

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *b*, *b.1*, *f.2* and *g*)

1. The Regulation respecting the selection of foreign nationals is amended by adding the following after section 63 :

“DIVISION VIII

VICTIMS OF THE OCTOBER 2005 EARTHQUAKE

64. This Division sets out special conditions that apply to the victims of the South Asia earthquake that occurred on 8 October 2005.

65. This Division applies to an application filed with the Minister between 9 October 2005 and 9 October 2006 in relation to :

(1) an undertaking on behalf of a foreign national who is a victim of the earthquake ;

(2) a selection certificate as a worker filed by a foreign national who is a victim of the earthquake when the Minister responsible for the administration of the Immigration and Refugee Protection Act initiates the procedure to allow for the evaluation of the case in Canada ; and

(3) a new certificate of acceptance to work or study filed by a foreign national already in Québec who is a victim of the earthquake.

66. A victim of the earthquake includes a foreign national seriously and personally affected by the earthquake that occurred on 8 October 2005 in the regions of Pakistan, India and Afghanistan.

67. Despite section 22, priority is given to the processing of an application for a selection certificate filed by a foreign national who is a victim of the earthquake referred to in this Division.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 318-2005 dated 6 April 2005 (2005, G.O. 2, 795). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

68. The duties prescribed in sections 55 to 57 do not apply to an application filed by a foreign national who is a victim of the earthquake referred to in this Division.”.

2. This Regulation comes into force on 23 November 2005 and ceases to apply on 1 April 2007.

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Gouvernement du Québec

Agreement

Election Act
(R.S.Q., c. E-3.3)

AGREEMENT CONCERNING THE TESTING OF NEW VOTING PROCEDURES

BETWEEN

MR. JEAN CHAREST, LEADER OF THE QUÉBEC
LIBERAL PARTY, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MRS. LOUISE HAREL, LEADER OF THE PARTI
QUÉBÉCOIS, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARIO DUMONT, LEADER OF THE ACTION
DÉMOCRATIQUE DU QUÉBEC / TEAM MARIO
DUMONT, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARCEL BLANCHET, IN HIS CAPACITY AS
CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS on May 25, 2005, the seat of Member of the National Assembly of the electoral division of Outremont became vacant following the resignation of Mr. Yves Séguin ;

WHEREAS on June 6, 2005, the seat of Member of the National Assembly of the electoral division of Verchères became vacant following the resignation of Mr. Bernard Landry ;

WHEREAS under section 130 of the Election Act (R.S.Q., c. E-3.3), a by-election to fill the vacancy has to be called latest six months after the seat becomes vacant ;

WHEREAS under the provisions of section 489 of the Election Act, the Chief Electoral Officer may test new voting procedures during a by-election;

WHEREAS on April 22, 2004, the Chief Electoral Officer tabled the report “Améliorer l'accès au vote et favoriser son exercice – Une proposition du Directeur général des élections” that proposes a set of measures aimed at improving the exercise of voting rights;

WHEREAS the Minister for the Reform of Democratic Institutions tabled a draft bill replacing the Election Act on December 15, 2004;

WHEREAS many of the measures proposed in the report of the Chief Electoral Officer are included in the draft election bill;

WHEREAS during the by-elections that will take place in the electoral divisions of Outremont and Verchères, the Chief Electoral Officer would like to test some of the measures proposed in the report tabled in April 2004 and in the draft election bill concerning mobile advance polling stations, mobile polling stations and mobile boards of revisors;

WHEREAS an agreement between the Chief Electoral Officer of Québec and the leaders of the authorized parties represented in the National Assembly is required to implement these new voting procedures;

WHEREAS this agreement has to describe the new voting procedures, mention the provisions of the Election Act that it replaces and be signed by each of these persons;

WHEREAS the present agreement has force of law.

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS :

1. PREAMBLE

The preamble to this agreement forms an integral part of this agreement.

2. PURPOSE OF THE AGREEMENT

This agreement is intended to test mobile advance polling stations and mobile polling stations in private and public retirement homes, hospitals offering long-term care and in residential and long-term care centres, as well as to test mobile boards of revisors during the by-elections that will be held in the electoral divisions of Outremont and Verchères.

3. MODIFICATIONS TO THE ELECTION ACT

3.1 Access

Section 135.1 of the said Act is replaced by the following section :

“**135.1.** The owner, administrator, superintendent or caretaker of a residential building or a residence for the elderly listed in the register established under the Act respecting health services and social services has to allow and facilitate access to the building by persons entrusted with distributing any notice or document from the chief electoral officer or returning officer.

The same rule applies to the executive director of an institution referred to in section 3 with regard to any facility maintained by the institution.”.

3.2 Setting up of the Mobile Board of Revisors

This Act is amended by inserting the following after section 179:

“**179.1.** The returning officer shall set up one or more mobile boards of revisors based on the needs of the electoral division.

He shall assign designated polling subdivisions to each board.

A mobile board of revisors shall be set up with the consent of the owner or the administrator, in all institutions referred to in section 3 and in all residence for the elderly listed in the register established under the Act respecting health services and social services that houses 50 people or more. These facilities shall meet the criteria established by the chief electoral officer.

A mobile board of revisors may also visit electors unable to move about who are domiciled or living in any institution referred to in section 3 or in a residence for the elderly listed in the register established under the Act respecting health services and social services.”.

3.3 Notice to Electors Regarding Mobile Revision

Section 182.1 of this Act is modified by inserting the following after the first paragraph :

“However, information on the days and times of mobile revisions are provided by the returning officer to the electors concerned.”.

3.4 Duration of the Sessions of the Mobile Board of Revisors

Section 195 of this Act is modified by inserting the following after the second paragraph:

“The mobile board of revisors seats on the days and during the hours determined by the returning officer for the period referred to in the first paragraph.”.

3.5 Written Request to a Board of Revisors

Section 206 of the said Act is replaced by the following:

“**206.** An elector domiciled or living in a residence for the elderly listed in the register established under the Act respecting health services and social services or in a facility referred to in section 3 and who would like to avail himself of the provisions of this section may apply in writing to the returning officer to have his name entered on or struck off the list of electors or for a correction thereto.

The returning officer shall transmit the applications received to the competent board of revisors.”.

3.6 Application to a Mobile Board of Revisors by an Elector with Limited Mobility

The said Act is amended by inserting the following after section 206:

“**206.1.** The mobile board of revisors may go to the room or apartment of an elector unable to move about domiciled or living in a facility referred to in section 3 or in a residence for the elderly listed in the register established under the Act respecting health services and social services and who applies to the returning officer not later than the thirteenth day before polling day.

206.2. Section 206.1 notwithstanding, the mobile board of revisors may, during its visit of a facility referred to in this section, visit the room or apartment of an elector unable to move about and who so requests.”.

3.7 Provisions Applicable to Advance Polling

Section 263 of this Act is amended by replacing the second paragraph with the following:

“However, there shall be no officers assigned to the list of electors during this vote. In addition, the deputy returning officer and the secretary of the polling station may act as members of the identity verification panel in polling stations for inmates, mobile advance polling stations and mobile polling stations.”.

3.8 Mobile Advance Polling Stations and Mobile Polling Stations

This Act is modified by replacing sub-section 3, division II, chapter V, title IV by the following:

“§3. *Special provisions governing mobile advance polling stations*

287. The returning officer may set up as many mobile advance polling stations as needed in an electoral division.

These stations are established with the consent of the owner or administrator, in any facility covered by section 3 and in a residence for the elderly listed in the register established under the Act respecting health services and social services that houses 50 people or more.

The institutions referred to in the second paragraph must meet the criteria determined by the chief electoral officer.

288. The mobile advance polling is held on the eighth and seventh days before polling day during the hours determined by the returning officer for each institution.

Information on the days and times of the mobile advance polling stations shall be provided to the electors concerned by the returning officer.

289. An elector domiciled in an institution referred to in section 287 who wishes to vote in an advance poll must vote in the advance polling station set up in that institution.

290. An elector referred to in section 289 who is unable to move about may vote in his or her apartment or room provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day and provided the elector is registered on the list of electors for the polling subdivision in which the institution is situated.

291. The returning officer draws up a list of the electors who have filed a request under section 290, and send a copy to the candidates.

292. Mobile advance polling stations are operated by a deputy returning officer and a poll clerk appointed by the returning officer.

292.1. During mobile advance polling, the deputy returning officer must stop receiving votes at that station at the time set by the returning officer and move all the

necessary material to the room or apartment of an elector on the list referred to in section 291 who is unable to move about.

The deputy returning officer must give the elector all the assistance necessary to vote and ensure that the voting is secret.

The representatives of the candidates are not admitted into the elector's room or apartment.

292.2. Despite section 290, an elector who has become unable to move about after the thirteenth day before polling day and whose disability will persist beyond polling day may vote in his or her room or apartment. In such a case, the fact is recorded on the list referred to in section 291.

292.3. The director general, owner or person in charge of an institution referred to in section 287 must facilitate access to the mobile advance polling station in the institution and cooperate with the deputy returning officer and the poll clerk.

§3.1. Special provisions governing mobile polling stations

292.4. The returning officer shall determine which advance polling stations will serve as mobile polling stations.

These stations shall be set up in the institutions referred to in section 287 in which an advance polling station has not been established or when less than 50 people are living in such an institution.

When serving as a mobile polling station, the advance polling station shall consist of the deputy returning officer and the poll clerk of the polling station.

292.5. A mobile polling station may receive the vote of electors on the ninth and sixth days before polling day at times determined by the returning officer for each institution.

292.6. Electors living in an institution referred to in section 292.4 who wishes to vote at a mobile polling station have to

- (1) apply to the returning officer, not later than the thirteenth day before polling day;
- (2) be registered on the list of electors of the subdivision where the institution is situated;
- (3) be unable to move about.

292.7. The returning officer draws up a list of the electors who have filed a request under section 292.6, and send a copy to the candidates.

292.8. The deputy returning officer must give the elector all the assistance necessary to vote and ensure that the voting is secret.

The representatives of the candidates are not admitted into the elector's room or apartment.

292.9. Sections 292.2 and 292.3 apply to mobile polling stations, with the necessary modifications.”.

3.9 Polling Stations and Subdivisions

Section 302 of this Act is modified by inserting the following after the third paragraph:

“The returning officer may regroup a polling subdivision, created in order to create a mobile advance polling station, with the nearest subdivision.”.

3.10 Polling Station in an Institution Referred to in Section 3

Section 304 of this Act is modified by inserting the following after the first paragraph:

“However, the first paragraph shall not apply to an institution in which a mobile advance polling station has been established.”.

3.11 Officer In Charge of Information and Order at a Mobile Advance Polling Station

Section 309 of this Act is modified by inserting the following after the second paragraph:

“However, in a mobile advance polling station, the returning officer may assign the function of officer in charge of information and order to another polling officer.”.

3.12 Discretion of the Chief Electoral Officer Upon Observing an Error, Emergency or Exceptional Circumstance

Section 490 of the said Act is replaced by the following:

“**490.** If, during the election period, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Act or the present agreement does not meet the demands of the resultant situation, he may adapt such provision in order to achieve its object.

However, the chief electoral officer shall first inform the authorized parties represented in the National Assembly of the decision he intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of his decision.

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 he has made pursuant to this section. The President shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption.”.

3.13 Penal Provision

Paragraph 1 of section 551 of this Act is replaced by the following:

“(1) the owner, administrator, superintendent or caretaker of a residential building or a residence for the elderly listed in the register established under the Act respecting health services and social services or the executive director of an institution referred to in section 3 regarding all facilities maintained by this institution who limits, restricts or fails to facilitate access to the building by an enumerator or a person entrusted with distributing a notice or document from the chief electoral officer or the returning officer. ”.

4. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer and the returning officers of the electoral divisions of Outremont and Verchères are responsible for applying the present agreement and, consequently, for the good conduct of the testing of new voting procedures.

5. ASSESSMENT REPORT

Within 60 days following the date of the by-elections, the Chief Electoral Officer shall transmit to the leaders of political parties represented in the National Assembly a report covering the following points:

— election preparations related to the present agreement;

— the setting up of mobile advance polling stations, mobile polling stations and mobile boards of revisors;

— the conduct of the mobile advance polling and the mobile revision;

— the advantages and disadvantages of using the new voting procedures.

6. APPLICATION OF THE ELECTION ACT

The Election Act (c. E-3.3) applies to the divisions of Outremont and Verchères for the by-elections covered by this agreement, subject to the provisions of this act that are modified or replaced by this agreement.

7. EFFECT OF THE AGREEMENT

This agreement takes effect on the date of the order directing the Chief Electoral Officer to hold a by-election in the electoral divisions of Outremont and Verchères.

IN WITNESS WHEREOF, THE PARTIES HAVE
SIGNED, IN FOUR COPIES

In Montréal, on 24 August 2005

JEAN CHAREST,
leader of the Québec Liberal Party

In Montréal, on 20 August 2005

LOUISE HAREL,
leader of the Parti québécois

In Rivière-du-Loup, on 29 August 2005

MARIO DUMONT,
leader of the Action démocratique du Québec / team Mario Dumont

In Québec, on 30 August 2005

MARCEL BLANCHET,
Chief Electoral Officer of Québec

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