

## Regulations and other acts

Gouvernement du Québec

### Addendum

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

ADDENDUM TO THE AGREEMENT CONCERNING  
SOME NEW VOTING MECHANISMS FOR AN  
ELECTION WITH “ACCU-VOTE 2000” BALLOT  
BOXES

ADOPTED IN 2002

BETWEEN

THE MUNICIPALITY OF LES CÈDRES

AND

THE CHIEF ELECTORAL OFFICER

AND

LE MINISTÈRE DES AFFAIRES MUNICIPALES  
ET DE LA MÉTROPOLE

CONSIDERING that all parties signed an agreement in 2002, in accordance with article 659.2 from the Act respecting elections and referendums in municipalities (AERM), in order to allow the use of electronic ballot boxes for general and partial elections in the municipality until November 15 2005;

CONSIDERING that the agreement modifies some arrangements from the Act respecting elections and referendums in municipalities;

CONSIDERING that the Act respecting elections and referendums in municipalities has been modified since the signing of the agreement between all parties;

CONSIDERING that it is necessary to modify the agreement approved by all parties in order to follow up on the modifications of the Act respecting elections and referendums in municipalities;

CONSIDERING that there is every reason to bring some technical modifications to the agreement;

CONSIDERING that Town Council has adopted, at its meeting of September 13 of the year 2005 the resolution No. 05-09-240 approving the text of the addendum and authorizing the mayor and the clerk or the secretary-treasurer to sign the present addendum;

AS A RESULT, parties agree to the following :

#### 1. PREAMBLE

The preamble of this present agreement is included.

#### 2. MODIFICATIONS TO THE 2002 AGREEMENT

2.1 Article 5 of the agreement is replaced by the following :

##### “5. PROGRAMMING

Each memory card used is especially programmed either by the firm Technologies Nexxlink Inc, or by the returning officers under the supervision of the firm Technologies Nexxlink Inc so as to receive and tally ballots in accordance with the terms of the present agreement.”.

2.2 Article 6.2 of the agreement is modified by the replacing of the following title :

##### “6.2 Chief scrutinizor, assistant chief scrutinizor, scrutinizor and polling station secretary”.

2.3 Article 6.3 of the agreement is modified :

1° by the replacing paragraphs 6° and 7° of article 80 by the following :

“6° to fill out a global statement of the count from the partial statement or statements and from the results tallied by the electronic ballot box;

7° to pass on to the returning officers, at the end of the voting process, tallied results by the electronic ballot box, a global statement as well as the partial statement and/or partial statements of the count;”;

2° by the replacing of paragraph 4° of article 80.2 by the following :

“4° to verify the voter’s identification;”.

2.4 Article 6.7 of the agreement is modified;

1° by the replacement of article 173.1 by the following:

“The returning officers must, at least five days before the set date for the vote by anticipation and at least three days before election day, test the electronic ballot box in order to make sure that the vote tabulator faithfully detects the mark on the ballot and that it tallies faithfully and with precision valid votes, in the presence of a representative of the firm Technologies Nexxlink Inc and of the candidates’ representatives.”;

2° by the replacement of paragraph 7° of the article 173.3 by the following:

“The returning officer can not modify by himself the established programming for the reading of the mark in the circle, without the supervision of the firm Technologies Nexxlink Inc.”.

2.5 Article 6.8 of the agreement is modified by the replacement of article 175.2 by the following:

“**175.2.** The scrutinizer, before the opening of the polling station by anticipation, hands over to the chief scrutinizer, the ballot box which holds the ballots from the itinerant polling station.

The chief scrutinizer in the presence of the assistant chief scrutinizer removes from the ballot box the confidential folders holding the ballots and inserts them individually in the electronic ballot box.”.

2.6 Article 6.9 of the agreement is modified by the replacement of the fifth and sixth line of article 183 by the following:

“Damaged, rejected or cancelled ballot paper card are placed in distinct and sealed envelopes by the scrutinizer. They are then put in a sealed transfer box.

The scrutinizer, the polling station secretary and the representatives who wish to do so can affix their initials on the seals.”.

2.7 Article 6.17 of the agreement is modified by the replacement of the second line of article 200 by the following:

“The returning officer assures himself that they are as many electronic ballot boxes as they are voting offices and that a sufficient number of electronic ballot boxes are available in case of any malfunction.

The returning officer makes sure that there are a sufficient number of ballot recipients and, if it applies, transfer boxes associated to each electronic ballot box.”.

2.8 Article 6.19 of the agreement is modified by the replacement of article 207.1 by the following:

“**207.1** In the hour that precedes the opening of the polling stations, the scrutinizer and the secretary examine the documents and the material necessary for the voting process that the returning officer has given them.”.

2.9 Article 6.27 of the agreement is replaced by the following:

#### “6.27 **Compiling the results**

Article 229 of this law is replaced by the following:

“**229.** At the closing of the polls, the chief scrutinizer carries out with the “end of election process plan” and sees to the printing of results tallied by the electronic ballot box. The representatives assigned to the polling stations included in the voting office can be present.

The report of tallied results indicates the total number of ballot paper card, the number of rejected ballots and the number of valid ballots for each station.”.

This law is modified by including, after article 230, the following:

“**230.1.** The chief scrutinizer makes sure, in the front of the people present, that the results registered on the printed report by the electronic ballot box and the total number of un-used, damaged, rejected and cancelled ballot paper card stated on the partial statement of the count by each scrutinizer corresponds to the total number of ballot paper card given by the returning officers.

**230.2.** From the partial statement or statements of the count, the chief scrutinizer fills out a global report of the count in sufficient numbers so that each representative affected to a poll or each candidate has a copy.”.

2.10 Article 6.30 of the agreement is modified by the replacement of the third paragraph of the first line of article 233 by the following:

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

2.11 Article 6.33 of the agreement is replaced by the following:

**“6.33 Partial statement of the count, global report of the count and copy to the candidates’ representative**

Article 238 of this law is replaced by the following :

“**238.** the scrutinizer establishes a partial statement of the count in which he indicates :

1° the number of ballot paper card received from the returning officers ;

2° the number of ballot paper card damaged, rejected or cancelled and those not in the electronic ballot box ;

3° the number of ballot paper card not used.

The scrutinizer establishes a partial statement of the count in two copies, one of which is to be presented to the chief scrutinizer.

From these partial statements of the count and the results counted from the electronic ballot box, the chief scrutinizer establishes a global report of the count.

The chief scrutinizer immediately gives a copy of the global report of the count to the representatives.”.

2.12 Article 6.34 of the agreement is modified by the replacement of articles 241 and 243 by the following :

“**241.** After the closing of the polls, each scrutinizer places in distinct envelopes the electoral list, the voting register, the forms, the damaged, rejected or cancelled ballot paper card and the un-deposed ballot paper card, the unused ballot paper card and the partial statement of the count. Each scrutinizer seals those envelopes et places them in a recipient which he then seals and presents it to the chief scrutinizer. The scrutinizer, the secretary of the polling station and the representatives affected to the polling station who then wish do to do so can affix their initials on the seals.

**243.** The chief scrutinizer deposes in an envelope a copy of the report from the electronic ballot box, a copy of the global report of the count which includes the results from the election as well as partial statements of the count. He then seals this envelope, initials it and gives it to the returning officers.

Representatives affected to this polling station can affix their initials on the seals.”.

2.13 Article 6.35 of the agreement is modified by the replacement of the article 247 by the following :

“**247.** The returning officers take census of the ballots using the global count report produced by each chief scrutinizer.”.

2.14 Article 6.36 of the agreement is modified by the replacement of article 248 by the following :

“**248.** When the returning officer cannot obtain a global report of the count, he adjourns the census until the moment that he does receive it.

In case of the impossibility of gaining the global report of the count or the printed report of the tallied results from an electronic ballot box, the returning officers proceeds, in the presence of the chief scrutinizer and the concerned candidates or by their representatives, to the printing of results from the memory card taken from the transfer box opened in front of those above-mentioned.”.

2.15 Article 6.39 of the agreement is replaced by the following :

**“6.39 Notice to the Minister**

Article 251 of this law has been modified by replacing, in the first line of the first paragraph, the words “report of the count, those of the counting of the ballots and the ballots” by the words “global report of the count, the report of the tallied results by the electronic ballot box and the ballot paper card”.

**ADDENDUM SIGNED IN THREE COPIES**

In Les Cèdres, this 13th day of September of the year 2005

**THE MUNICIPALITY OF LES CÈDRES**

By: \_\_\_\_\_  
GÉRALDINE T. QUESNEL, *Mayor*

\_\_\_\_\_  
LISE ROY, *Clerk or Secretary-Treasurer*

In Québec, this 16th day of September of the year 2005

**THE CHIEF ELECTORAL OFFICER**

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, this 22nd day of September of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND  
REGIONS

DENYS JEAN, *Deputy Minister*

Please note that the French version of this document is the official one. Any difference in interpretation of the information stated in this translation and the official document, the information stated in the official document prevails.

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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  
“ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The TOWN OF PINCOURT, a legal person established in the public interest, having its head office at 919, chemin Duhamel, Pincourt, Province de Québec, J7V 4G8, represented by the mayor, Mr. Michel Kandyba, and the town clerk, Mrs. Nicole Drouin, under resolution number 2005-06-246

The TOWN OF VAUDREUIL-DORION, a legal person established in the public interest, having its head office at 2555, rue Dutrisac, Vaudreuil-Dorion, Province de Québec, J7V 7E6, represented by the mayor, Mr. Réjean Boyer, and the town clerk, Mrs. Lise Roy, under resolution number 05-06-705

The TOWN OF NOTRE-DAME-DE-L'ÎLE-PERROT, a legal person established in the public interest, having its head office at 21, rue de l'Église, Notre-Dame-de-l'Île-Perrot, Province de Québec, J7V 8P4, represented by the mayor, Mr. Michel Tartre, and the town clerk, M<sup>e</sup> Jacques Robichaud, under resolution number 2005-06-144

The TOWN OF L'ÎLE-PERROT, a legal person established in the public interest, having its head office at 110, boulevard Perrot, L'Île-Perrot, Province de Québec,

J7V 3G1, represented by the mayor, Mr. Marc Roy, and the town clerk, Mrs. Lucie Coallier, under resolution number 05/06/194

The TOWN OF HUDSON, a legal person established in the public interest, having its head office at 481, rue Main, C. P. 550, Hudson, Province de Québec, J0P 1H0, represented by the mayor, Mrs. Elizabeth Corker, and the town clerk, Mrs. Louise L. Villandré, o.m.a., under resolution number R2317, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the councils of the TOWN OF PINCOURT, by its resolution No. 2005-05-186, passed at its meeting of May 10, 2005, of the TOWN OF VAUDREUIL-DORION, by its resolution No. 05-05-488, passed at its meeting of May 2, 2005, of the TOWN OF NOTRE-DAME-DE-L'ÎLE-PERROT, by its resolution No. 2005-04-96, passed at its meeting of April 12, 2005, of the TOWN OF L'ÎLE-PERROT, by its resolution No. 05/04/101, passed at its meeting of April 12, 2005, of the TOWN OF HUDSON, by its resolution No. R2317, passed at its meeting of April 4, 2005, expressed the desire to avail themselves of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 6, 2005 in the MUNICIPALITY;

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