

Gouvernement du Québec

## Agreement

An Act respecting elections and referendums  
in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND “PERFAS-TAB” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

COMITÉ DE TRANSITION DE  
L'AGGLOMÉRATION DE LONGUEUIL

A legal person having its head office at 6, boulevard Desaulniers, Saint-Lambert, Province de Québec, J4P 1L3, represented by Yves Ryan, President, duly authorized for the purposes of this agreement by virtue of Section 11.2 of the By-law relative to the financial and contractual management of the Comité de transition de l'agglomération de Longueuil, hereinafter called

THE COMMITTEE OF LONGUEUIL

AND

COMITÉ DE TRANSITION DE L'AGGLOMÉRATION  
DE MONTRÉAL

A legal person having its head office at 800, rue du Square-Victoria, Montréal, Province de Québec, H4Z 1J2, represented by Pierre Lortie, President, duly authorized for the purposes of this agreement by virtue of Section 11.2 of the By-law relative to the financial and contractual management of the Comité de transition de l'agglomération de Montréal, hereinafter called

THE COMMITTEE OF MONTRÉAL

(The Committee of Longueuil and the Committee of Montréal are hereafter collectively called the Committees.)

AND

Mr. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to this office under the Election Act (R.S.Q., c. E-3.3), acting in this 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, Québec, Province de Québec, hereinafter called

THE MINISTER

AND

The returning officers of each of the four (4) municipalities of the Agglomération of Longueuil to be reconstituted designated by Committee of Longueuil resolutions No. 05-03-07 and No. 05-05-01 adopted at the March 8 and May 5, 2005 meetings and the returning officers designated for each of the fifteen (15) municipalities of the Agglomération of Montréal to be reconstituted, by Committee of Montréal resolutions No. 05-02-112, 05-02-116, 05-03-130 and 05-04-142 adopted at the February 22, February 28, March 15 and April 11, 2005 meetings, namely :

Jacques Des Ormeaux	Boucherville
Pierre Robitaille	Brossard
Jacques Des Ormeaux	Saint-Bruno-de-Montarville
Jocelyne Vaillant	Saint-Lambert
François Gince	Baie d'Urfé
Johanne Legault	Beaconsfield
Marie Vallée	Côte-Saint-Luc
Chantale Bilodeau	Dollard-des-Ormeaux
Louise Vinet	Dorval and L'Île-Dorval
Marina Di-Blasi	Hampstead
Lise Labrosse	Kirkland
Hélenne De Block	Montréal-Est
Jacques E. Turgeon	Montréal-Ouest
Marie Turenne	Mont-Royal
Colette Gagnon	Pointe-Claire
Jacques Turgeon	Sainte-Anne-de-Bellevue
Suzanne Lalonde	Senneville
Lucie Tousignant	Westmount

WHEREAS the Comité de transition de l'agglomération de Longueuil, by resolution No. 12-02 adopted at its December 7, 2004 meeting, and the Comité de transition de l'agglomération de Montréal, by resolution No. 04-11-73 adopted at its November 29, 2004 meeting, have expressed the desire to avail themselves of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the returning officers concerned, the Chief Electoral Officer and the Minister, in order to allow the use of electronic ballot boxes for the November 6, 2005 municipal elections or any other polling day between May 1, 2005 and November 6, 2005,

that will take place in the nineteen (19) municipalities of the Agglomerations of Longueuil and Montréal to be reconstituted, divided as follows:

Comité de transition de l'agglomération de Longueuil : Boucherville, Brossard, Saint-Bruno-de-Montarville and Saint-Lambert ;

Comité de transition de l'agglomération de Montréal : Baie d'Urfé, Beaconsfield, Côte-Saint-Luc, Dollard-des-Ormeaux, Dorval, Hampstead, Kirkland, L'Île-Dorval, Montréal-Est, Montréal-Ouest, Mont-Royal, Pointe-Claire, Sainte-Anne-de-Bellevue, Senneville and Westmount ;

WHEREAS by virtue of decree 1212-2004, for purposes of the application of Section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the COMMITTEES may conclude an agreement by virtue of this provision ;

WHEREAS the COMMITTEES wish to prevail to avail themselves of these provisions for the holding of the November 6, 2005 municipal elections or any other polling day between May 1, 2005 and November 6, 2005 ;

WHEREAS the procedure that applies during these municipal elections in the territory of each MUNICIPALITY TO BE RECONSTITUTED must be foreseen ;

WHEREAS an agreement must be concluded between the COMMITTEES, the RETURNING OFFICERS CONCERNED, the CHIEF ELECTORAL OFFICER and the MINISTER ;

WHEREAS the COMMITTEES are solely responsible for the technological choice made ;

WHEREAS the COMMITTEE of Longueuil adopted, at its April 26, 2005 meeting, resolution No. 05-04-06 and the COMMITTEE of Montréal adopted, at its April 11, 2005 meeting, resolution No. 05-04-143 which both approve the text of the agreement and authorize the returning officers and the COMMITTEE presidents to sign the present agreement ;

WHEREAS the returning officers concerned and the COMMITTEES' electoral process coordinators are responsible for the application of the present agreement and the means required to implement it ;

THEREFORE, the parties agree to the following :

## 1. FOREWORD

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

## 2. INTERPRETATION

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

2.1 "Computerized polling station" designates an apparatus consisting of the following devices :

— a computer with the list of electors for the polling location stored in its memory (the computers at the same polling location are linked together) ;

— a card reader with bar codes ;

— one or more printers per polling location for printing the list of electors who voted during the advance poll or on polling day.

2.2 "Electronic ballot box" designates an apparatus containing a vote tabulator, a memory card, a printer, a recipient for ballots and a modem, where necessary.

2.3 "Vote tabulator" designates a device that uses an optical scanner to detect a mark on a ballot made by an elector in the space provided for that purpose.

2.4 "Memory card" means a memory device that computes and records the marks made by voters for each of the candidates whose names are printed on the ballot, as well as rejected ballots by vote tabulator program subdivision.

2.5 "Recipient for ballots" designates a box into which the ballots papers fall.

2.6 "Transfer box" designates the box in which the ballot papers are placed once the results of the poll have been compiled.

2.7 "Ballot paper" designates the card on which the ballot is printed.

2.8 "Refused ballot paper" means a ballot card the insertion of which the tabulator refuses.

2.9 "Confidentiality sleeve" means a sleeve designed to receive the ballot paper.

## 3. ELECTIONS

3.1 For the purposes of the November 6, 2005 municipal elections or any other polling day between May 1, 2005 and November 6, 2005 in the municipalities to be

reconstituted and part of the present agreement, a sufficient number of PerFas-TAB electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the Committees must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

#### 4. SECURITY MECHANISMS

##### 4.1 Computerized polling stations

The list of electors for a polling location must correspond to the data provided by the returning officer. Access to the computers at a polling location must be secured by a password.

##### 4.2 Electronic ballot boxes

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

1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on by the senior deputy returning officer 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 that records each procedural operation;

3) the electronic ballot box cannot be placed in “end of election” mode while the election is still in progress because the box requires the insertion of an end-of-election card;

4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been put in “election” 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 an electronic ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the process to continue.

#### 5. PROGRAMMING

Each memory card used is specifically programmed by the specialized supplier to recognize and tally ballots in accordance with this agreement.

#### 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

##### 6.1 Election personnel

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

##### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

Section 76 of the Act is replaced by the following:

“76. he returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he or she deems necessary for each polling place. The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

##### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

Section 80 of this Act is replaced by the following:

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

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

2. ensure that 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 the vote count from the statements of partial results and the results compiled by the electronic ballot box;

7. give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement as well as the statements of partial results of the vote count;

8. transfer the ballot papers from the electronic ballot box recipient into the transfer boxes, seal them and give them to the returning officer;

9. when a ballot paper has been refused by the tabulator, ask the elector to return to the polling booth, mark all the spaces provided to indicate the elector's choice, and go to the polling station in order to obtain another ballot;

10. advise the returning officer 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 elector referred by the senior deputy returning officer;

3. verify the polling booths at the polling station;

4. obtain the pencils and confidentiality sleeves from the senior deputy returning officer and distribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular:

1. see to the set-up of the polling station;

2. ensure that 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. verify the identity of electors;

5. supply each elector with a ballot, a confidentiality sleeve and a pencil to exercise their right to vote;

6. take back from electors any ballot papers that are refused by the tabulator, give them another ballot paper, and record the occurrence in the poll book;

7. indicate on the screen "has voted" next to the name of the elector to whom he or she has given a ballot paper."

#### 6.4 Duties of the poll clerk

Section 81 of this Act is replaced by the following:

**81.** The poll clerk shall, in particular:

1. enter in the poll book the particulars relating to the voting process;

2. indicate on the paper version of the list of electors "has voted" next to the names of electors to whom the deputy returning officer gives ballot papers;

3. assist the deputy returning officer."

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

Section 90.5 of this Act is replaced by the following:

"**90.5.** If, 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 objective.

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."

#### 6.6 Notice of election

Section 99 of this Act is amended by the addition, after paragraph 7, of the following:

"(8) the fact that the method of voting is a vote by means of electronic ballot boxes."

#### 6.7 Polling subdivisions

Section 104 of this Act is replaced by the following:

"**104.** The returning officer shall divide the list of electors into polling subdivisions. The polling subdivisions shall have a number of electors determined by the returning officer. That number shall be close to 750 electors."

## 6.8 Verification of computerized polling stations and electronic ballot boxes

This Act is amended by the insertion of the following subdivisions after subdivision 1 of Division IV of Chapter VI of Title I:

### “§1.1. *Verification of computerized polling stations*

**173.1.** The returning officer or the person he or she delegates shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling stations, ensure that all computers contain the list of electors for that station. In particular, the returning officer shall perform the following tests:

1. searching for an elector using the card with the bar code;
2. searching for an elector using the keyboard, typing either the elector’s name or address;
3. indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling station displays “has voted” for the electors concerned;
4. printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.”

### §1.2 *Verification of electronic ballot boxes*

**173.2.** The returning officer or the person he or she delegates 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 the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the specialized firm and the representatives of the candidates.

**173.3.** During the testing of the electronic ballot boxes, adequate security measures must be taken by the returning officer or the person he or she delegates to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer 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.

**173.4.** The returning officer or the person he or she delegates shall conduct the test by performing the following operations:

1. He shall mark the memory card with the returning officer’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 papers, previously marked and tallied manually. The ballot papers shall include:

a) a sufficient and pre-determined number of ballots correctly marked to indicate a vote for each of the candidates;

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

c) a sufficient and pre-determined number of ballots marked to indicate a vote for more than one candidate for the same office;

d) a sufficient and pre-determined number of blank ballots.

3. He shall place the electronic ballot box in “end of election 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 or she shall reset the memory card to zero and seal it; the returning officer or the person he or she delegates and the representatives who wish to do so shall initial the seal.

5. He shall place the tabulator in the travel case and place a seal on it; the returning officer or the person he or she delegates and the representatives who wish to do so shall note the number entered on the seal.

6. Where an error is detected, the returning officer or the person he or she delegates 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 optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report.

7. He may not change the programming for the scanning of the mark made by an elector in the space provided for that purpose without supervision from the specialized firm.”.

### 6.9 Mobile polling station

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

“**175.1.** Electors shall indicate their vote on the same type of ballot as that used in the advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and inscribe their initials on it.

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballots from the mobile polling station.

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

### 6.10 Advance poll

Sections 182, 183 and 185 of this Act are replaced by the following :

“**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 papers received from the returning officer ;
2. the number of electors who were given a ballot paper ;
3. the number of spoiled, refused or cancelled ballot papers and the number of unused ballot papers ;
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 papers, the unused ballot papers, the forms, the poll book and the list of electors. 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 initial the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in one of the transfer boxes.

**182.1** The senior deputy returning officer, in the presence of the candidates or of their representatives who wish to be present, shall open the recipient of the electronic ballot box, transfer the ballot papers therein to one or more transfer boxes, and seal the transfer boxes. The senior deputy returning officer shall then seal the opening of the electronic ballot box. The senior deputy returning officer and the representatives who wish to do so shall initial the seals. Next, the senior deputy returning officer shall place the electronic ballot box in its travel case and seal it. The senior deputy returning officer and the representatives who wish to do so shall initial the seals.

The senior deputy returning officer shall then give the transfer boxes and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the transfer box or boxes until the results of the advance poll have been compiled and afterwards, for the period of 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 that is the case, the senior deputy returning officer, before the persons present, shall open the transfer boxes and give each deputy returning officer the poll books, the envelopes containing unused ballot papers and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot papers from the first day 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 tabulator travel case.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of grouped polling 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 elec-

tronic ballot box, place it in an envelope, seal the envelope, place the envelope in a transfer box and seal the box.

The spoiled, refused or cancelled ballot papers from the second day shall be placed in separate sealed envelopes by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall initial the above-mentioned seal.

**185.** From 7 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at the 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 returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of polling day results, adapted as required.”.

#### 6.11 Voting booths

Section 191 of this Act is replaced by the following :

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

#### 6.12 Ballots

Section 193 of this Act is replaced by the following :

“**193.** With the exception of the entry stating the office to be filled, the ballots shall be printed in accordance with the model shown in the appendix, by reversing process so that, on the obverse, the information appears in white on a dark-coloured background and each circle provided for the inscription of the elector’s mark appears in white inside a coloured circle. Every ballot paper shall contain bar codes.”.

Section 195 of the Act is revoked.

#### 6.13 Identification of the candidates

Section 196 of this Act is amended by the replacement of the first paragraph by the following :

“**196.** The ballots shall include, as the case may be, ballots for the office of mayor and ballots for the office or offices of councillor. Each ballot shall allow each candidate to be identified.

It shall contain, on the obverse :

1. the name of each candidate, his given name preceding his surname ;
2. under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case ;
3. a circle for the elector’s mark opposite the name of each candidate ;
4. the office in question and, where applicable, the number of the seat to be filled. Information on the office in question shall correspond to that contained in the nomination papers.”.

#### 6.14 Ballot papers

Section 197 of this Act is replaced by the following :

“**197.** Ballot papers shall contain on the reverse, as shown in the attached model :

1. a space reserved for the identification of :
  - the name of the municipality to be reconstituted in question,
  - the name and/or the number of the electoral district, if applicable.
2. a space reserved for the identification of the polling subdivision ;
3. the voting section ;
4. the bar code.

The ballot papers shall have, on the reverse, as shown in the attached model :

1. arrows indicating the direction of insertion of the ballot paper into the tabulator ;
2. a space intended for the initials of the deputy returning officer ;
3. the name of the municipality to be reconstituted ;
4. the words “municipal election” and the date of the election, where applicable
5. the name and address of the printer ;
6. the indication of copyright, where applicable ;

7. the bar code, where applicable.”.

#### 6.15 Confidentiality sleeve

This Act is amended by inserting the following after Section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark inscribed on the ballot may be seen through it.”.

#### 6.16 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer or the person he or she delegates shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.17 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer or the person he or she delegates shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

#### 6.18 Number of electronic ballot boxes

Section 200 of this Act is replaced by the following:

“**200.** The returning officer or the person he or she delegates must ensure that there are as many electronic ballot boxes as polling stations available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballots and transfer boxes are available for each electronic ballot box.”.

#### 6.19 Provision of polling materials

Section 204 of this Act is amended by the replacement, in the second line of the first paragraph, of the words “a sealed ballot box” by the words “a sealed recipient.”

#### 6.20 Examination of the electronic ballot box and polling materials

Section 207 of this Act is replaced by the following:

“**207.** During the hour preceding the opening of the polling stations, 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 ballots by verifying the printed report of the electronic 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 examine the documents and materials provided by the returning officer.

**207.1.** During the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

Section 209 of this Act is replaced by the following:

“**209.** Immediately before the time fixed for the opening of the polling station, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates 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 initial 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 electors.”.

### THE VOTING PROCESS

#### 6.21 Presence at the polling station

The third paragraph of Section 214 of this law is replaced by the following:



“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, 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 or hers duties. Any other person assisting an elector under Section 226 may be present for the time required to enable the elector to exercise his or hers right to vote.”

### 6.22 Initialling of ballots

Section 221 of this Act is replaced by the following:

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

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

### 6.23 Voting

Section 222 of this Act is replaced by the following:

“**222.** The elector shall enter the polling booth and, using the pencil supplied by the deputy returning officer, mark the ballot or ballots in the space provided for that purpose opposite the information pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

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

### 6.24 Procedure after marking

Section 223 of this law is replaced by the following:

“**223.** After marking the ballot paper or papers and inserting the ballot paper into the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

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

The elector, or at the elector’s request, the senior deputy returning officer shall insert the ballot paper card into the electronic ballot box without removing it from the confidentiality sleeve.”

### 6.25 Automatic acceptance

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

“**223.1.** The electronic ballot box shall be programmed to automatically accept every ballot that is inserted and that has been given by the deputy returning officer to an elector.

**223.2.** If a ballot paper becomes blocked in the recipient receiving the ballots, the senior deputy returning officer, in the presence of the representatives of the candidates 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 and the representatives who wish to do so shall initial the seal.

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

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

### 6.26 Cancelled ballots

Section 224 of this Act is replaced by the following:

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

The deputy returning officer of the polling station in question shall, if his or hers initials are not on the ballot paper, initial it before the persons present, provided that the ballot paper is, on first sight, a ballot given to the elector by the deputy returning officer that was not

initialled by oversight or inadvertence. The elector shall return to insert the ballot paper into the electronic ballot box.

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

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

### 6.27 Visually impaired voter

Section 227 of this 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, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot paper and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper into the electronic ballot box.”.

2. by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.28 Compilation of results

Sections 229 and 230 of this Act are replaced by the following:

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

The report on the compiled results shall indicate the total number of ballots, the number of rejected ballots and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station in the polling location shall complete the statement of partial results 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 information in the poll book:

1. the number of ballot papers received from the returning officer;
2. the number of electors admitted to vote;
3. the number of spoiled, refused or cancelled ballot papers and the number of unused ballot papers;
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 papers entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot papers issued by the returning officer.

**230.2.** Using the statement or statements of partial results 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 or each candidate can have a copy of it.”.

### 6.29 Manual vote counting

Sections 231 to 244 of the Act, adapted as required, apply if a manual counting of the votes is necessary.

### 6.30 Compilation sheet

Section 231 of the Act is revoked.

### 6.31 Electronic vote counting

Section 232 of the Act is revoked.

### 6.32 Rejected ballots

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 more than one candidate;

3. has been marked in favour of a person who is not a candidate.

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 papers inserted, both ballots that are valid and those rejected, the only exception being ballot papers that have been refused.”.

### 6.33 Rejected ballots, procedural omission, valid ballots

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

### 6.34 Contested validity

The following is substituted for Section 237 of the Act:

“**237.** The assistant to the senior deputy returning officer or the poll clerk designated by the senior deputy returning officer, at the request of the latter, shall enter in the poll book any objection concerning the validity of the results raised by a representative present at the poll following the printing of the results compiled by an electronic ballot box.”.

### 6.35 Statement of partial results of votes, overall statement of votes and copy for representatives of candidates

The following is substituted for Section 238 of the Act:

“**238.** The deputy returning officer shall draw up the statement of partial results of votes, indicating:

1. the number of ballot papers received from the returning officer;
2. the number of spoiled, refused and cancelled ballot papers and of those that were not inserted into the electronic ballot box;
3. the number of unused ballot papers.

The deputy returning officer shall make two copies of the statement of partial results, including a copy that must be given to the senior deputy returning officer.

Using the statements of partial results 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 is revoked.

### 6.36 Separate, sealed and initialed envelopes given to the returning officer

Sections 241, 242 and 243 of this Act are replaced by the following:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused and cancelled ballot papers not inserted into the electronic ballot box, the unused ballot papers and the statement of partial results of votes. Each deputy returning officer shall seal the envelopes and place them in a large envelope, 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 candidates or their representatives who wish to be present, the senior deputy returning officer shall place the ballot papers from the electronic ballot box recipient into one or more envelopes, and then seal and initial the envelope or envelopes. Any representatives or candidates who wish to do so may initial the seal or seals.

The senior deputy returning officer shall place the envelope or envelopes in a transfer box. He shall remove the memory card from the electronic ballot box and insert 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 place it in one of the transfer boxes.

The senior deputy returning officer shall place the large envelope received from the deputy returning officers in one of the transfer boxes.

The senior deputy returning officer shall then seal and initial the transfer boxes, allow the representatives who wish to do so to initial them, and give the boxes to the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election as well as the statements of partial results of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

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

Section 244 of the Act is revoked.

### 6.37 Addition of votes

The following is substituted for Section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”

### 6.38 Adjournment of the addition of votes

The following is substituted for Section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, postpone the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report of the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their 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.”

### 6.39 Placing in an envelope

The following is substituted for Section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”

### 6.40 New vote count

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 returning officer, on the date, at the time and at the place that he or

she determines, in the presence of the candidates or their representatives who wish to be present, shall retrieve the ballots used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box that includes a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”

### 6.41 Notice to the Minister

The first line of the first paragraph of Section 251 of the Act is amended by replacing the words “statement of votes and ballot papers” by the words “overall summary of votes, the report of the results compiled by the electronic ballot box and the ballot papers”.

### 6.42 Access to ballots

The following is substituted for Section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballots pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the Committee, or the person responsible for providing access to the documents held by the municipality after January 1st, 2006, may not issue copies of the used ballots, nor allow any person to examine the ballots, without being required to do so by an order issued by a court or magistrate.”

### 6.43 Application for recount

Section 262 of the Act is amended by replacing the words “a deputy returning officer, a poll clerk or the returning officer” by the words “an electronic ballot box” in the first and second lines of the first paragraph and by adding in the second paragraph after the word “returning officer” the word “concerned”.

## 7. EXAMINATION OF REJECTED BALLOTS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballots to ascertain the grounds for rejection. The returning officer must verify the ballot papers contained in the transfer boxes.

The returning officer must notify the candidates or their 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 ballots 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 returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballots, the rejected ballots must be separated from the other ballots, 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 candidates or their representatives may be present during this operation.

## 8. DURATION AND IMPLEMENTATION OF THE AGREEMENT

The returning officer of the municipality to be reconstituted is responsible for the implementation of the present agreement and, consequently, for the effective functioning of the trial application of the new method of voting for the November 6, 2005 municipal elections or any other election between May 1, 2005 and November 6, 2005.

## 9. AMENDMENT

The parties agree that the present agreement may be amended if need be to ensure the effective functioning of the November 6, 2005 municipal elections or any other election between May 1, 2005 and November 6, 2005.

Mention of such an amendment must be included in the assessment report.

## 10. ASSESSMENT REPORT

At the latest on January 1, 2006, the returning officer shall forward, in accordance with Section 659.3 of the Act respecting elections and referendums in municipalities, (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and to the Minister, this report mentioning relevant ways to improve trial runs of a new voting mechanism, addressing, in particular, the following points:

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

— the conduct of the advance poll, the mobile poll and polling day;

— the cost of using electronic voting systems:

– the cost of adapting the election process;

– nonrecurrent costs, likely to be amortized;

– a comparison of actual election costs using the new methods of voting versus projected costs using traditional voting methods in the November 6, 2005 municipal elections or any other election date between May 1, 2005 and November 6, 2005;

— 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 a comparison of the number of ballots given out to the deputy returning officers with the number of ballots returned used and unused;

— the survey of rejected ballot papers, if such a survey has been completed.

## 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities, (R.S.Q., c. E-2.2) shall apply to the November 6, 2005 general elections and to any other election date between May 1, 2005 and November 6, 2005 in the municipalities to be reconstituted targeted by the present agreement, subject to the provisions of the Act that this agreement amends or replaces.

## 12. EFFECTIVE DATE OF THE AGREEMENT

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

## AGREEMENT SIGNED IN FOUR COPIES:

In Montréal, this 1st day of the month of June in the year 2005

COMITÉ DE TRANSITION DE  
L'AGGLOMÉRATION DE MONTRÉAL

---

PIERRE LORTIE, *President*

In Québec, this 7th day of the month of June in the year 2005

CHIEF RETURNING OFFICER

---

MARCEL BLANCHET, *Chief Returning Officer*

In Québec, this 13th day of the month of July in the year 2005

MINISTER OF MUNICIPAL AFFAIRS  
AND REGIONS

---

DENYS JEAN, *Deputy Minister*

In Montréal, this 1st day of the month of June in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF BAIE D'URFÉ

---

FRANÇOIS GINCE, *Returning Officer*

In Montréal, this 31st day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF BEACONSFIELD

---

JOHANNE LEGAULT, *Returning Officer*

In Montréal, this 31st day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF CÔTE-SAINT-LUC

---

MARIE VALLÉE, *Returning Officer*

In Montréal, this 1st day of the month of June in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF DOLLARD-DES-ORMEAUX

---

CHANTALE BILODEAU, *Returning Officer*

In Montréal, this 31st day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF DORVAL AND L'ÎLE-DORVAL

---

LOUISE VINET, *Returning Officer*

In Montréal, this 31st day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF HAMPSTEAD

---

MARINA DI-BLASI, *Returning Officer*

In Montréal, this 31st day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF KIRKLAND

---

LISE LABROSSE, *Returning Officer*

In Montréal, this 1st day of the month of June in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF MONTRÉAL-EST

---

HÉLENNE DE BLOCK, *Returning Officer*

In Montréal, this 30th day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF MONTRÉAL-OUEST

---

JACQUES E. TURGEON, *Returning Officer*

In Montréal, this 30th day of the month of May in the year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF MONT-ROYAL

---

MARIE TURENNE, *Returning Officer*

In Montréal, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF POINTE-CLAIRE

---

COLETTE GAGNON, *Returning Officer*

In Montréal, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF SAINTE-ANNE-DE-BELLEVUE

---

JACQUES TURGEON, *Returning Officer*

In Montréal, this 1st day of the month of June in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF SENNEVILLE

---

SUZANNE LALANDE, *Returning Officer*

In Montréal, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF WESTMOUNT

---

LUCIE TOUSIGNANT, *Returning Officer*

In Longueuil, this 31st day of the month of May in the  
year 2005

COMITÉ DE TRANSITION DE  
L'AGGLOMÉRATION DE LONGUEUIL

---

YVES RYAN, *president*

In Longueuil, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED OF  
BOUCHERVILLE

---

JACQUES DES ORMEAUX, *Returning Officer*

In Longueuil, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF BROSSARD

---

PIERRE ROBITAILLE, *Returning Officer*

In Longueuil, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF SAINT-BRUNO-DE-MONTARVILLE

---

JACQUES DES ORMEAUX, *Returning Officer*

In Longueuil, this 31st day of the month of May in the  
year 2005

THE MUNICIPALITY TO BE RECONSTITUTED  
OF SAINT-LAMBERT

---

JOCELYNE VAILLANT, *Returning Officer*

APPENDIX

SAMPLE OF A BALLOT

57992

Arrondissement  
**Saint-Laurent**  
Borough

Numéro de section de vote - Poll subdivision

1	2	3	4	5	6	7	8	9
10	20	30	40	50	60	70		

Conseillers de la ville / City Councillors  
(Votez pour 2 candidats)  
(Vote for 2 candidates)

**Patricia BITTAR**  
Union des citoyens et des citoyennes de  
l'île de Montréal  
The Montreal Island Citizens Union

**Laval DEMERS**  
Union des citoyens et des citoyennes de  
l'île de Montréal  
The Montreal Island Citizens Union

**Ginette DESROCHERS**  
Vision Montréal

**Roger GAGNON**  
Projet Montréal

**Brian MAGED**  
Indépendant / Independent

**Aref SALEM**  
Vision Montréal

**Gerry ZOMBOR**  
Indépendant / Independent

↑ ↑ ↑ ↑ ↑ ↘

Initiales du scrutateur  
Initials of DRO

**Ville de Montréal**

Élection partielle  
By-election

le 19 décembre 2004 / December 19, 2004

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