

Gouvernement du Québec

Agreement

An Act respecting school elections
(R.S.Q., c. E-2.3)

AGREEMENT CONCERNING NEW VOTING METHOD FOR AN ELECTION BY MAIL

BETWEEN

The SCHOOL BOARD OF THE NAVIGATEURS, a legal person established in the public interest, having its headquarters at 1860, 1^{re} Rue, Saint-Romuald, G6W 5M6, in the Province of Québec, hereinafter represented by Mr. Anicet A. Gagné, president of the school board, and Mr. Daniel Vachon, president of elections, under the terms of a resolution bearing number CC-02-03-826, hereinafter referred to as

THE SCHOOL BOARD

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to the said position pursuant to the Election Act (R.S.Q., c. E-3.3), acting herein in that capacity, and having his principal office at 3460, rue de La Pérade, Sainte-Foy, in the province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

WHEREAS the board of commissioners of the SCHOOL BOARD, by resolution number CC-03-04-883, adopted at the sitting of August 26, 2003, expressed its desire to avail itself of the provisions of the Act respecting school elections in order to enter into an agreement with the CHIEF ELECTORAL OFFICER so as to allow for the use of mail for the school election on November 16th in the year 2003 for the SCHOOL BOARD;

WHEREAS sections 282.2 and 282.3 of the Act respecting school elections (R.S.Q., c. E-2.3) provides as follows:

“**282.2.** A school board may, in accordance with an agreement made with 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 a 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.

282.3. After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education and the chief electoral officer.”;

WHEREAS the SCHOOL BOARD wishes to avail itself of these provisions for the school election on November 16th in the year 2003 and could also avail itself thereof, with the necessary adaptations, for polling held after the poll for which this agreement was entered into. The adaptations shall be the subject of an addendum to this agreement;

WHEREAS it is appropriate to stipulate the procedure applicable to the territory of the SCHOOL BOARD during the said school election;

WHEREAS an agreement must be entered into by the SCHOOL BOARD and the CHIEF ELECTORAL OFFICER;

WHEREAS the SCHOOL BOARD is solely responsible for selecting the new voting method;

WHEREAS the board of commissioners of the SCHOOL BOARD, at its sitting on August 26 in the year 2003, adopted resolution number CC-03-04-883 approving the text of the agreement and authorizing the director general to sign this agreement;

WHEREAS the returning officer of the SCHOOL BOARD is responsible for enforcing this agreement and for applying the means required for its implementation;

ACCORDINGLY, the parties agree as follows:

1. PREAMBULE

The preamble to this agreement forms an integral part thereof.

2. INTERPRETATION

In this agreement, unless otherwise indicated explicitly or by the context of a provision, the following expressions, terms and words have the meaning and application stipulated in this article.

2.1 “Envelope ENV-1”

An opaque envelope that is large enough to contain the ballot, that does not identify the elector in any way whatsoever, and that bears the following instruction on the front: “Place the ballot in this envelope”.

2.2 “Envelope ENV-2”

An envelope bearing the name and address of the returning officer, used to hold envelope ENV-1, a photocopy of one of the proofs of identity stipulated in section 112.5, as added by article 4.24 of this agreement, and the declaration of the elector or of the person assisting the elector.

2.3 “Declaration of the Elector and the Person Assisting the Elector” Form

A document bearing the following statements :

“The elector must sign the following declaration: “I am qualified to vote and I have not yet voted in this election.”.

“The person assisting the elector must sign the declaration, stipulating that he or she is the spouse or a relative of the elector within the meaning of section 58.3 of the Act respecting school elections, or that he or she is not a relative or the spouse of the elector, has not previously assisted another elector during the poll, and promises not to reveal the name of the candidate for whom the elector voted in his or her presence.”.

2.4 “Instructions to Electors”

The information given to electors on how to vote.

3. ELECTIONS

3.1 Voting by mail will be used for the purposes of the school election on November 16th in the year 2003 in the territory of the SCHOOL BOARD.

3.2 The SCHOOL BOARD must take the steps required to inform its electors that it will be testing the new voting method.

4. AMENDMENTS TO THE ACT RESPECTING SCHOOL ELECTIONS

4.1 Discretion of the Chief Electoral Officer Subsequent to an Error, Emergency or Exceptional Circumstance

Section 30.8 of the Act respecting school elections (R.S.Q., c. E-2.3) is replaced by the following section :

“**30.8.** If, during the election period within the meaning of section 206.1, 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 30.4 or in the agreement entered into pursuant to

section 282.2 of the Act respecting school elections 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 Education of the decision he intends to make.

Within 30 days following the date established as the last day of the poll, 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 in session, within 30 days of resumption.”.

4.2 Representatives of Candidates

Sections 31 and 32 of the said Act are replaced by the following sections :

“**31.** A ticket recognized under Division III of Chapter V may designate a person and give that person a power of attorney to represent its candidates before the deputy returning officer at the polling station, the deputy returning officer at the ballot receipt office and the deputy returning officer at the counting office.

32. An independent candidate may designate a person and give that person a power of attorney to represent him before the deputy returning officer at the polling station, the deputy returning officer at the ballot receipt office and the deputy returning officer at the counting office.”.

4.3 Poll Runners

Section 34 of the said Act is replaced by the following section :

“**34.** A ticket recognized pursuant to Division III of Chapter V, or an independent candidate, may designate a poll runner and give that person a power of attorney to periodically collect from its representative a list of the persons who have already exercised their right to vote.”.

4.4 Power of Attorney of Representatives and Poll Runners

Section 36 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The power of attorney shall be presented to the deputy returning officer at the polling station, the deputy returning officer at the ballot receipt office or the deputy returning officer at the counting office.”.

Section 37 of the said Act is amended by replacing the words “polling station” by the words “counting office”.

4.5 Notice of Election

Section 38 of the said Act is replaced by the following section:

“**38.** Not later than the 44 days before the date established as the last day of the poll, the returning officer shall give a public notice setting forth the following particulars:

- (1) the place, dates and hours for filing nomination papers;
- (2) the particulars that must be set forth in the nomination papers and the documents that must be attached;
- (3) the fact that if two or more candidates are nominated for a seat of commissioner, a poll will be held to elect one of them;
- (4) the fact that the voting method is voting by mail;
- (5) the date on which ballots will be mailed and 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 and address of the office of the returning officer;
- (8) the fact that electors who have not received the mailing six days before the date established as the last day of the poll may contact the returning officer.

The notice shall also indicate that any elector who, as of 1 September preceding the last day of the poll, does not have a child to whom section 1 of the Education Act (R.S.Q., c. I-13.3) applies who is admitted to educational services provided by any school board having jurisdiction over the territory in which the elector is domiciled may serve the notice referred to in section 18, and may also indicate the deadline and address for service of such a notice.

The returning officer shall send a certified copy of the notice of election to the Chief Electoral Officer.”.

4.6 Notice of Revision to Every Address

Section 52 of the said Act is amended by replacing the last sentence of the second paragraph by the following sentence: “In addition, it shall indicate the information

stipulated in subparagraphs 3 and 5 of section 85, as amended by article 4.7 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”.

4.7 Notice of Poll

Section 85 of the said Act is replaced by the following section:

“**85.** If the returning officer has received more than one nomination for an electoral division, he shall announce that a poll will be held by publishing a notice indicating:

- (1) for each division where a poll is necessary, the names and addresses of the candidates, in alphabetical order of the candidates’ names;
- (2) where applicable, the name of the recognized ticket of which the candidate is a member;
- (3) the latest date and time when ballots must be received by the deputy returning officer at the ballot receipt office;
- (4) the address of the office of the returning officer and, where applicable, the addresses of the offices of the returning officer’s assistants, and the opening dates and hours of the office at which electors may obtain ballots if they have not received them by mail;
- (5) the date and hours during which the polling stations will be open and the addresses at which they will be established on the last day of the poll.”.

4.8 Transmission of Ballots by the Returning Officer

The said Act is amended by inserting the following sections after section 86:

“**86.0.1.** After completing the revision of the list of electors and giving the notice of poll, and not later than the tenth day preceding the date established as the last day of the poll, the returning officer shall mail packages to the electors entered on the list of electors. Every package shall contain:

- (1) a ballot paper for the position of commissioner for the electoral division. The ballot paper must bear the initials of the returning officer. The returning officer may allow a facsimile of his initials to be engraved, lithographed or printed;

(2) the envelopes mentioned in article 2 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections;

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

(4) the voting instructions mentioned in article 2 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

86.0.2. Not later than the sixth day preceding the date established as the last day of the poll, the returning officer shall take the steps required to inform electors who have not received a ballot paper that they may obtain one from the deputy returning officer at the ballot receipt office.

An elector may obtain a ballot paper in this way after swearing that he has not received one from another source.”.

4.9 Repeal – Reminder and Advance Poll

Sections 86.1 to 93.2 of the said Act are repealed.

4.10 Establishment of the Ballot Receipt Office and the Counting Office

Section 93.3 of the said Act is replaced by the following sections :

“**93.3.** The returning officer shall establish at least one ballot receipt office in the place at which the envelopes containing the ballots are received.

For the last day of the poll, he shall establish as many polling stations as he considers necessary.

He shall establish a counting office for every ballot box.

93.4. The polling officer shall notify every ticket recognized pursuant to Division III of Chapter V, and every independent candidate, of the decision made under section 93.3, as amended by article 4.10 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”.

4.11 Deputy Returning Officer and Poll Clerk at the Ballot Receipt Office and Deputy Returning Officer and Poll Clerk at the Counting Office

The said Act is amended by inserting the following section after section 95 :

“**95.1.** The returning officer shall appoint a deputy returning officer and a poll clerk for every ballot receipt office.

The returning officer shall appoint a deputy returning officer and a poll clerk for every counting office.”.

4.12 Duties of the Deputy Returning Officer at the Ballot Receipt Office and the Deputy Returning Officer at the Counting Office

The said Act is amended by inserting the following section after section 96 :

“**96.1.** The deputy returning officer at the ballot receipt office shall, in particular :

(1) receive the envelopes sent by electors ;

(2) ensure that every elector is entered on the list of electors ;

(3) ensure that the photocopy of the document proving the elector’s identity, as stipulated in section 112.5 added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, is attached, and that the elector’s signature appears thereon ;

(4) ensure that the elector’s declaration is signed and that the signature corresponds to that shown on the photocopy of the proof of identity ;

(5) if the elector’s declaration is not signed or if the photocopy of the proof of identity is missing, contact the elector to obtain it or them ;

(6) if the signature of the elector on the proof of identity and on the elector’s declaration are identical, place envelope ENV-1, containing the ballot, in the ballot box corresponding to the elector’s address.

96.2. The deputy returning officer at the counting office shall, in particular :

(1) see to the physical arrangement of the counting office ;

(2) ensure that the count is properly conducted and that order is maintained in the counting office ;

(3) proceed with the counting of the votes ;

(4) ensure the secrecy of the vote ;

(5) transmit the results of the poll to the returning officer and deliver all election material to him.”.

4.13 Duties of the Poll Clerk at the Ballot Receipt Office and the Poll Clerk at the Counting Office

The said Act is amended by inserting the following sections after section 97:

“**97.0.1.** The poll clerk at the ballot receipt office shall, in particular:

- (1) assist the deputy returning officer at the ballot receipt office;
- (2) enter a note on the list of electors to indicate that the elector has voted;
- (3) enter particulars in the poll register.

97.0.2. The poll clerk at the counting office shall, in particular, assist the deputy returning officer at the counting office.”.

4.14 Ballot Papers

Section 99 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**99.** The returning officer shall cause ballot papers to be printed in the form prescribed in the schedule to the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”.

4.15 Repeal – Counterfoil and Stub of Ballot Paper

Section 100 of the said Act is repealed.

4.16 Reverse of the Ballot Paper

Section 102 of the said Act is replaced by the following section:

“**102.** The ballot paper, as shown in the example in the schedule, shall contain, on the reverse:

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

The designation of the electoral division concerned must correspond to that appearing in the nomination papers.”.

4.17 Withdrawal of Candidacy – Withdrawal of Recognition

Sections 105 and 105.1 of the said Act are replaced by the following sections:

“**105.** Where a candidate withdraws from the election when it is too late to have the ballot papers reprinted, but before the ballot papers are mailed 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 from the election after the ballot papers have been mailed, the returning officer shall notify the electors of the withdrawal.

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

105.1. Where the recognition of a ticket is withdrawn when it is too late to have the ballot papers reprinted but before the ballot papers are mailed to the electors, the returning officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

Where the recognition of a ticket is withdrawn after the ballot papers have been mailed, the returning officer shall notify the electors of the withdrawal.”.

4.18 Election Material

Section 105.2 of the said Act is replaced by the following section:

“**105.2.** The returning officer shall ensure that he has, at his disposal, sufficient quantities of ballot papers, envelopes, declaration forms for electors and persons providing assistance and voting instructions for electors, and at least one ballot box for every electoral division.”.

4.19 Ballot Boxes

Section 105.3 of the said Act is replaced by the following section:

“**105.3.** Each ballot box must be made of durable material with an opening on the top so constructed that the envelopes containing the ballot papers may be inserted into the box through the opening but not withdrawn therefrom unless the box is opened.”.

4.20 Delivery of Materials to the Deputy Returning Officer at the Ballot Receipt Office and the Deputy Returning Officer at the Polling Station

Section 106 of the said Act is replaced by the following section:

“**106.** On the tenth day prior to the day established as the last day of the poll, the returning officer shall deliver to the deputy returning officer at the ballot receipt office:

- (1) at least one ballot box for every electoral division;
- (2) a copy of the list of electors;
- (3) a poll book.

He shall also supply the deputy returning officer with any other material required for the election.

106.1. Not later than one hour before the time fixed for the opening of the polling station on the last day of the poll, the returning officer shall deliver to the deputy returning officer at the polling station, in a sealed ballot box, after affixing his initials or a printed mark containing his initials to the seals:

(1) the copy of the list of electors used by the ballot receipt office, comprising the electors who are entitled to vote at the polling station;

(2) a poll book;

(3) the required number of ballot papers and ENV-1 envelopes, which, for each position for which a poll is being held at the polling station, shall not exceed the number of electors entitled to vote in the poll;

(4) the forms and other documents required for the poll.

He shall also supply any other materials required for the poll.”.

4.21 Formalities Prior to the Opening of the Ballot Receipt Office

The said Act is amended by inserting the following sections after section 110:

“**110.1.** The deputy returning officer and the poll clerk at the ballot receipt office must be present on the days and for the hours established by the returning officer for the opening of the office.

110.2. The representatives assigned to the office at which the ballot papers are received may be present on the same days and at the same hours as the deputy returning officer.”.

POLLING PROCEDURE

4.22 Polling Period

Section 111 of the said Act is replaced by the following section:

“**111.** The polling period begins on the tenth day preceding the date established as the last day of the poll and ends at 7:00 p.m. on the last day of the poll, subject to any extension of the polling period stipulated in section 128.

Every polling station established by the returning officer on the last day of the poll shall be open from 9:00 a.m. to 7:00 p.m.”.

4.23 Repeal – Leave for Voting

Section 112 of the said Act is repealed.

4.24 Identification of Electors Voting by Mail

The said Act is amended by inserting the following sections after section 112.4:

“**112.5.** An elector who votes by mail must enclose, with his ballot paper, a photocopy of one of the following documents bearing his signature: a health insurance card issued by the Régie de l’assurance maladie du Québec, a driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, or a Canadian passport.

If the documents mentioned in the first paragraph do not bear the elector’s signature, the elector must enclose another proof of identity bearing his signature.

112.6. If the elector fails to enclose, with his ballot paper, a photocopy of one of the documents stipulated in section 112.5, added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, or has omitted to sign the elector's declaration, the deputy returning officer at the ballot receipt office must take the necessary steps to contact the elector and ask him to transmit the missing documents before 7:00 p.m. on the last day of the poll, failing which his ballot paper will be cancelled.

112.7. No person may note down or otherwise collect information contained in a document submitted by an elector in accordance with section 112.5, added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.”

4.25 Voting at the Polling Station

Section 115 of the said Act is amended by replacing the figure “106” in the third line by the words and figures “106.1, added by article 4.20 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections”.

Section 116 of the said Act is replaced by the following section:

“**116.** The deputy returning officer shall give to an elector who has been admitted to vote but does not have in his possession envelope ENV-1 and the ballot paper mailed by the returning officer, the ballot paper to which he is entitled. He shall also give to the elector an envelope ENV-1 and a pencil.”

Sections 119 and 120 of the said Act are replaced by the following sections:

“**119.** The elector shall proceed to the polling booth and shall mark the ballot paper received from the returning officer or the deputy returning officer in the circle opposite the name of the candidate in favour of whom he wishes to vote.

120. After marking the ballot paper, the elector shall place it in envelope ENV-1.

The elector shall then hand the envelope to the deputy returning officer, who shall place it in the ballot box corresponding to the elector's address.”

Section 122 of the said Act is repealed.

4.26 Voting by Mail

The said Act is amended by inserting the following sections after section 129:

“**129.1.** An elector who votes by mail shall mark the ballot paper in one of the circles using a fountain pen, a ballpoint pen or a pencil.

The elector, after marking the ballot paper received from the returning officer, shall place it in the envelope marked “Envelope ENV-1”, seal the envelope and place it in the envelope marked “Envelope ENV-2”, together with one of the identity documents mentioned in section 112.5, added by article 4.24 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, and the elector's declaration or the declaration of the person providing assistance mentioned in article 2.3 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, duly signed. The elector shall also write his name in block letters on the declaration, and his telephone number.

129.2. If the elector is unable to perform the operations required to vote, he may be assisted by another person, in conformity with section 129.6, added by article 4.26 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

The person concerned must complete the declaration of the person providing assistance, as mentioned in article 2.3 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

129.3. The elector may transmit envelope ENV-2 by mail, or he may file it at the ballot receipt office.

129.4. Where the name or address of the elector as shown on the elector's declaration is slightly different from the name or address entered on the list of electors, the deputy returning officer at the ballot receipt office is required to place the envelope containing the elector's ballot paper in the ballot box corresponding to the address of the elector.

129.5. An elector who does not receive a ballot paper may contact the returning officer or the deputy returning officer at the ballot receipt office to obtain one.

In such a case, the deputy returning officer at the ballot receipt office must check the list of electors to see if the elector has already voted. If the elector has not voted, the deputy returning officer shall give the elector an envelope containing a ballot paper bearing the initials of the returning officer.

If the deputy returning officer at the ballot receipt office has already received the elector's envelope, he shall not allow the elector to vote, and shall not give the elector another envelope.

The elector may avail himself of the first two paragraphs from the sixth day prior to the date established as the last day of the poll.

The poll clerk at the ballot receipt office shall enter an indication thereof in the poll book.

129.6. An elector who is unable to mark his ballot paper himself may be assisted:

(1) either by a person who is the elector's spouse or a relative within the meaning of section 58.3;

(2) or by another person who declares, in accordance with article 2.3 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, that he has not assisted another elector during the poll.

129.7. The returning officer or the election secretary may authorize an elector to vote by mail if the elector's name does not appear on the list of electors used at the ballot receipt office but does appear on the list of electors held by the returning officer. An indication thereof shall be entered in the poll book.

129.8. An elector who has inadvertently marked or spoiled his ballot paper may approach the deputy returning officer at the ballot receipt office for a new ballot paper, in exchange for the spoiled ballot paper. An indication thereof shall be entered in the poll book.

129.9. The deputy returning officer at the ballot receipt office shall place envelope ENV-1, containing the ballot paper, unopened in the ballot box corresponding to the elector's address, after ensuring that the signature of the elector on the elector's declaration corresponds to the signature on the photocopy of the proof of identity. If the signatures do not correspond, the deputy returning officer shall cancel envelope ENV-1 and place it in an envelope provided for that purpose.

129.10. When an elector has voted, the poll clerk at the ballot receipt office shall enter an indication thereof on the list of electors, in the space provided.

129.11. After processing the envelopes received from electors on the last day established by the returning officer for the return of envelopes to the ballot receipt office, the deputy returning officer at the ballot receipt office shall give the list of electors to the returning officer, along with the material mentioned in section 106,

as amended by article 4.20 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections.

The poll clerk at the ballot receipt office shall enter the following particulars in the poll book:

- 1) the date of the poll and the name of the school board;
- 2) the number of electors who sent envelope ENV-1;
- 3) the number of cancelled ENV-1 envelopes per ballot box.

The deputy returning officer at the ballot receipt office shall return all the election material to the returning officer.”.

COUNTING OF VOTES, ADDITION OF VOTES AND JUDICIAL RECOUNT

4.27 Counting of Votes

Section 130 of the said Act is replaced by the following section:

“**130.** After the close of the poll, the deputy returning officer at the counting office, assisted by the poll clerk, shall count the votes.

The representatives assigned to the counting office may be present.

Where a counting office is located in the same premises as one or more voting stations, the count may not begin until the poll has closed in the polling station or stations.”.

4.28 Notes in the Poll Book

Section 131 of the said Act is replaced by the following section:

“**131.** Before the ballot box is opened and before the votes are counted, the poll clerk at the counting office shall enter in the poll book:

- (1) the date of the poll, the name of the school board and the number of the counting office;
- (2) the names of the persons appointed by the returning officer to perform the count;
- (3) the names of the representatives present at the count.”.

4.29 Opening of the Ballot Box, Opening of ENV-1 Envelopes and Counting of the Votes

Section 132 of the said Act is replaced by the following sections :

“**132.** The deputy returning officer at the counting office shall open the ballot box and take the ENV-1 envelopes one by one, open them and place the ballot papers in front of him.

132.1. The deputy returning officer at the counting office shall then count the votes by taking the ballot papers one by one and allowing each person present to examine each ballot, without touching it.”.

4.30 Rejected Ballot Papers

Sections 133 and 134 of the said Act are replaced by the following sections :

“**133.** Every ballot paper marked as provided in section 129.1, added by article 4.26 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections, is valid. However, a ballot paper shall be rejected if it:

- (1) was not furnished by the returning officer;
- (2) has not been marked;
- (3) has been marked in favour of more than one candidate;
- (4) has been marked in favour of a person who is not a candidate;
- (5) has been marked elsewhere than in one of the circles;
- (6) bears a mark by which the elector can be identified;
- (7) bears fanciful or injurious entries;
- (8) has been spoiled.

134. Every ballot paper that does not bear the initials of the returning officer shall be rejected.”.

4.31 Repeal – Failure to Remove the Stub

Section 135 of the said Act is amended by repealing the first paragraph.

4.32 Objection Concerning the Validity of a Ballot Paper

Section 136 of the said Act is replaced by the following section :

“**136.** The deputy returning officer at the counting station shall consider every objection raised in relation to the validity of a ballot and shall decide it immediately.

The objection and the decision of the deputy returning officer at the counting station shall be entered in the poll book.”.

4.33 Statement of Votes

Section 137 of the Act is replaced by the following section :

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

- (1) the total number of electors who have voted, corresponding to the number of envelopes placed in the ballot box;
- (2) the number of ballots in favour of each candidate;
- (3) the number of ballots rejected during the count.

The deputy returning officer at the counting office shall produce sufficient copies of the statement of votes to enable himself, the returning officer and every candidate or representative assigned to the counting office to have one.

He shall hand a copy of the statement to every candidate or representative.”.

4.34 Separate Envelopes

Section 138 of the said Act is replaced by the following section :

“**138.** After drawing up the statement of votes, the deputy returning officer at the counting office shall then place, in separate envelopes, the ballot papers marked in favour of each candidate, the ballot papers rejected during the count, and the statement of votes. He shall seal the envelopes. The deputy returning officer, the poll clerk at the counting office and those representatives wishing to do so shall affix their initials to the seals.

The envelopes and the poll book shall be placed in the ballot box. Before the ballot box is closed, the returning officer shall give the deputy returning officer at the counting office an envelope corresponding to the ballot box, containing the ballots that were cancelled upon receipt by the deputy returning officer at the ballot receipt office.

The envelope shall be placed, unopened, in the ballot box.

A copy of the statement of votes shall also be placed in the ballot box.”.

4.35 Sealing of the Ballot Box

Section 139 of the said Act is replaced by the following section:

“**139.** The deputy returning officer at the counting office shall close and seal the ballot box. He, the poll clerk at the counting office and those representatives wishing to do so shall affix their initials to the seals. The deputy returning officer at the counting office shall then deliver the ballot box to the returning officer or to the person designated by him.”.

4.36 Addition of Votes

Section 140 of the said Act is replaced by the following section:

“**140.** The addition of the votes shall begin at the time fixed by the returning officer on the night on which the poll is closed. It shall take place at the office of the returning officer, and any candidate or elector may be present.”.

Section 141 of the said Act is amended by inserting the words “at the counting offices” after the words “deputy returning officers” in the second line.

4.37 Adjournment

Section 142 of the said Act is amended by inserting the words “at the counting office” after the words “deputy returning officer” in the second line of the second paragraph.

4.38 Judicial Recount – Applicable Provisions

Section 152 of the said Act is amended by inserting the words “as amended by articles 4.30 and 4.31 of the agreement entered into pursuant to section 282.2 of the Act respecting school elections,” after the figure “135” in the first line.

ELECTORAL CODE OF ETHICS

4.39 Assistance for Electors

Section 167 of the said Act is replaced by the following section:

“**167.** A person who has given assistance to another elector shall not reveal the name of the candidate for whom the elector has voted.”.

4.40 Partisan Publicity and Partisan Work

Section 169 of the said Act is replaced by the following section:

“**169.** No person may, on the premises of a ballot receipt office or on the premises of a voting station, use a sign to indicate his association with a recognized ticket or his support for or opposition to a 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 receipt office or the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of the ballot receipt office or the polling station.”.

PENAL PROVISIONS

4.41 Offences – Modification or Imitation of Initials

Section 214 of the said Act is amended:

(1) by adding the words “or returning officer” after the words “deputy returning officer” in subsection 7;

(2) by adding the following subsection:

“(11) falsely claims to be the spouse, a relative or a person living with the elector.”.

4.42 Other Amendments

In all provisions of the Act respecting school elections that are not amended by this agreement, the words “day before polling day”, “day following polling day” and “polling day” are replaced respectively by the words “day before the date established as the last day of the poll”, “day following the date established as the last day of the poll” and “day established as the last day of the poll”.

5. DURATION AND APPLICATION OF THE AGREEMENT

The returning officer of the school board is responsible for applying this agreement, and accordingly for the proper conduct of the trial of the new voting method in the school election on November 16th in the year 2003.

6. MODIFICATION

The parties agree that this agreement may be modified as required to ensure the proper conduct of the school election on November 16th in the year 2003.

Any such modification shall be indicated in the assessment report.

7. ASSESSMENT REPORT

Within 120 days after the holding of the school election on November 16th in the year 2003, the returning officer of the school board, in compliance with section 282.3 of the Act respecting school elections (R.S.Q., c. E-2.3), shall submit an assessment report to the Minister of Education and the Chief Electoral Officer, addressing the following points among others:

— the preparations for the election (choice of new voting method, communications plan, establishment of polling stations, ballot receipt offices and counting offices, etc.);

— the conduct of the poll;

— the cost of using the mail voting method:

– cost of adapting the election procedure;

– a comparison of actual costs with estimated costs for the holding of the poll using new voting methods and the projected cost of a traditional election for the school election on November 16th in the year 2003;

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

— statistics relating to the mail voting method, including:

– the elector participation rate;

– the number of electors who voted by mail and the number who voted at the polling station;

– the number of cancelled ENV-1 envelopes.

8. APPLICATION OF THE ACT RESPECTING SCHOOL ELECTIONS

The Act respecting school elections (R.S.Q., c. E-2.3) applies to the school election on November 16th in the year 2003 in the territory of the school board, subject to the provisions of the said Act that are amended or replaced by this agreement.

9. EFFECT OF THE AGREEMENT

This agreement comes into effect at the time the returning officer takes the first action for the purposes of the election to which it applies.

AGREEMENT SIGNED IN DUPLICATE:

At Lévis, on this 26th day of the month of August in the year 2003

THE SCHOOL BOARD OF THE NAVIGATEURS

By: _____
ANICET A. GAGNÉ, *President*

By: _____
DANIEL VACHON, *President of elections*

In Québec, on this 27th day of the month of August in the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

SCHEDULE

SAMPLE BALLOT PAPER

MODEL OF THE OBERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A black rectangular ballot paper with two white horizontal bands. The top band contains the name "Rolland DANSEREAU" followed by a white circle. The bottom band contains the name "Claudette DENIS" followed by a white circle, with the text "Political affiliation" centered below the name.

MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES

A white rectangular ballot paper with a black border. It contains the following text and a box:

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