

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 A REFERENDUM USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-NICÉPHORE, a legal person established in the public interest, having its main office at 4677, rue Traversy, Saint-Nicéphore, J2A 2G2, Province of Québec, represented by the mayor, Denise Picotin, and the clerk, Steven F. Watkins, under resolution 03-10-385, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec City, Province of Québec, hereinafter called

THE MINISTER

WHEREAS THE MUNICIPALITY, by its resolution 03-10-384 passed at its meeting of October 6th, 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the referendum of October 26th, 2003, in THE MUNICIPALITY ;

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

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs 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 expressed the desire to avail itself of these provisions for the referendum of October 26th, 2003 and could, with the necessary adaptations, avail itself of those provisions for polls held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement ;

WHEREAS it is expedient to provide for the procedure that will apply in the territory of the MUNICIPALITY for this referendum ;

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

WHEREAS the MUNICIPALITY is solely responsible for its choice of technology ;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of October 6th in the year 2003, resolution number 03-10-385 approving the text of the agreement and authorizing the mayor and the clerk or secretary treasurer to sign this agreement ;

WHEREAS the clerk or secretary treasurer of the MUNICIPALITY is responsible for the implementation of this agreement and the means necessary to carry it out ;

THEREFORE, the parties have agreed as follows :

1. PREAMBLE

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

2. APPLICABLE PROVISIONS

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) applies to the referendum of October 6th, 2003 in the municipality, subject to the provisions of the Act amended or replaced by this agreement.

With the necessary adaptations, and to the extent that they are compatible, the following provisions of Title I of the Act respecting elections and referendums in municipalities apply to Title II of the aforementioned Act:

1) the provisions of Divisions III and IV of Chapter V dealing with election officers and the Chief Electoral Officer;

2) the provisions of Division II of Chapter VI dealing with the preparation, revision, and coming into force of the referendum list for a referendum for the municipality or sector concerned, as the case may be.

However, the clerk or secretary-treasurer is not obliged to submit a request pursuant to section 100 if he or she has already submitted a request pursuant to section 546, based on the same reference date and with regard to the territory covered by the referendum or a territory including that territory;

3) the provisions of subdivisions 2 to 6 of Division IV of Chapter VI dealing with the advance poll, polling stations, materials required for the poll, formalities prior to the opening of polling stations, and polling proceedings;

4) the provisions of Division V of Chapter VI dealing with the counting and addition of votes;

5) the provisions of subdivision 1 of Division VII of Chapter VI dealing with the recount or re-addition of votes;

6) the provisions of Chapter VII dealing with the electoral code of ethics.

Notwithstanding paragraph 3 of the second paragraph, the provisions of subdivision 2 of Division IV under Chapter VI of Title I dealing with the advance poll do not apply in the case of a referendum that concerns only some of the qualified voters in the municipality, unless the council of the municipality orders that those provisions shall apply to the referendum, or unless a facility contemplated in the second paragraph of section 50 is located in the territory in which the referendum will take place.

3. INTERPRETATION

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

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

3.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by a qualified voter.

3.3 “Memory card” means a memory device that computes and records the marks made by a qualified voter to vote “yes” or “no” with regard to the question printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

3.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

3.5 “Transfer box”, when it appears, means the box in which the ballot paper cards are placed when a plastic recipient is used with the electronic ballot box.

3.6 “Ballot paper card” means the card on which the ballot paper is printed.

3.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

3.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

4. REFERENDUM

4.1 For the purposes of the referendum of October 6th, 2003, in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

4.2 As soon as the resolution ordering the holding of a referendum has been passed, the municipality must take the necessary steps to appropriately inform the qualified voters of the trial of the new voting mechanism.

5. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

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

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of poll” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “poll” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

6. PROGRAMMING

Each memory card used is specially programmed either by the firm *Conseillers en gestion et informatique CGI inc.* or by the clerk or secretary-treasurer under the supervision of the firm *Conseillers en gestion et informatique CGI inc.* to recognize and tally ballot papers in accordance with this agreement.

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

7.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

7.2 Senior deputy returning officer, assistant to the senior deputy returning officer

The following is substituted for section 76 of the Act:

“**76.** The clerk or secretary-treasurer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The clerk or secretary-treasurer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

7.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

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

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

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

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

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

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the clerk or secretary-treasurer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the qualified voter to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the clerk or secretary-treasurer immediately of any defect in the memory card or the electronic ballot box.

80.1. The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any qualified voter referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

80.2. The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station ;
- (2) ensure that the polling is properly conducted and maintain order in the polling station ;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret ;
- (4) receive qualified voters' identification ;
- (5) give the qualified voters a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote ;
- (6) receive from qualified voters any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book ;
- (7) note on the screen "has voted" next to the names of qualified voters to whom he has given a ballot paper card."

7.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act :

"**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation 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."

7.5 Polling subdivisions

The following is substituted for section 104 of the Act :

"**104.** The clerk or secretary-treasurer shall divide the referendum list into polling subdivisions.

The polling subdivisions shall have a number of qualified voters determined by the returning officer. That number shall not be greater than 750 qualified voters."

7.6 Verification of electronic ballot box

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

"§1.1 Verification of electronic ballot box

173.1. The clerk or secretary-treasurer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm *Conseillers en gestion et informatique CGI inc.* and the representatives of the committees.

173.2. During the testing of the electronic ballot box, adequate security measures must be taken by the clerk or secretary-treasurer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The clerk or secretary-treasurer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The clerk or secretary-treasurer shall conduct the test by performing the following operations :

(1) he shall mark the memory card with the clerk or secretary-treasurer's initials and insert it into the electronic ballot box ;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a "yes" or "no" vote ;

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

(c) a sufficient and pre-determined number of ballot papers marked to indicate a “yes” and a “no” vote;

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

(3) he shall place the electronic ballot box in “end of poll” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the clerk or secretary-treasurer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the clerk or secretary-treasurer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error in the results compiled by the electronic ballot box is detected, the clerk or secretary-treasurer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the tabulator reader accurately reads the mark on the ballot paper and a perfect compilation of results is obtained. Any error or discrepancy shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm *Conseillers en gestion et informatique CGI inc.*”

7.7 Mobile poll

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

“**175.1** Qualified voters shall exercise their right to vote on the same ballot paper as that used for the advance poll. After marking his ballot paper, the qualified voter shall place it in a confidentiality sleeve and insert it into the ballot box provided. At the end of the mobile poll, the deputy returning officer and poll clerk shall seal and initialize the ballot box.

175.2 Before the opening of the advance polling station, the deputy returning officer shall hand over the ballot box containing the ballot papers from the mobile poll to the senior deputy returning officer.

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

7.8 Advance polling

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

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

(1) the number of ballot paper cards received from the clerk or secretary-treasurer;

(2) the number of qualified voters who were given a ballot paper card;

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

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

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

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

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the referendum list to the clerk or secretary-treasurer or to the person designated by the clerk or secretary-treasurer.

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

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

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

The clerk or secretary-treasurer, or the person designated by the clerk or secretary-treasurer, shall give each deputy returning officer the referendum list of the grouped polling station or stations, where applicable.

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

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

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

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

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

7.9 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** The ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the qualified voter’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

The following is substituted for section 196 of the Act:

“**196.** The question provided for in section 95 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) must appear on the obverse of the ballot paper.”.

7.10 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “referendum” and the date of the poll;
- (3) the ballot paper;
- (4) the bar code.

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

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

7.11 Confidentiality sleeve

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

“**197.1.** The clerk or secretary-treasurer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

7.12 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

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

The clerk or secretary-treasurer shall ensure that a sufficient number of recipients for ballot papers and, where necessary, transfer boxes, are available for each electronic ballot box.”.

7.13 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

7.14 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling station, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the ballot box.

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

The senior deputy returning officer shall then examine the documents and materials provided by the clerk or secretary-treasurer.

207.1. In the hour preceding the opening of the polling station, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the clerk or secretary-treasurer.”.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives present, shall ensure that the recipient of the electronic ballot box is empty.

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

POLLING PROCEDURE

7.15 Presence at the polling station

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

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

7.16 Initialling of ballot papers

The following is substituted for section 221 of the Act:

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

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

7.17 Voting

The following is substituted for section 222 of the Act:

“**222.** The qualified voter shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper opposite the “yes” or the “no” for which the qualified voter wishes to vote.

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

7.18 Following the vote

The following is substituted for section 223 of the Act:

“223. After marking the ballot paper and inserting the ballot paper card in the confidentiality sleeve, the qualified voter shall leave the polling booth and go to the electronic ballot box.

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

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

7.19 Automatic acceptance

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

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

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

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

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

7.20 Cancelled ballots

The following is substituted for section 224 of the Act:

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

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

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

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

7.21 Visually impaired person

Section 227 of the Act is amended:

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

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the qualified voter, and indicate to the qualified voter the order in which the “yes” and the “no” appear on the ballot paper.

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

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

7.22 Compilation of results

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

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

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for the “yes” and the “no”.

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

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

(1) the number of ballot paper cards received from the clerk or secretary-treasurer;

(2) the number of qualified voters admitted to vote;

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

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

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

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

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

7.23 Compiling sheet

Section 231 of the Act is revoked.

7.24 Counting of the votes

Section 232 of the Act is revoked.

7.25 Rejected ballot papers

The following is substituted for section 233 of the Act:

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

(1) has not been marked;

(2) has been marked in favour of both the “yes” and the “no”.

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

7.26 Rejected ballot papers, procedural omission, valid ballot papers

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

7.27 Contested validity

The following is substituted for section 237 of the Act:

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

7.28 Partial statement of votes, overall statement of votes and copy to representatives

The following is substituted for section 238 of the Act:

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

(1) the number of ballot paper cards received from the clerk or secretary-treasurer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The statement shall be drawn up separately for the “yes” and the “no” that were the object of the poll at the polling station.

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

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

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

Section 240 of the Act are revoked.

7.29 Separate, sealed and initialled envelopes given to the clerk or secretary-treasurer

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

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

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

— if the electronic ballot box recipient is made of plastic, place the ballot paper cards in the electronic ballot box recipient into a transfer box, and then remove the electronic ballot box memory card and place it in an envelope with a copy of the report on the results compiled by the electronic ballot box. The senior deputy returning officer shall seal the envelope, initial it and allow the representatives who wish to do so to initial it. He shall then place the envelope in the transfer box, seal the transfer box, initial it and allow the representatives who wish to do so to initial the seal.

— if the electronic ballot box recipient is made of cardboard, remove the cardboard recipient containing the ballot papers, and then remove the electronic ballot box memory card and place it in an envelope with a copy of the report on the results compiled by the electronic ballot box. The senior deputy returning officer shall seal the envelope, initial it and allow the representatives who wish to do so to initial it. He shall then place the envelope in the cardboard recipient, seal the recipient, initial it and allow the representatives who wish to do so to initial the seal.

The senior deputy returning officer shall then give the transfer boxes or cardboard recipients to the clerk or secretary-treasurer or the person he designates.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the poll and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the clerk or secretary-treasurer.

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

Section 244 of the Act is revoked.

7.30 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The clerk or secretary-treasurer shall proceed with the addition of the votes using the overall statements of votes drawn up by each senior deputy returning officer.”

7.31 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** Where the clerk or secretary-treasurer is unable to obtain the overall statement of votes to be remitted to him, he shall adjourn the addition of the votes until he obtains it.

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

7.32 Placing in an envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the clerk or secretary-treasurer shall place them in an envelope together with the memory card.

The clerk or secretary-treasurer shall seal the envelope, put the envelope in the transfer box and then seal the box. The clerk or secretary-treasurer and the representatives may initial the seals.”.

7.33 New counting of the votes

The following is substituted for section 250 of the Act:

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

7.34 Notice to the Minister

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

7.35 Application for a recount

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

7.36 Public notice of referendum poll

Section 572 of the Act is amended by adding the following after paragraph 7:

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

7.37 Polling booth

The following is substituted for section 574 of the Act:

“**574.** Where the poll takes place by electronic ballot box, the polling station shall include as many polling booths as shall be determined by the clerk or secretary-treasurer.”.

7.38 Access to ballot papers

The following is substituted for section 579 of the Act:

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

8. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date of the definitive results of the poll, the clerk or secretary-treasurer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The clerk or secretary-treasurer must verify the ballot paper cards contained in the recipients for ballot papers.

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

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

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

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

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

9. APPLICATION OF AGREEMENT

The clerk or secretary-treasurer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting for the holding of any poll held before November 2005, provided the necessary amendments are made to this agreement.

10. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the referendum or any subsequent poll provided for in the agreement.

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

11. ASSESSMENT REPORT

Within 120 days following the referendum held on October 26th, 2003, the clerk or secretary-treasurer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out the points required to improve testing of a new voting method, including the following:

- the preparations for the referendum (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system:
- the cost of adapting referendum procedures;
- non-recurrent costs likely to be amortized;

- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the referendum of October 26th, 2003 using traditional methods;

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

- the advantages and disadvantages of using the new method of voting;

- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

- the examination of rejected ballot papers, if it has been completed.

12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the clerk or secretary-treasurer performs the first act for the purposes of a poll to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES :

In Saint-Nicéphore, on this 7th day of October 2003

THE MUNICIPALITY OF SAINT-NICÉPHORE

By: _____
DENISE PICOTIN, *Mayor*

STEVEN F. WATKINS, *Clerk*

In Québec City, on this 10th day of October 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

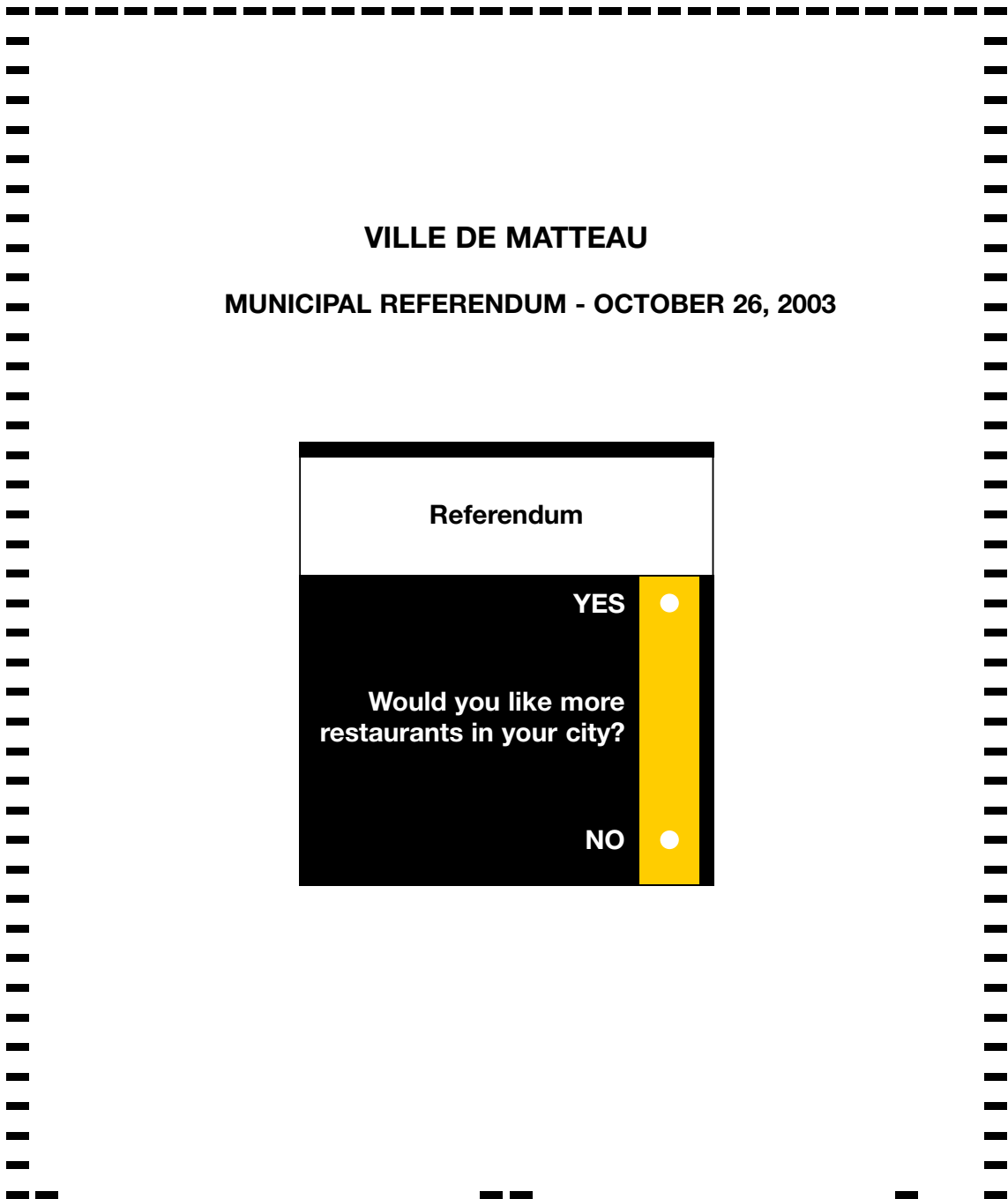
In Québec City, on this 17th day of October 2003

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER CARD



VILLE DE MATTEAU

MUNICIPAL REFERENDUM - OCTOBER 26, 2003

Referendum	
YES	<input type="radio"/>
Would you like more restaurants in your city?	
NO	<input type="radio"/>

<div data-bbox="352 284 620 354" data-label="Form"><input type="text"/></div> <p data-bbox="352 381 617 444">Initials of the deputy returning officer</p>	<div data-bbox="821 284 1089 354" data-label="Form"><input type="text"/></div> <p data-bbox="847 381 1065 413">Polling subdivion</p>
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Printer name
Adress
City
Postal code
