

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 USING “VOTEX” ELECTRONIC VOTING SYSTEM

AGREEMENT ENTERED INTO

BETWEEN

The CITY OF CHANDLER, a legal person established in the public interest, having its head office at 35, rue Commerciale Ouest, C.P. 459, Chandler, Province de Québec, GOC 1KO, represented by the mayor, Mr. Claude Cyr, and the general manager and secretary-treasurer, Mr. Roch Giroux, under a resolution bearing number 050531-161 adopted on May 31st, 2005 ;

The CITY OF GRANDE-RIVIÈRE, a legal person established in the public interest, having its head office at 108, rue de Hôtel-de-Ville, C.P. 188, Grande-Rivière, Province de Québec, GOC 1VO, represented by the mayor, Mr. Edmond Sirois, and the general manager, Mr. Denis Beaudin, under a resolution bearing number 134.05, adopted on June 6th, 2005 ;

The CITY OF PASPÉBIAC, a legal person established in the public interest, having its head office at 178, 9^e Rue, C.P. 130, Paspébiac, Province de Québec, represented by the mayor, Mr. Régent Bastien, and the administrative director and secretary-treasurer, Mrs. Annie Chapados, under a resolution bearing number 2005-06-215, adopted on June 6th, 2005 ;

The CITY OF SAINTE-ANNE-DES-MONTS, a legal person established in the public interest, having its head office at 6, 1^{re} Avenue Ouest, Sainte-Anne-des-Monts, Province de Québec, represented by the mayor, Mr. Jacques Lavoie, and the clerk, M^{re} Sylvie Lepage, under a resolution bearing number 05-05-185, adopted on May 17th, 2005 ;

The CITY OF TROIS-PISTOLES, a legal person established in the public interest, having its head office at 5, rue Notre-Dame Est, Trois-Pistoles, Province de Québec, represented by the mayor, Mr. Jean-Pierre Rioux, and the clerk, Mr. Marc Lemay, under a resolution bearing number 10 537, adopted on June 1st, 2005 ;

The MRC DES BASQUES, a legal person established in the public interest, having its head office at 400-2, rue Jean-Rioux, Trois-Pistoles, Province de Québec, represented by the prefect, Mr. André Leblond, and the general manager and secretary-treasurer, Mr. François Gosselin, under a resolution bearing number 2005.05.07.1, adopted on June 8th, 2005 ;

The MRC DE LA HAUTE-GASPÉSIE, a legal person established in the public interest, having its head office at 464, boulevard Sainte-Anne Ouest, Sainte-Anne-des-Monts, Province de Québec, represented by the prefect, Mr. Laval Lévesque, and the general manager and secretary-treasurer, Mr. Michel Thibault, under a resolution bearing number CA200-05-2005, adopted on May 31st, 2005, hereinafter called

THE MUNICIPALITIES

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, in 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 de Québec, hereinafter called

THE MINISTER

WHEREAS the councils of the MUNICIPALITIES, by their resolutions mentioned below, 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 CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic voting stations for the general election of November, 6th 2005, in the MUNICIPALITIES ;

— No. 050531-161, Town of Chandler, adopted on May 31st, 2005 ;

— No. 135.05, Town of Grande-Rivière, adopted on June 6th, 2005 ;

— No. 2005-06-215, Town of Paspébiac, adopted on June 1st, 2005;

— No. 05-05-160 and 05-05-199, Town of Sainte-Anne-des-Monts, adopted on May 17th, 2005 and May 20th, 2005;

— No. 10 518, Town of Trois-Pistoles, adopted on May 30th, 2005;

— No. 2005.05.07.1, MRC des Basques, adopted on June 8th, 2005;

— No. CA199-05-2005, MRC de La Haute-Gaspésie, adopted on May 31st, 2005;

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 MUNICIPALITIES expressed their desire to avail themselves of those provisions for the general election held on November 6, 2005 and could, with the necessary adaptations, avail themselves of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to their agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITIES for that general election;

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

WHEREAS the MUNICIPALITIES are solely responsible for the technological choice elected;

WHEREAS the councils of the MUNICIPALITIES approved, by their resolutions mentioned below, the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

— No. 050531-161, Town of Chandler, adopted on May 31st, 2005;

— No. 134.05, Town of Grande-Rivière, adopted on June 6th, 2005;

— No. 2005-06-215, Town of Paspébiac, adopted on June 1st, 2005;

— No. 05-05-185, Town of Sainte-Anne-des-Monts, adopted on May 17th, 2005;

— No. 10 537, Town of Trois-Pistoles, adopted on June 1st, 2005;

— No. 2005.05.07.1, MRC des Basques, adopted on June 8th, 2005;

— No. CA200-05-2005, MRC de La Haute-Gaspésie, adopted on May 31st, 2005;

WHEREAS the returning officers of the MUNICIPALITIES are 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. 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 “electronic voting system” means an apparatus consisting of the following devices:

— a main station used to place the terminals in “election” mode, to unlock the voting terminals, to place the terminals in “end of election” mode, to read the meter of each voting terminal, and to record the results; the main station can control up to six (6) voting terminals;

— one or more voting terminals used to vote, including a graphical representation of a ballot paper with space for a photo of the candidates;

— one or more printers;

2.2 “voting terminal” means a device integrating a ballot paper into its upper surface and push buttons used by electors to vote;

2.3 “paper trail of the vote” identifies the print-out of the voting operation (audit) sent to the sealed printer via the main station;

2.4 “cancelled vote” means a vote 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 the office of councillor has been pushed by an elector on the voting terminal.

3. ELECTION

3.1 For the purposes of the general election of November 6th, 2005 in the municipalities, a sufficient number of “Votex” model electronic voting systems will be used.

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

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

1) a report identifying the main station and displaying a total of “zero” must be automatically produced by the main station when a voting terminal is turned on on the first day of advance polling and on polling day, for each candidate;

2) the sequential voting reports are progressively printed by a sealed printer;

3) a key mechanism placing the main station and its voting terminals in “election” mode; the key is then removed from the main station and is kept by the person responsible for the main station; the mode in which the main station operates can only be changed with the insertion of the key into the main station;

4) after an elector has voted, the voting terminal is automatically locked for a 20 second interval in order to prevent an elector from voting more than once;

5) the main station must be equipped with a back-up power source (battery) able to operate for two to three hours, unless it is connected to a generator;

6) if a voting terminal is defective, then it is immediately replaced by another voting terminal in order to allow the poll to continue;

7) if the main station is defective, then it is immediately replaced by another main station and by another sealed printer in order to allow the poll to continue; the votes already entered will be recovered at the closing of the poll, either by a technician mandated by TM Technologie inc. who will carry out the reading of the meters of the defective main station, or by a manual calculation of the paper trails of the votes.

5. CONFIGURATION

Each electronic voting system used is specially configured by the firm TM Technologie inc. for the municipality in order to receive and tally votes in accordance with this agreement.

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

6.1 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 “person responsible for the main station, assistant to the person responsible for the main station” after the word “assistant,”.

6.2 Person responsible for the main station, assistant to the person responsible for the main station, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

“76. The returning officer shall appoint the number of persons responsible for the main station and assistants to the person responsible for the main station that he 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 person responsible for the main station, the assistant to the person responsible for the main station and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The person responsible for the main station shall, in particular,

(1) see to the installation and preparation of the electronic voting systems (main station and voting terminals);

(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) via the main station perform any necessary operation, including the unlocking of the voting terminal on which the elector will exercise his right to vote;

(6) print out the results compiled by his main station at the closing of the poll;

(7) give the returning officer, at the closing of the poll, the paper trails of the votes.

80.1. The assistant to the person responsible for the main station shall, in particular,

(1) assist the person responsible for the main station in the latter’s duties;

(2) receive any elector referred by the person responsible for the main station;

(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 electors’ identity;

(5) at the close of the poll, give the person responsible for the main station a statement indicating the total number of electors who exercised their right to vote at his polling station.”.

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

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs 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.”.

6.5 Notice of election

The following is added after paragraph 7 of section 99:

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

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, and establish their identity.

In the polling place, the electors may report indifferently to one or other of the polling stations. Then they shall be directed to the first available voting terminal to exercise their right to vote.”.

6.7 Nomination paper

Section 154 of the Act is modified by the addition of the following second alinea:

“The nomination paper specifies whether the candidate accepts or refuses that his photo appear on the graphical representation of a ballot paper that appears on the voting terminal and in the case of his acceptance mentions:

(a) that he undertakes to be present at one of the candidate’s photography sessions fixed by the authority of the returning officer;

(b) that his failure to be present at one of these sessions constitutes a renunciation on his part to have his photo added to the graphical representation of the ballot paper, which shall be replaced by a black space.”.

6.8 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 returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, adequate security measures must be taken by the returning officer 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 configuring 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 returning officer shall conduct the test by performing the following operations:

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

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote” for the office of mayor or “I do not wish to vote” for the office of councillor;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(2) he shall ensure that it is not possible to record more than one vote for the same position;

(3) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(4) he shall ensure that the information relating to the positions to be filled presented on the upper surface of the voting terminal is consistent with the specified information;

(5) he shall place the system in “end of election” mode and ensure that the results compiled by the main station are consistent with the results compiled manually;

(6) once the test has been successfully completed, he shall reset the main station to zero and put it with the voting terminals in their locked case;

(7) where an error in the compilation of the results compiled by the terminals is detected, the returning officer 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;

(8) he may not change the configuration established by the firm TM Technologie inc.”.

6.9 Advance polling

Section 182 of this Act is replaced by the following:

“**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 electors who exercised their right to vote;

(2) 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 poll book and the list of electors, 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 shall be given to the person responsible for the main station for deposit in a large envelope, except for the envelope containing the list of electors. 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 person responsible for the main station shall :

(1) place the main station in the “end of election” mode ;

(2) place in a separate envelope the sequential voting report from the sealed printer and seal the envelope ;

(3) transfer the data from the summary report of results from the main station to a disk, place the disk in an envelope and seal the envelope ;

(4) transfer the data from the summary report of results from the main station to a sealed printer ;

(5) proceed, with the help of the TM technology inc. technician, to set the main station at zero, and place it in its locked case ;

182.2. The person responsible for the main station hands over to the returning officer in a large envelope, the envelope containing the electoral list, the envelope containing the sequential voting report, the envelope containing the disk and the sealed printer in order that they be kept in security.”.

Section 183 of the Act is revoked.

Section 184 of the Act is replaced by the following :

“**184.** The returning officer must draw up, from the different electoral lists that were used for the advance poll, an integrated electoral list of all the electors who have voted at the advance poll. The returning officer reproduces it in as many copies as there are polling stations on polling day and, at the latest on the third day preceding the date fixed for the poll, he transmits a copy to each authorized party or recognized team and to each interested independent candidate.”.

Section 185 of this Act is replaced by the following :

“**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer proceeds, at the location determined by the returning officer, to print out the summary report of results contained on the disk in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The printing out of these results is to be done in accordance with the rules applied to the printing out of the results on polling day, adapted as required.”.

6.10 Repeal

Sections 186 and 187 of this Act are revoked.

6.11 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.”.

6.12 Booths

The following is substituted for section 191 of the Act :

“**191.** Where electronic voting systems are used in an election, each polling place shall have the number of polling booths determined by the returning officer.”.

6.13 Ballot papers

The following is substituted for sections 192 to 195 of the Act :

“**192.** The returning officer shall fix between the 17th day and the 12th day preceding the polling day, two photography sessions for the candidates on distinct days and hours. He advises the candidates 48 hours before the first photo session. The photographs are passport types on a plain background.

193. The graphical representation of a ballot paper that appears on the voting terminal shall be similar to the model set out in Schedule 1 to the agreement concluded in virtue of section 659.2 of the Act respecting elections and referendums in municipalities.”.

6.14 Identification of the candidates

The following is substituted for section 196 of the Act :

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

The representation shall show :

(1) the name of each candidate, the given name preceding the 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 photograph of each candidate taken in virtue of section 192 or a black space in the absence of such a photograph.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate's name and, where such is the case, above the indication of the candidate's political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”

6.15 Reverse of ballot paper

Section 197 is revoked.

6.16 Withdrawal of a candidate

The following is substituted for section 198 of the Act :

“**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the main station and the voting terminals are configured so that they do not take into account the candidates who

have withdrawn and he does what is necessary to remove or to conceal from the voting terminal the name and the photograph of the candidates who have withdrawn their candidacy.

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

6.17 Withdrawal of authorization or recognition

The following is substituted for section 199 of the Act :

“**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn and without limiting the generality of the foregoing, do what is necessary to withdraw or conceal from the voting terminals the name of the party or the ticket from which the authorization or recognition has been withdrawn.”

6.18 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act :

“**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be similar to the model described in Schedule 1 to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the polling booth facing of the voting terminal.”

6.19 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 returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) a copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote in this room;

(2) a poll book;

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

During the same period, the returning officer gives the sealed envelope including the key to the main station to the person responsible for the main station.

He shall give or make available to the deputy returning officer, as well as to the person responsible for the main station, any other materials required for the poll, the closing of the polling office, and the tallying and recording of votes.”.

6.20 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 person responsible for the main station, before the persons present, shall ensure that his main station displays a total of zero electors having voted, that is to say that each candidate displays a total of zero registered votes, by verifying the setting of the meter at zero report printed by the sealed printer.

The person responsible for the main station must inform the returning officer of any discrepancy observed upon activating the main station, the voting terminals or the sealed printer or during the poll.

The person responsible for the main station shall keep the reports and show them to any person present who wishes to examine them.

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 returning officer.”.

6.21 Repeal

Section 209 of this Act is revoked.

POLLING PROCEDURE

6.22 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 returning officer, the election

clerk, the assistant to the returning officer, the person responsible for the main station and the assistant to the person responsible for the main station 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, the person responsible for the main station or the assistant to the person responsible for the main station 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 an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.23 Ballot papers

Section 221 of the Act is revoked.

6.24 Voting

The following is substituted for section 222 of the Act:

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

(1) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor, the button pressed being now illuminated;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as councillor or councillors, the button pressed being now illuminated;

(3) recording its choices by pressing the green button placed at the bottom of the voting terminal.

Steps 1 and 2 can be inverted.”.

6.25 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After having exercised his right to vote, the elector shall leave the booth then the polling room.

If an elector has expressed his vote or votes and has left the polling room without having recorded them, the person responsible for the main station or the assistant to the person responsible for the main station, accompanied by a deputy returning officer or by a poll clerk, records them.

If an elector has omitted to express one or more than one of his votes and has left the polling room, the person responsible for the main station or the assistant to the

person responsible for the main station, accompanied by a deputy returning officer or by a poll clerk, presses the button corresponding to the statement “I cancel my vote” for the office of mayor or “I cancel my vote” for the office of councillor or the buttons corresponding to the two statements, as the case may be, and then records the elector’s vote.

An indication is made in the poll book of the deputy returning officer who accompanied the person responsible for the main station or the assistant to the person responsible for the main station.”.

6.26 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.27 Assistance for electors

The following is substituted for section 226 of the Act:

“**226.** An elector who declares under oath that he is unable to use the electronic voting system or to vote, may be assisted either:

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

(2) by the deputy returning in the presence of the poll clerk.

A deaf or mute elector 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.

An indication that an elector has availed himself of this section shall be entered in the poll book.”.

6.28 Indication of the electoral list

Section 228 of the law is replaced by the following:

“**228.** As soon as the elector is directed to the person responsible for the main station in order to exercise his right to vote, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

The first paragraph does not apply where the elector has voted pursuant to an authorization where his name was not entered on the copy of the list of electors used at the polling station.”.

6.29 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 person responsible for the main station shall compile the results by:

(1) inserting his key into the main station and turn it;

(2) placing the election main station in the “end of election” mode;

(3) printing out the results compiled by the main station.

The summary report of results shall indicate the number of cancelled votes, and the number of votes for each candidate.

The person responsible for the main station shall allow each authorized person present to consult the summary report of results.”.

6.30 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 electors who have voted at this polling station;

(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 print out the computerized electoral list identifying the electors who have voted at his polling station.

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 returning officer.”.

6.31 Compiling sheet

Section 231 of the Act is revoked.

6.32 Counting of the votes

Section 232 of the Act is revoked.

6.33 Cancelled votes

The following is substituted for section 233 of the Act :

“**233.** The electronic voting system shall be configured in such a way that every vote 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 the office of councillor” pushed by the elector on the voting terminal is accounted for.”.

Sections 234 to 237 of the Act are revoked.

6.34 Statement of the main station and copy for representatives

Section 238 of this Act is replaced by the following :

“**238.** The person responsible for the main station sets the main station at a communication mode and prints a sample of the graphical report of results compiled by the main station.

He immediately gives a copy of the graphical report to the representative.

He conserves a copy for himself and another for the returning officer for the purposes of section 244.” .

Section 240 of the Act is revoked.

6.35 Separate envelopes

The following is substituted for section 241 of the Act :

“**241.** After printing out the results compiled by his main station, the person responsible for the main station shall :

(1) place in a separate envelope, the graphical report of results compiled by the main station ;

(2) place in a separate envelope, the setting of the meter at zero report, the sequential voting report, and the summary report of results, produced by his main station during the poll ; he seals the envelope and affixes his initials, along with those representatives who wish to do so ;

(3) place in an envelope the key to his main station. He seals the envelope and affixes his initials along with those of the representatives who wish to do so.”.

6.36 Seals

The following is substituted for section 242 of the Act :

“**242.** The person responsible for the main station shall place in a large envelope, the envelopes mentioned at the second and third paragraph of article 241.

He shall seal the large envelope. The person responsible for the main station and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

6.37 Placing in ballot box

Section 243 of the Act is revoked.

6.38 Delivery to returning officer

The following is substituted for section 244 of the Act :

“**244.** The person responsible for the main station shall deliver to the returning officer or the person designated by the returning officer :

(1) the envelope containing the graphical report of the results compiled by the main station ;

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

6.39 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 graphical report of the results compiled by each main station and printed by each person responsible for the main station.”.

6.40 Adjournment of the addition of votes

The following is substituted for section 248 of the Act :

“**248.** The returning officer shall, if he is unable to obtain a graphical report of results compiled from each main station that should have been provided, adjourn the addition of votes until it is obtained.

Where it is not possible to obtain the graphical report of results of each main station, the returning officer shall, in the presence of the person responsible for the main station and the candidates in question or of their representatives, print out a graphical report of results compiled from the main station concerned. If a main station is defective, then the votes already entered by it

are recovered either by a technician mandated by TM Technology inc. who carries out the reading of the meters of the defective main station, or by a manual calculation of the paper trails of the votes made by the returning officer.”.

6.41 Placing in envelope

The following is substituted for section 249 of the Act :

“**249.** The returning officer shall place the copy of the graphical report of results compiled from each main station in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.42 New counting of the votes

Section 250 of the Act is revoked.

6.43 Notice to the Minister

Section 251 of the Act is replaced by the following :

“**251.** Where it appears impossible to obtain the graphical report of results compiled from every main station or the paper trails of the votes printed by a main station, the returning officer shall inform the Minister of Municipal Affairs and Regions in accordance with Division III of Chapter XI.”.

6.44 Access to paper trails

The following is substituted for section 261 of the Act :

“**261.** In no case may the person responsible for access to documents held by the municipality deliver any copy of any paper trail of the votes.

He shall allow no one to examine these paper trails unless he is obliged by order of a court or a judge.”.

6.45 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 main station has produced an inaccurate graphical report of results compiled from this main station, may apply for a new compilation of the results. The applications may be limited to one or certain main stations, but the judge is not bound by that limitation.”.

6.46 Notice to candidates

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 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 paper trails of the votes, and the graphical report of results compiled from each main station. Where the new compilation is limited to one or certain main stations, the judge shall order only the paper trails of the votes and the graphical report of results compiled from the main stations that he will need.”.

6.47 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 returning officer shall, in the case of a new compilation of results, examine the paper trails of the votes.

In the case of a re-addition of votes, the judge shall examine the graphical report of results compiled from each main station.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

6.48 Repeal

Section 269 is revoked.

6.49 Missing overall statements of the main station and paper trails of the votes

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

“**270.** If a required document or the paper trails of the votes are missing, the judge shall use appropriate means to ascertain the results of the vote.”.

6.50 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 the graphical report of results compiled from each main station and makes 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 returning officer all the documents used to complete the new compilation or the re-addition.”.

7. DURATION AND APPLICATION OF AGREEMENT

The returning officers of the municipalities are responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31st, 2005.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election to be held on November 6th, 2005 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the general election held on November 6th, 2005, the returning officers of the municipalities 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 election (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 election 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 general election on November 6th, 2005 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, including the addition of a photograph on the graphical representation of a ballot paper placed on the voting terminal;

- the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the general election held on November 6th, 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

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

AGREEMENT SIGNED IN THREE (3) COPIES:

In Chandler, this 27th day of June 2005

THE CITY OF CHANDLER

By: _____

CLAUDE CYR, *Mayor*

ROCH GIROUX, *Clerk*

In Grande-Rivière, this 23rd day of June 2005

THE CITY OF GRANDE-RIVIÈRE

By: _____

EDMOND SIROIS, *Mayor*

DENIS BEAUDIN, *General Manager*

In Paspébiac, this 27th day of June 2005

THE CITY OF PASPÉBIAC

By: _____
RÉGENT BASTIEN, *Mayor*

ANNIE CHAPADOS, *Administrative Director
and Secretary-Treasurer*

In Sainte-Anne-des-Monts, this 13th day of June 2005

THE CITY OF SAINTE-ANNE-DES-MONTS

By: _____
JACQUES LAVOIE, *Mayor*

M^e SYLVIE LEPAGE, *Clerk*

In Trois-Pistoles, this 29th day of June 2005

THE CITY OF TROIS-PISTOLES

By: _____
JEAN-PIERRE RIOUX, *Mayor*

MARC LEMAY, *Clerk*

In Trois-Pistoles, this 29th day of June 2005.

THE MRC DES BASQUES

By: _____
ANDRÉ LEBLOND, *Prefect*

FRANÇOIS GOSSELIN, *General Manager
and Secretary-Treasurer*

In Sainte-Anne-des-Monts, this 13th day of June 2005

THE MRC DE LA HAUTE-GASPÉSIE

By: _____
LAVAL LÉVESQUE, *Prefect*

MICHEL THIBAUT, *General Manager
and Secretary-Treasurer*

In Québec, on this 30th day of June 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 30th day of August 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND
REGIONS

DENYS JEAN, *Deputy Minister*

SCHEDULE I

**VOTING TERMINAL AND INTEGRATED
BALLOT PAPER**

