station.

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 of the counting station shall close and seal the ballot box. The deputy returning officer and 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 Addition of Votes

The following is substituted for section 245 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.”.

4.48 Summary Counting of Votes

Section 250 of the Act is amended by substituting the words “counting station” for the words “polling station” in the first paragraph.

RECOUNT OR RE-ADDITION OF VOTES

4.49 Application for recount

Section 262 of the Act is amended by substituting the words “counting station” for the word “polling station” in the first paragraph.

4.50 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.”.

4.51 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.”.

4.52 Publicity and Partisan Work

The following is substituted for section 283 of the Act:

“**283.** No person may, on the premises of a ballot receiving 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 ballot receiving 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.”.

4.53 Offences

Section 586 of the Act is amended 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.”.

4.54 Alteration or Imitation of Initials

Section 633 of the Act is amended by inserting the words “or returning officer” after the words “deputy returning officer” in paragraph 2.

4.55 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 election of the warden of RCM of “Basques” held on November 3th of the year 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 election of the warden of RCM of “Basques” held on November 3th of the year 2002.

That fact shall be entered in the assessment report.

7. ASSESSMENT REPORT

Within 120 days following the election of the warden of RCM of “Basques” held on November 3th of the year 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 election of the warden of RCM of “Basques” held on November 3th of the year 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 election of the warden of RCM of “Basques” held on November 3th of the year 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 Trois-Pistoles, on this 30th day of the month of September of the year 2002

THE REGIONAL COUNTY MUNICIPALITY OF “BASQUES”

By :

ANDRÉ LEBLOND, *Warden*

FRANÇOIS GOSSELIN, *Secretary-Treasurer*

In Québec, on this 7th day of the month of October of the year 2002

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 18th day of the month of October of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By : _____
JEAN PRONOVOST, *Deputy minister*

SCHEDULE

MODEL FOR BALLOT PAPER

André LEBLOND ●
Lorraine MICHAUD ●

Initiales du
président d'élection



MRC des Basques
Élection au poste de préfet

Du 24 octobre 2002 au
3 novembre 2002.

Imprimerie Marc Boiteau
1170, rue Taillon
Québec (Québec)
G1N 4M1