

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 IN REFERENDUM USING “PERFAS-MV” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY of the township of QUÉBEC, a legal person established in the public interest, having its head office at 2, rue des Jardins, Québec, Province de Québec, represented by the mayor, Mr. Jean-Paul L’Allier, and the clerk, M^e Josette Tessier, under a resolution bearing number CV-2005-0474, hereinafter called

THE MUNICIPALITY

AND

Mr. 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 de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. CV-2005-0473, passed at its meeting of May 2nd 2005, 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 a referendum in the MUNICIPALITY from the moment this agreement is accepted;

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, Sports and Recreation 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, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for a referendum from the moment this agreement is accepted;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that 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 the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of May 2nd 2005, resolution No. CV-2005-0474 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the clerk of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. APPLICABLE PROVISIONS

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) applies to a referendum from the moment this agreement is accepted 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 list of electors 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 I 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 voting system” means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in “election” mode, to vote (electronic voting cards), to place the terminals in “end of election” mode, and to record the results from each autonomous voting terminal;

3.2 “voting terminal” means an independent device containing a display with a graphical representation of a ballot paper, buttons used by qualified voters to vote, and a memory card to record and compile the votes cast by qualified voters;

3.3 “electronic card reader” means a device allowing the information required for a qualified voter to vote to be transferred onto an electronic card;

3.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for this referendum” has been pushed by a qualified voter on the voting terminal;

3.5 “operations trail” means a print-out of the operations (audit) of a voting terminal.

4. ELECTION

4.1 For the purposes of a referendum of “PERFAS-MV” model electronic voting systems 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 provide its qualified voters with adequate information concerning the testing of the new method of voting.

5. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by the electronic ballot box when a voting terminal is 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 of the voting terminal, and must record each procedural operation;

(3) a mechanism which prevents a voting terminal from being placed in “end of poll” mode while polling is still under way, because the terminal can only be placed in “end of poll” mode by the insertion of an “end of poll” card;

(4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in “poll” mode;

(5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

(6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

(7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

6. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order 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 voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

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

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the clerk or secretary-treasurer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of qualified voters at each polling station who were given an electronic voting card;

(8) give the clerk or secretary-treasurer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “poll” mode, the card used to place terminals in “end of poll” mode, and the voting terminals in sealed cases.

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

- (1) assist the senior deputy returning officer in the latter's duties;
- (2) receive any qualified voter referred by the senior deputy returning officer;
- (3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station;
- (2) see that the polling is properly conducted and maintain order at the polling station;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret;
- (4) make sure of qualified voters' identity;
- (5) give qualified voters an electronic voting card to exercise their right to vote;
- (6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that a qualified voter has failed to exercise the right to vote;
- (7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of qualified voters given an electronic voting card by the deputy returning officer at the polling station.”.

7.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

“81. The poll clerk shall, in particular,

- (1) enter in the poll book the particulars relating to the conduct of the polling;
- (2) note on the screen and on the paper referendum list of electors “has voted” next to the names of qualified voters to whom the deputy returning officer has given electronic voting cards;
- (3) assist the deputy returning officer.”.

7.5 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 period beginning the fortieth day preceding polling day and ending on polling day at the time of closing of the polling stations, 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 and Regions 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.”.

7.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“104. The clerk or secretary-treasurer shall divide the list of electors for the referendum into polling subdivisions, each comprising not more than 750 qualified voters.

The clerk or secretary-treasurer shall provide a sufficient number of polling stations at each polling place to receive qualified voters, establish their identity and give them an electronic voting card.

In the polling place, the qualified voters may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.”.

7.7 Verification of electronic voting systems

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 voting systems

173.1. The clerk or secretary-treasurer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the committees, for each polling place, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely.

173.2. During the testing of the electronic voting system, 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 system, 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 prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to the vote ;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include :

(a) a sufficient and pre-determined number of ballot papers in favour of the “yes” or the “no” ;

(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 predetermined number of ballot papers with a mark opposite the statement “I do not wish to vote for this referendum” ;

(3) he shall ensure that it is not possible to record more than one vote ;

(4) the clerk or secretary-treasurer shall ensure that the button used to record a vote can be pushed only after the button used to vote in favour of the “yes” or the “no” has been pushed ;

(5) he shall ensure that the information relating to the vote contained on the electronic voting cards is consistent with the information transferred to the cards by the clerk or secretary-treasurer ;

(6) he shall place the system in “end of poll” mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually ;

(7) once the test has been successfully completed, the clerk or secretary-treasurer shall reset the voting terminal to zero and replace it in a sealed case ; the clerk or secretary-treasurer and the representatives who so wish may affix their signature ;

(8) where an error in the compilation of the results compiled by the terminals is detected, the clerk or secretary-treasurer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained ; any error or discrepancy shall be noted in the test report ;

(9) the clerk or secretary treasurer may not change the programming established by the firm PG Elections inc.”.

7.8 Advance polling

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

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

(1) the number of qualified voters who were given an electronic voting card ;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer ;

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

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors for the referendum, and 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 the envelope containing the list of electors for the referendum, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall :

- (1) place the voting terminals in “end of poll” mode ;
- (2) transfer the data contained in the memory of the electronic ballot box onto a memory card ;
- (3) print the operations trail (audit) ;
- (4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes ;
- (5) forward the envelopes to the clerk or secretary-treasurer, who shall keep them safely in separated locations ;
- (6) set each voting terminal to zero, seal it and place it in its plastic case ;
- (7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in “poll” mode and “end of poll” mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the clerk or secretary-treasurer or the person designated by the clerk or secretary-treasurer.

The clerk or secretary-treasurer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The clerk or secretary-treasurer shall, using the various lists of electors for the referendum used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The clerk or secretary-treasurer shall make as many copies of the list as there are to be polling stations on polling day.

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 large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in “poll” mode and the card used to place the terminals in “end of poll” mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The clerk or secretary-treasurer, or the person designated by the clerk or secretary-treasurer, shall return the list of electors for the referendum to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

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, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll 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 Revocation

Sections 186 and 187 of the Act are revoked.

7.10 Polling place

The following is substituted for the first paragraph of section 188 of the Act :

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

7.11 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The clerk or secretary-treasurer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the qualified voters’ right to vote.”

The following is substituted for sections 193 to 195 of the Act:

“**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule I to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.”.

7.12 Number of voting terminals

The following is substituted for sections 200 and 201 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.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule II to this Agreement.

The voting terminal must be designed so that the button used to vote in favour of the “yes” is placed opposite the particulars relating to the “yes”, and that the button used to vote in favour of the “no” is placed opposite the particulars relating to the “no”.

The instructions to the qualified voters on how to vote must be clearly indicated on the upper surface of the voting terminal.”.

7.13 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the clerk or secretary-treasurer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the qualified voters who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The clerk or secretary-treasurer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and the recording of votes.”.

7.14 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero qualified voters having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the clerk or secretary-treasurer of any discrepancy observed upon activating a voting terminal or during the poll.

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

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

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

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, 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 Electronic voting cards

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give each qualified voter admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of a qualified voter.”.

7.17 Voting

The following is substituted for section 222 of the Act:

“**222.** The qualified voter shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the “yes” or the “no in favour of which the elector wishes to vote, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.”.

7.18 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After removing the electronic voting card from the voting terminal, the qualified voter shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the clerk or secretary-treasurer.

If a qualified voter indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter’s assistant shall record the votes.

If a qualified voter fails to indicate and record a vote and leaves the polling place, the senior deputy returning officer or the latter’s assistant shall press the button corresponding to the statement “I do not wish to vote in this referendum”, and shall then record the qualified voter’s vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.”.

7.19 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

7.20 Assistance for qualified voters

The following is substituted for section 226 of the Act:

“**226.** A qualified voter who declares under oath, before the senior deputy returning officer or the assistant to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the qualified voter’s spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute qualified voter may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that a qualified voter has availed himself of this section, and the occurrence shall be entered 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 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 to register his vote.”; and

(2) by striking out the fourth paragraph.

7.22 Transfer of information to electronic voting cards

The following is substituted for section 228 of the Act:

“**228.** The electronic voting system shall ensure that the information required for a qualified voter to exercise the right to vote is transferred once only to the electronic voting card.”.

COMPILATION OF RESULTS AND TALLYING OF VOTES

7.23 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

- (1) placing the election terminals of the polling place in “end of poll” mode;
- (2) recording the results of each voting terminal;
- (3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of qualified voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of valid votes for the “yes” and for the “no”.

The senior deputy returning officer shall gather from each poll clerk the number of qualified voters admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.”.

7.24 Entries in poll book

The following is substituted for section 230 of the Act:

“**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

- (1) the number of qualified voters who have voted;
- (2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.”.

7.25 Compiling sheet

Section 231 of the Act is revoked.

7.26 Counting of the votes

Section 232 of the Act is revoked.

7.27 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote in this referendum” is pushed by the qualified voter on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.”.

Sections 234 to 237 of the Act are revoked.

7.28 Partial statement of votes and copy for representatives

The following is substituted for sections 238 and 240 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of qualified voters admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the clerk or secretary-treasurer and every representative assigned to the polling station.

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

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

The senior deputy returning officer shall retain a copy of the statement and a second copy for the clerk or secretary-treasurer for the purposes of section 244.”.

7.29 Separate envelopes

The following is substituted for section 241 of the Act:

“**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.”.

7.30 Seals

The following is substituted for section 242 of the Act:

“**242.** The senior deputy returning officer shall place in a large envelope:

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in “poll” mode and “end of poll” mode;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

7.31 Placing in ballot box

Section 243 of the Act is revoked.

7.32 Delivery to clerk or secretary-treasurer

The following is substituted for section 244 of the Act:

“**244.** The senior deputy returning officer shall deliver to the clerk or secretary-treasurer or the person designated by the clerk or secretary-treasurer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;

(2) the large envelope provided for in section 242.”.

7.33 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 statement of votes drawn up by each senior deputy returning officer.”.

7.34 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The clerk or secretary-treasurer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the clerk or secretary-treasurer shall, in the presence of the senior deputy returning officer and the representatives, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.”.

7.35 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing out the results, the clerk or secretary-treasurer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the representatives present to affix their initials.”.

7.36 New counting of the votes

Section 250 of the Act is revoked.

7.37 Notice to the Minister

The following is substituted for section 251 of the Act:

“**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the clerk or secretary-treasurer shall advise the Minister of Municipal Affairs and Regions in accordance with Division III of Chapter XI.”.

7.38 Access to voting papers

Section 261 of the Act is revoked.

7.39 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act:

“**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.”.

7.40 Notice to the representatives of qualified voters

The following is substituted for section 267 of the Act:

“**267.** The judge shall give one clear day’s advance notice in writing to the representatives concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the clerk or secretary-treasurer of the municipality and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.”.

7.41 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act:

“**268.** On the appointed day, the judge, in the presence of the clerk or secretary-treasurer of the municipality, shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The representatives concerned and the clerk or secretary-treasurer may, at that time, examine all the documents and items examined by the judge.”.

7.42 Repeal

Section 269 is revoked.

7.43 Missing electronic card for recording results and partial statements of votes

The following is substituted for the first paragraph of section 270 of the Act:

“**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.”.

7.44 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the clerk or secretary-treasurer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.”.

7.45 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.”.

7.46 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.”.

8. 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 a referendum held until December 31st 2009.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of a referendum from the moment this agreement is accepted.

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

10. ASSESSMENT REPORT

Within 120 days following the holding of a referendum, 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 addressing, in particular, the following issues:

- 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 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 votes cast and the number of qualified voters admitted to vote.

11. EFFECT OF 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 Quebec, this 11th day of May 2005

MUNICIPALITY OF QUÉBEC

By: _____

JEAN-PAUL L'ALLIER,
Mayor

JOSETTE TESSIER,
Clerk of the municipality

In Québec, on this 13th day of May 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

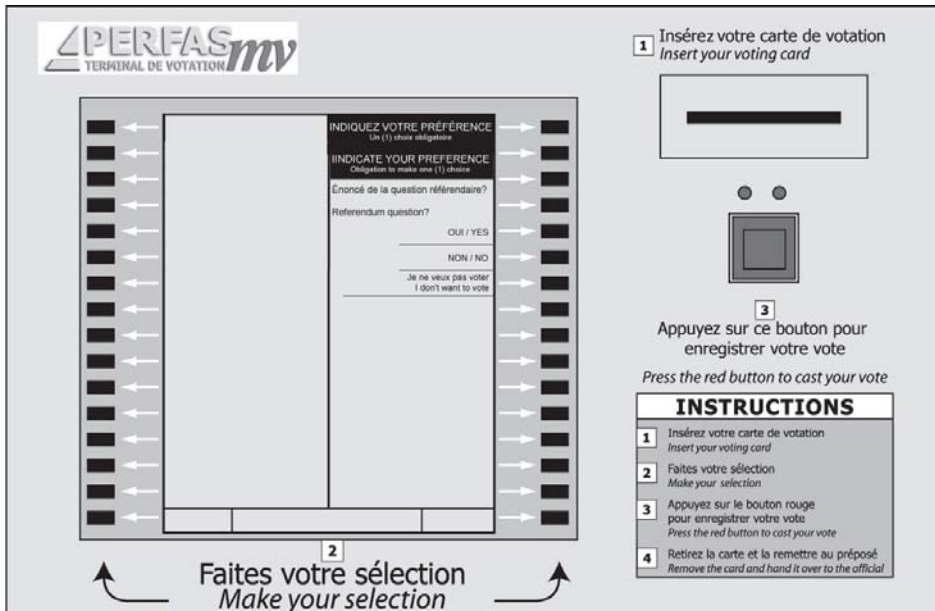
In Québec, on this 31th day of May 2005

THE MINISTER OF MUNICIPAL AFFAIRS
AND REGIONS

DENYS JEAN, *Deputy Minister*

SCHEDULE I

BALLOT PAPER



SCHEDULE II

VOTING TERMINAL

