

Gouvernement du Québec

Addendum

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

ADDENDUM TO THE AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “PERFAS-MV” BALLOT BOXES

MADE IN 2002

BETWEEN

THE MUNICIPALITY OF SAINT-LAZARE

AND

THE CHIEF ELECTORAL OFFICER

AND

THE MINISTER OF MUNICIPAL AFFAIRS AND
GREATER MONTREAL

WHEREAS the parties signed an agreement in 2002 pursuant to section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) in order to allow for the use of electronic ballot boxes for the general elections and by-elections held in the municipality until January 1 of the year 2006;

WHEREAS the said agreement amends the provisions of the Act respecting elections and referendums in municipalities;

WHEREAS the Act respecting elections and referendums in municipalities has been amended since the parties signed the agreement;

WHEREAS it is necessary to amend the agreement made by the parties in order to follow up on the amendments made to the Act respecting elections and referendums in municipalities;

WHEREAS it is also pertinent to make certain technical amendments to the agreement;

WHEREAS the municipal council, at its sitting of June 7th in the year 2005, adopted resolution number 06-295-05 approving the text of the addendum and authorizing the Mayor and the Clerk or Secretary-Treasurer to sign the addendum;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. AMENDMENTS TO THE AGREEMENT MADE IN 2001

2.1 Section 6.2 of the agreement is amended by substituting the following for the title of the section:

“6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**”.

2.2 Section 6.3 of the agreement is amended

(1) by substituting the following for paragraphs 6 and 7 of section 80:

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

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;”;

(2) by substituting the following for the paragraph 4 of section 80.2:

“(4) make sure of electors’ identity;”.

2.3 The agreement is amended by inserting the following section after section 6.3:

“6.3.1 **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 list of electors “has voted” next to the names of electors to whom the deputy returning officer has given electronic voting cards;

(3) assist the deputy returning officer.”.”.

2.4 Section 6.25 of the agreement is amended by substituting the following for the first paragraph of section 226:

“**226.** An elector 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:”.

2.5 Section 6.31 of the agreement is amended by substituting the following for the last paragraph:

“Sections 234 to 237 of the Act are revoked.”.

2.6 The following is substituted for section 6.32 of the agreement:

“**6.32 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 electors 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 returning officer 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 returning officer for the purposes of section 244.”.”.

2.7 Section 6.33 of the agreement is amended by substituting the following for the paragraph 2 of section 241:

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

2.8 Section 6.36 of the agreement is amended by substituting the following for the paragraph 1 of section 244:

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

2.9 Section 6.37 of the agreement is amended by substituting the following for section 247:

“**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.”.

2.10 Section 6.38 of the agreement is amended by substituting the following for section 248:

“**248.** The returning officer 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 returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, 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.”.

2.11 Section 6.39 of the agreement is amended by substituting the following for section 249:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their 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 candidates or representatives present to affix their initials.”.

2.12 The agreement is amended by inserting the following section after section 6.41 :

“6.41.1 Access to voting papers

Section 261 of the Act is revoked.”.

2.13 Section 6.42 of the agreement is amended by substituting the following for the first paragraph of section 262 :

“**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.”.

2.14 Section 6.43 of the agreement is amended by substituting the following for section 267 :

“**267.** The judge shall give one clear day’s advance notice in writing to the candidates 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 returning officer 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.”.

2.15 Section 6.44 of the agreement is amended by substituting the following for section 268 :

“**268.** On the appointed day, the judge, in the presence of the returning officer 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 candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

2.16 Section 6.46 of the agreement is amended by substituting the following for the title of the section :

“6.46 Missing electronic card for recording results and partial statements of votes”.

2.17 Section 6.47 of the agreement is amended by substituting the following for section 272 :

“**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.”.

ADDENDUM SIGNED IN THREE COPIES

In Saint-Lazare, on this 8th day of the month of June of the year 2005

THE MUNICIPALITY OF SAINT-LAZARE

By: _____
PAUL CARZOLI, *Mayor*

LUCIE GENDRON, *Clerk or Secretary-Treasurer*

In Québec, on this 27th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 19th day of the month of July of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

DENYS JEAN, *Deputy Minister*

7015

Gouvernement du Québec

Addendum

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

ADDENDUM TO THE AGREEMENT
CONCERNING NEW METHODS OF VOTING FOR
AN ELECTION USING COMPUTERIZED POLLING
STATIONS AND “ACCU-VOTE ES 2000” BALLOT
BOXES

MADE IN 2002

BETWEEN

THE MUNICIPALITY OF SAINT-JEAN-SUR-
RICHELIEU

AND

THE CHIEF ELECTORAL OFFICER

AND

THE MINISTER OF MUNICIPAL AFFAIRS AND
GREATER MONTREAL

WHEREAS the parties signed an agreement in 2002 pursuant to section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) in order to allow for the use of electronic ballot boxes for the general elections and by-elections held in the municipality until December 31 of the year 2005;

WHEREAS the said agreement amends the provisions of the Act respecting elections and referendums in municipalities;

WHEREAS the Act respecting elections and referendums in municipalities has been amended since the parties signed the agreement;

WHEREAS it is necessary to amend the agreement made by the parties in order to follow up on the amendments made to the Act respecting elections and referendums in municipalities;

WHEREAS it is also pertinent to make certain technical amendments to the agreement;

WHEREAS the municipal council, at its sitting of June 6 in the year 2005, adopted resolution number 2005-06-0546 approving the text of the addendum and authorizing the Mayor and the Clerk or Secretary-Treasurer to sign the addendum;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. AMENDMENTS TO THE AGREEMENT MADE IN 2002

2.1 The following is substituted for section 4.1 of the agreement:

“4.1 Computerized polling stations

The list of electors for a polling place must correspond to the list of electors for that polling place as drawn up and revised by the returning officer. Access to the computers at a polling place must be secured by a password.”

2.2 The following is substituted for section 5 of the agreement:

“5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.”

2.3 Section 6.2 of the agreement is amended by substituting the following for the title of the section:

“6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk”.

2.4 Section 6.3 of the agreement is amended

(1) by substituting the following for paragraphs 6 and 7 of section 80:

“(6) complete an overall statement of votes from the partial statements 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 and the partial statement or statements of votes;”;

(2) by substituting the following for paragraph 4 of section 80.2:

“(4) make sure of electors’ identity;”;

(3) by the withdrawal of paragraph 7 of section 80.2.

2.5 Section 6.4 of the agreement is amended by substituting the following for paragraph 2 of section 81:

“(2) note on the screen and on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer has given ballot paper cards;”.

2.6 Section 6.8 of the agreement is amended:

(1) by substituting the following for section 173.2:

“**173.2.** The returning officer 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 firm Technologies Nexxlink inc. and the representatives of the candidates.”;

(2) by substituting the following for paragraph 7 of section 173.4:

“(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.”.

2.7 Section 6.9 of the agreement is amended by the withdrawal of the words “The representatives of the candidates may be present.” in the second paragraph of section 175.2.

2.8 Section 6.10 of the agreement is amended by substituting the following for the fifth and sixth paragraphs of section 183:

“The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope 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 affix their initials to the seal.”.

2.9 Section 6.18 of the agreement is amended by substituting the following for the second paragraph of section 200:

“The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

2.10 Section 6.20 of the agreement is amended by substituting the following for section 207.1:

“**207.1.** In 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.”.

2.11 The following is substituted for section 6.28 of the agreement:

“6.28 **Compilation of results**

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

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

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

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

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

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors admitted to vote;

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

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

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

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

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

2.12 Section 6.31 of the agreement is amended by substituting the following for paragraph 3 of the second paragraph of section 233:

“(3) has been marked in favour of a person who is not a candidate.”.

2.13 The following is substituted for section 6.34 of the agreement:

“6.34 **Partial statement of votes, overall statement of votes and copy given to representatives of candidates**

The following is substituted for section 238 of the Act:

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

(1) the number of ballot paper cards received from the returning officer;

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

(3) the number of unused ballot paper cards.

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

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

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

Section 240 of the Act is revoked.”.

2.14 Section 6.35 of the agreement is amended by substituting the following for sections 241 and 243:

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

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 and the partial statements 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.”.

2.15 Section 6.36 of the agreement is amended by substituting the following for section 247:

“**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.”.

2.16 Section 6.37 of the agreement is amended by substituting the following for section 248:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn 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 on 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.”.

2.17 The following is substituted for section 6.40 of the agreement:

“6.40 Notice to the Minister

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

ADDENDUM SIGNED IN THREE COPIES

In Saint-Jean-sur-Richelieu, on this 27th day of the month of June of the year 2005

THE MUNICIPALITY OF SAINT-JEAN-SUR-RICHELIEU

By: _____
GILLES DOLBEC, *Mayor*

M^e FRANÇOIS LAPOINTE, *Clerk*

In Québec, on this 30th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 19th day of the month of July of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

DENYS JEAN, *Deputy Minister*

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

The MUNICIPALITY OF SAINT-JÉRÔME, a legal person established in the public interest, having its head office at 10, rue Saint-Joseph, bureau 301, Saint-Jérôme, Province de Québec, J7Z 7G7, represented by the mayor, Marc Gascon, and the clerk, Marcel Bélanger, under a resolution bearing number CM-2989/05-03-15, herein-after called

THE MUNICIPALITY

AND

The MUNICIPALITY OF SAINTE-JULIE, a legal person established in the public interest, having its head office at 1580, chemin du Fer-à-Cheval, Sainte-Julie, Province de Québec, J3E 2M1, represented by the acting mayor, Mrs. Suzanne Roy, and the clerk, M^e Jean-François Gauthier, under a resolution bearing number 05-204, 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